

EVALUATION OF THE INTERGOVERNMENTAL COMMITTEES

Final report



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This report was prepared by the Directorate of Internal Oversight, with the support of the consulting company Centre for Strategy and Evaluation Services (CSES). It is based on the terms of reference established after an exchange of views with the Reference Group consisting of main stakeholders in the CoE secretariat which accompanied the evaluation exercise by providing oral and written feedback throughout the process. The report reflects the views of the independent evaluators, which are not necessarily those of the Council of Europe. We would like to express our gratitude to the partners in member States and to the Council of Europe staff, who contributed to the evaluation through being interviewed or completing a survey.

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Table of Contents

EXECUTIVE SUMMARY	7
Objectives of the evaluation	7
Overall conclusions	7
Future scenarios	8
Recommendations for the future	8
INTRODUCTION	11
Study Objectives and Scope	11
Research Plan	11
THE COUNCIL OF EUROPE'S INTERGOVERNMENTAL COMMITTEES	15
Overview of the intergovernmental committee system	15
Legal basis and structure of the intergovernmental committees	16
Intergovernmental committee outputs	21
Financial and human resources	22
Reforms to the committee system	23
ASSESSMENT OF KEY EVALUATION ISSUES	29
Introduction	29
Relevance of committee activities to key stakeholders	30
Effectiveness of the committees in achieving their aims	38
Efficiency of the committees	42
CONCLUSIONS AND RECOMMENDATIONS	51
Conclusions	51
Recommendations for the future	53
APPENDIX A - EVALUATION FRAMEWORK	57
Theory of change	57
Key evaluation issues	58
APPENDIX B - COMPARATORS	59
APPENDIX C - SURVEY DATA	61



Executive Summary

This report contains the Evaluation of the intergovernmental committees that was carried out for the Council of Europe by the Centre for Strategy & Evaluation Services (CSES). Within the CoE, responsibility for the assignment lay with the Directorate of Internal Oversight (DIO).

1.1 OBJECTIVES OF THE EVALUATION

The purpose of the evaluation is to assess the Council of Europe's intergovernmental committees with a view to identifying lessons from past experience and making recommendations on how their relevance, effectiveness and efficiency can be improved. The key evaluation questions were:

- ▶ **Relevance** - to what extent do intergovernmental committees address the needs of the member states and the objectives of the Council of Europe?
- ▶ **Effectiveness** - to what extent do intergovernmental committees achieve their objectives?
- ▶ **Efficiency** - to what extent is the work of intergovernmental committees organised in an efficient way?

This assignment covered the work of all intergovernmental committees, including Steering Committees, Subordinate Bodies and Ad Hoc Committees that are included in the 2018-19 Programme and Budget.

The evaluation involved a combination of desk research, and interview programme with Permanent Representations and Council of Europe staff, the Chairs, Vice Chairs and Observers from ten committees, and with representatives of four comparator organisations (European Commission, OECD, ILO and UNESCO). A workshop was also held with the four comparators. Last but not least, an online survey was undertaken that targeted committee members and elicited a total of 516 responses.

1.2 OVERALL CONCLUSIONS

The Council of Europe's intergovernmental committee system lies at the heart of the organisation and has a critical role to play in helping to deliver its mandate. The committees have achieved a great deal over the years and have an essential role in developing common standards in the field of human rights, democracy and the rule of law across the Council of Europe's 47 member states. The common standards that result from the work of the intergovernmental committees are also used by the European Court of Human Rights and the monitoring bodies.

In addition, the intergovernmental committees are the link in the policy areas concerned between the Council of Europe and the member states and in some cases, like the Cultural Convention, also with non-member states. The very fact of bringing together representatives of the 47 member states to share experiences and examples of good practice provides an important tool to increase cooperation and sharing of experience and knowledge between countries in terms of legislation, policies and practices. Overall, the committees play a role in achieving greater unity between its members, which is an aim set out in Article 1 of the Statute of the Council of Europe.

Notwithstanding the achievements, the evaluation has identified some issues in the committee system. The system has evolved over a long period of time and has developed on some areas into a rather cumbersome structure that lacks coherence, transparency and a clear sense of strategic orientation. A series of budgetary reductions and cuts to staffing have put strain on the intergovernmental committee system and Secretariats.

The terms of reference for the evaluation highlighted key questions relating to relevance, effectiveness and efficiency. With regard to **relevance**, as Section 3.2 of the report explains, the activities

of the committees are generally very relevant both in addressing the needs of the member states and the objectives of the Council of Europe, albeit the extent to which this is the case varies across the committees and across the member states. The rules determining the establishment and disbanding of committees are very important in this context, as is the way in which the terms of reference are defined, and in the report we have argued that improvements are needed in this respect.

The conclusion of the evaluation in relation to **effectiveness** is that the intergovernmental committees perform well in relation to their mandates. Their terms of reference do not always make specific objectives clear and, likewise, in relation to the more general objectives of the Council of Europe, it is difficult to meaningfully assess effectiveness because the three pillars are very broadly defined. In Section 3.3 we have commented on the shortcomings of the performance measurement framework for the intergovernmental committees. With regard to **efficiency**, as explained in Section 3.4., the intergovernmental committee system has faced increasing financial constraints that have made the fulfilment of some tasks more difficult. The report has also highlighted scope to rationalise the committee system and to improve working methods.

1.3 FUTURE SCENARIOS

Looking ahead, three basic scenarios can be identified with regard to the development of the committee system:

- ▶ **Scenario 1: Status quo** – i.e. the current intergovernmental committee system continues to operate without any changes at all.
- ▶ **Scenario 2: Limited change** – under this scenario, some limited changes are made to the committee system but this would be limited to procedures rather than more fundamental aspects such as the structure of the committee system.
- ▶ **Scenario 3: Radical change** - the third scenario would involve much more radical changes to the intergovernmental committees with steps being taken to restructure the system and refocus its objectives as well as reforming the procedures.

Looking at the scenarios, **Scenario 1** could come about simply because of the lack of a clear consensus, combined with institutional inertia. The case for **Scenario 2** lies in the fact that change is needed and Scenario 2 is a compromise between the status quo and more radical change, and this might be the most realistic way forward. Whether there is the support for **Scenario 3** in its own right at this point in time is doubtful but some elements could be combined with an incremental approach. Scenario 3 could become necessary if the Council of Europe faces further budgetary constraints.

The consultations undertaken for this study suggest that there is no consensus amongst key stakeholders on either the need for change to the Council of Europe's intergovernmental committee system or, in the case of those who support change, what this should involve. More specifically, the overwhelming majority of **committee members** who responded to the online survey would appear to favour the status quo. However, **Council of Europe staff** who were interviewed were more divided with some supporting the need for changes, albeit in many cases rather limited, but many also arguing in favour of maintaining the status quo. The **Permanent Representations**, for their part, were quite sharply divided between those favouring fundamental and far-reaching changes and those in favour of the current system.

Notwithstanding the lack of a clear consensus on the need for change, we present below a number of recommendations for the future development of the Council of Europe's intergovernmental committee system. These recommendations are based on our assessment as independent evaluators of the evidence obtained through the research.

1.4 RECOMMENDATIONS FOR THE FUTURE

The report includes a number of recommendations arising from the evaluation for the future development of the intergovernmental committee system. These are set out in more detail in Section 4 of the report.

LIST OF RECOMMENDATIONS

Committee structure and governance

- ▶ **Recommendation 1:** The Committee of Ministers/Secretary General should focus on defining the strategic frameworks for the committees and request reporting at a strategic level.
- ▶ **Recommendation 2:** The Secretary General should clarify how committees are established and dissolved.
- ▶ **Recommendation 3:** Draft terms of reference should be systematically discussed by the concerned committee before being approved by the Ministers' Deputies and chairs of committees should have at least a two-year mandate.
- ▶ **Recommendation 4:** Coordination and cooperation between the intergovernmental committees should be reinforced.

Role of the Secretariats and other support structures

- ▶ **Recommendation 5:** Mobilisation of extra budgetary resources is needed to support the work of intergovernmental committees.
- ▶ **Recommendation 6:** There should be more flexibility in the way the committees' staff and operational budget are planned and deployed.
- ▶ **Recommendation 7:** Consideration might be given to outsourcing and/or pooling the travel-related tasks associated with committee meetings and other visits which are currently handled by each of the Secretariats on behalf of their committee's members.

Working methods

- ▶ **Recommendation 8:** Consideration should be given to holding more committee meetings outside Strasbourg.
- ▶ **Recommendation 9:** Whilst it is important that the committees meet on a face-to-face basis, the scope for 'remote participation' in certain sessions, such as bureau meetings should be explored and piloted.
- ▶ **Recommendation 10:** The way in which the committees communicate their activities and interact with key stakeholders should be improved.
- ▶ **Recommendation 11:** More emphasis should be placed on evaluating the performance of the committees.
- ▶ **Recommendation 12:** Assuming some or all the recommendations from this evaluation are adopted, changes to Resolution CM/Res(2011)24 should be made to put them into effect.

Considerations for member states

- ▶ **Item for consideration 1:** Ministries of foreign affairs could improve communication at national level and the way in which line ministries coordinate their activities in relation to the intergovernmental committees.
- ▶ **Item for consideration 2:** In the few cases where arrangements are made in a way that member states are expected to cover travel expenses for their committee members, member states could seek to ensure that they play their part in helping to guarantee the committees can function effectively by meeting the travel costs of national representatives.

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Chapter 1

Introduction

1.1 STUDY OBJECTIVES AND SCOPE

The purpose of the evaluation was to assess the Council of Europe's intergovernmental committees with a view to identifying lessons from past experience and making recommendations on how their relevance, effectiveness and efficiency can be improved. The key evaluation questions included:

- ▶ **Relevance** - to what extent do intergovernmental committees address the needs of the member states and the objectives of the Council of Europe?
- ▶ **Effectiveness** - to what extent do intergovernmental committees achieve their objectives?
- ▶ **Efficiency** - to what extent is the work of intergovernmental committees organised in an efficient way?

This assignment covers the work of all intergovernmental committees, including Steering committees, Subordinate Bodies and Ad hoc committees that are included in the 2018-19 Programme and Budget. Monitoring and Convention committees established by a Committee of Ministers (CM) resolution or a convention do not fall within the scope of this evaluation because they differ in the way they are established, their tasks, and how their work is planned, prioritised, and monitored. The timeframe for the evaluation will cover the work of intergovernmental committees from 2014-2018.

The users of the evaluation findings are envisaged as being the secretariats and members of the intergovernmental committees, senior management of the Council of Europe, and the Committee of Ministers. Staff members involved in monitoring and technical co-operation activities may also be interested in the evaluation results. The evaluation provides these stakeholders with evidence-based information on the relevance, effectiveness and efficiency of the work of the committees, identify obstacles and areas of improvement, as well as lessons learned and good practices. The evaluation's key stakeholders were represented on a Reference Group that was established to provide guidance to the evaluation.¹

1.2 RESEARCH PLAN

The following diagram provides an overview of the research plan for the assignment and an indication of the timing of the different phases.

1. The Reference Group consisted of representatives of the Directorate of Anti-Discrimination, the Directorate of Democratic Participation, the Directorate of Programme and Budget, the Directorate of Human Dignity, Equality and Governance, the European Directorate for the Quality of Medicines and HealthCare, the Human Rights Directorate, the Information Society and Action against Crime Directorate, the Private Office, and the Secretariat to the Committee of Ministers.

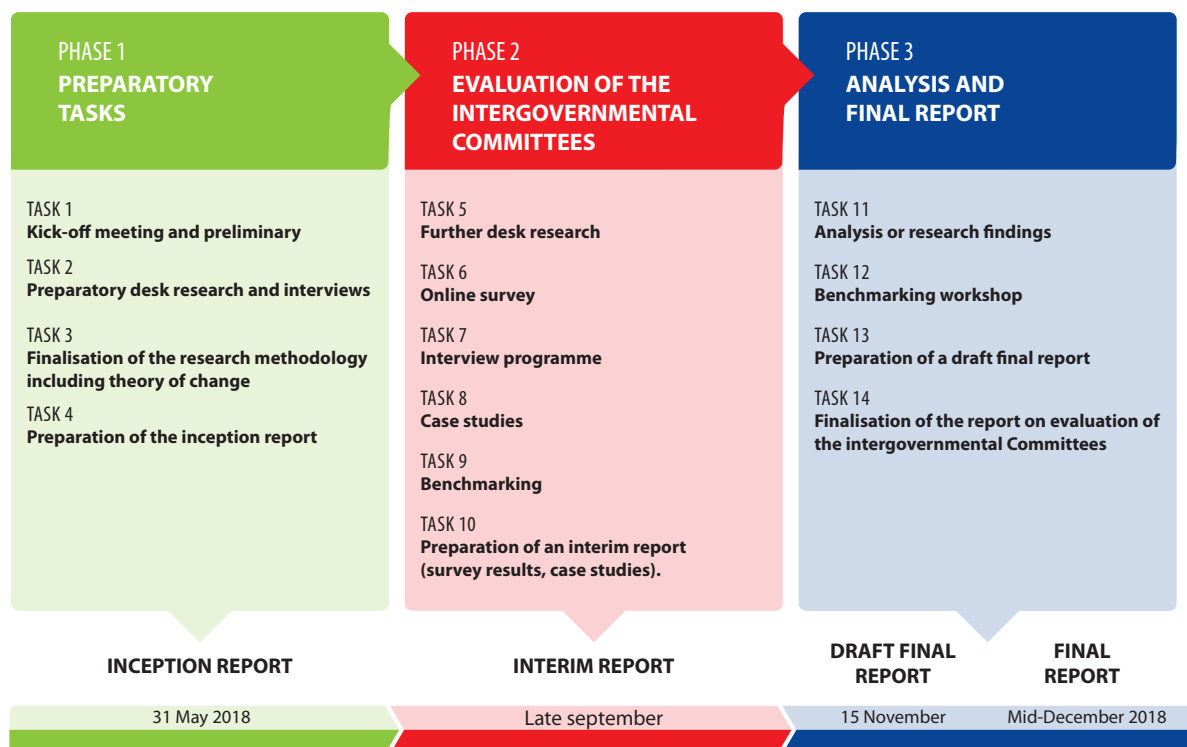


Figure 1.1: Research plan

Following the award of the contract, a kick-off meeting was held with the DIO in Strasbourg on 22 May 2018. The research commenced in June 2018 and involved a combination of desk research, an online survey, face-to-face interviews, case studies and a benchmarking exercise. Initial findings were presented in an inception report, which was discussed in a meeting of the Reference Group on 19 June, and validated on 18 July 2018.

The **desk research** examined a wide range of material on intergovernmental committees including key metrics (e.g. such as the number and type of committees and their members, how often they meet, what outputs have been produced), their Terms of Reference, meeting notes, reports and other material. This research focused primarily on the 10 committees selected for the case studies (see below), but other key documents and reports for the other committees were also analysed to provide a flavour of the full range of committee activities.

An **online survey** was launched on 7 September 2018, with all committee attendees (members, observers and other participants, excluding any Council of Europe staff) invited to respond. The questionnaire was available in both English and French. A reminder was sent out in mid-September. At the time the survey was closed, on 25 September 2018, a total of 516 responses had been obtained. An overview of the number of responses by committee is provided in Appendix C.

Three missions to Strasbourg were undertaken to carry out an **interview programme** with Permanent Representations and Council of Europe staff on a face-to-face basis.² Telephone interviews were also undertaken with the Chairs, Vice Chairs and Observers of the ten committees chosen for more in-depth study, and with representatives of four comparator organisations. Taken together, a total of 53 interviews were undertaken for the evaluation. The following table provides a breakdown of the survey and interview programme:

2. Interviews with Council of Europe staff were organised by DIO. All Permanent Representations were invited to participate in interviews during the three missions to Strasbourg, and all those who expressed an interest were interviewed.

KEY STAKEHOLDERS	SURVEY	INTERVIEWS	TOTAL
Council of Europe staff	0	18	18
Permanent Representations	0	18	18
Committee members	516	33	549
Others	0	6	6
TOTAL	516	75	591

Table 1.1: Breakdown of survey responses and interview programme³

The purpose of the **case studies** was to assess a sample of committees in depth against the evaluation criteria of relevance, efficiency and effectiveness. Ten committees were selected for the case studies on the basis that the research findings would be applicable to the other intergovernmental committees. They were selected with a view to maximizing diversity in relation to their thematic work, directorate general, type of committee (steering committee, ad hoc committee and subordinate body) and rapporteur group. The selection of committees for case studies was undertaken in consultation with senior management and the reference group.

	ACRONYM	DG	TYPE	RAPPORTEUR GROUP
1	CDDH	DGI	Steering Committee	GR-H
2	PECS	DGI	Ad hoc Committee	GR-SOC
3	CD-P-TO	DGII	Steering Committee	GR-SOC
4	CMJ	DGII	Ad hoc Committee	GR-C
5	CCJE	DGI	Ad hoc Committee	GR-J
6	CDDG	DGII	Steering Committee	GR-DEM
7	CDPC	DGI	Steering Committee	GR-J
8	CDPPE	DGII	Steering Committee	GR-C
9	CAHENF	DGII	Ad hoc Committee	GR-SOC
10	DH-BIO	DGI	Subordinate body	GR-H

Table 1.2: Case study selection

In the framework of the case studies, desk research was carried out to better understand the aims, activities, ways of working and outputs of the committees. This was complemented by interviews with the Chairs, Vice-Chairs, Secretariats and (where appropriate) a selected Observer from each of the committees.

A further component of the research involved a benchmarking exercise. Four comparators were selected in consultation with the Council of Europe – the European Commission, OECD, UNESCO and the ILO. A workshop with the comparators was hosted by the Council of Europe on 8 November 2018 to discuss shared issues faced by the committee systems of the different organisations and discuss best practices.

A more detailed explanation of the evaluation framework which guided this study is provided in Appendix A.

3. These numbers cover interviews carried out by the contractors, and do not include additional interviews carried out by DIO (notes of these interviews were provided to the external evaluators).



Chapter 2

The Council of Europe's Intergovernmental Committees

This section provides the background to the evaluation of the Council of Europe's intergovernmental committees. After describing the current committee system we examine previous reforms.

2.1 OVERVIEW OF THE INTERGOVERNMENTAL COMMITTEE SYSTEM

The Council of Europe's intergovernmental committees, often described as the "backbone" of the Organisation, are one of the primary mechanisms by which all member states can come together to discuss questions of common concern and agree on common actions in the maintenance and further realisation of the principles of the rule of law, human rights and fundamental freedoms. They are

an important component of the Council of Europe and work to support both the member states (represented by committee members and on the Committee of Ministers) and the other institutions of the Council of Europe. The committees play a role in achieving greater unity between its members, which is set out as an aim in Article 1 of the Statute of the Council of Europe. The common standards that result from the work of the intergovernmental committees are also used by the European Court of Human Rights and the monitoring bodies.

The Council of Europe is organised and operated around three dimensions constituting a **dynamic 'triangle' - standard-setting, monitoring and co-operation**. This 'triangle', which provides the overall framework within which the intergovernmental committees operate, is summarised below:



Figure 2.1: Council of Europe's 'dynamic triangle'
Source: CM (2018): Council of Europe Programme and Budget 2018-2019, CM(2018)1-rev2.

The Council of Europe describes the elements making up the 'dynamic triangle' as follows⁴:

Standard setting 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 codes of conduct. More informally, the committees also provide an important channel for communication between the different member states – and the peer pressure exerted through the discussions between committee members can be an important tool in encouraging member states to raise their standards in the different areas covered by the committees. The fact that the Council of Europe unites specialised line ministries (on the individual committees) and Ministries of Foreign Affairs (on the Committee of Ministers) helps to further leverage this pressure. The work of the Council of Europe's intergovernmental committees focuses primarily on standard setting.

Monitoring 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. The Council of Europe has a number of monitoring committees (these are not within the scope of the evaluation).

Co-operation includes activities conducted mostly in the field (in member states and other states), aimed at raising awareness about standards and policies agreed by the Organisation, supporting States in reviewing their laws and practices in

4. CM(2018)1-rev2 - Council of Europe Programme and Budget 2018-2019.

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 (such as seminars, study visits, trainings, expert appraisals). This dimension includes advocacy and dialogue, communications with NGOs, the dissemination of standards, databases and knowledge products, capacity building, exchange of good practices and activities seeking to facilitate intergovernmental dialogue and coordination. In some cases, the intergovernmental committees also have a role in co-operation activities, particularly where these help to raise standards within the member states (for example in the field of education).

2.2 LEGAL BASIS AND STRUCTURE OF THE INTERGOVERNMENTAL COMMITTEES

The legal basis for the intergovernmental committees is Article 17 of the **Statute of the Council of Europe**. This states that "*The Committee of Ministers may set up advisory and technical committees or commissions for such specific purposes as it may deem desirable.*" The principle document governing the committees' establishment, structure and ways of working is Resolution **CM/Res(2011)24** on intergovernmental committees and subordinate bodies, their terms of reference and working methods (Adopted by the Committee of Ministers on 9 November 2011 at the 1125th meeting of the Ministers' Deputies).

The current structure of the committee system, which is based on Council of Europe's three guiding 'pillars' – human rights, the rule of law and democracy - is outlined below:

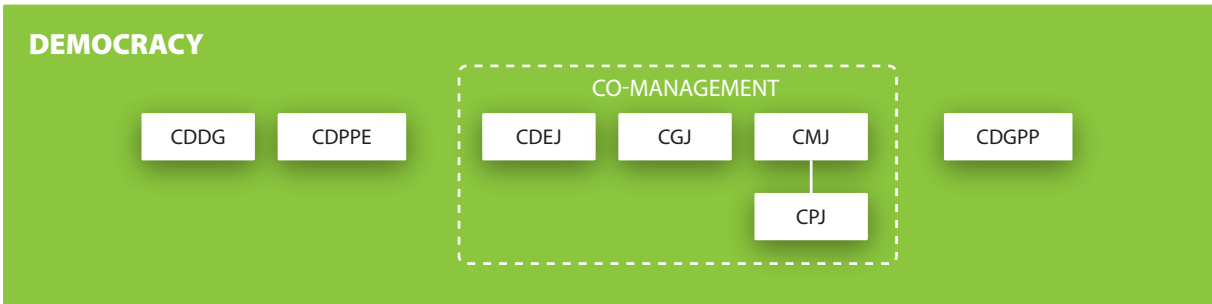
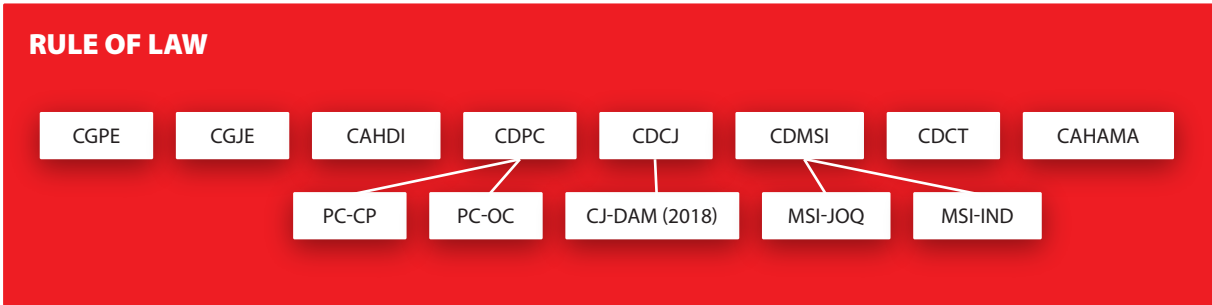
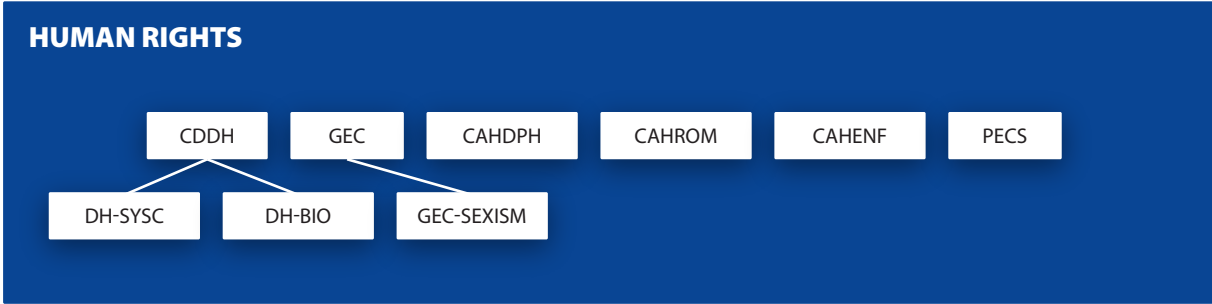


Figure 2.2: Intergovernmental structure (2018-19)⁵
 Source: CM (2017): Draft Programme and Budget 2018-2019 - intergovernmental structure, CM(2017)131-rev.

5. This diagram does not include the five partial agreement committees of the EDQM, although these are covered by this evaluation.

CM/Res(2011)24 allows for two types of committees. The first type is made up of committees that are directly answerable to the Committee of Ministers, i.e. **steering committees** with planning and steering functions and **ad hoc committees**. Unlike steering committees, an ad hoc committee's mandate focuses on a particular topic, for example Roma and Travellers in the case of CAHROM. The second category is made up of **subordinate bodies** of steering or ad hoc committees, with specific and limited tasks. For example, the Steering Committee on Media and Information Society has two subordinate committees, one of which (the committee of experts on Internet Intermediaries) was active from 1 January 2016 until 31 December 2017 and prepared standard setting proposals on the roles and responsibilities of internet intermediaries. The other (committee of experts on media pluralism and transparency of media ownership) prepared a draft recommendation on media pluralism and transparency of media ownership. Both standard setting proposals were adopted in March 2018 and are now fully fledged recommendations. Subordinate structures are proposed under the following conditions: a clear objective and mandate; a link to a specific priority activity (ceases to exist upon completion); a mandate limited to a maximum two-year programming cycle (no automatic renewal or prolongation).

Committees' Terms of Reference are guided by the Programme and Budget cycle, as proposed by the Secretary General and adopted by the Committee of Ministers. The intergovernmental committees' structure for 2018-2019 is guided by the following criteria, taken from the annual Programme and Budget⁶: committees should be priority driven, aimed at ensuring political relevance in terms of the key priorities for the Organisation, be attended by high-level member state representatives and promote intergovernmental dialogue at the pan-European level. They should also be limited to the biennial cycle, with no automatic renewal or prolongation, and clearly linked to the Programme for the upcoming biennium. committee membership usually consists of representatives from the relevant line ministries of the member states, with oversight provided by Ministries of Foreign Affairs through the Committee of Ministers. The involvement of specialised ministries is a key asset of the Organisation and the structure that is proposed for the next biennium aims at ensuring their continued participation in the intergovernmental work.

The Council of Europe's intergovernmental

structure presently consists of 14 steering committees, 10 ad hoc committees, and 9 subordinate groups. One additional committee (CAHDPH) was originally foreseen for this biennium but has been discontinued in the meantime. The following text, taken from the document CM(2017)131-rev⁷ summarises the functions of all committees with the exception of those of the five committees under the EDQM:

6. CM(2017)131-rev - Draft Programme and Budget 2018-2019 - intergovernmental structure (restricted document).

7. CM(2017)131-rev - Draft Programme and Budget 2018-2019 - intergovernmental structure (restricted document).

LIST OF INTERGOVERNMENTAL COMMITTEES (2018-19)

Pillar I: Human Rights

- ▶ **Steering Committee for Human Rights (CDDH):** to oversee and coordinate the intergovernmental work in the human rights field, including bioethics;

Subordinate structures to the CDDH:

- **Committee of experts on the system of the European Convention on Human Rights (DH-SYSC):** tasks relating to enhancing the Convention system, in particular the follow-up to the Brighton and Brussels Declarations;
 - **Committee on Bioethics (DH-BIO):** tasks related to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine and to conduct intergovernmental work on the protection of human rights in the field of biomedicine;
- ▶ **Gender Equality Commission (GEC):** to conduct intergovernmental work in the field of gender equality and support implementation of the Council of Europe Gender Equality Strategy;
- #### Subordinate structures to the GEC:
- **Drafting committee to prevent and combat sexism (GEC-Sexism):** to draft a recommendation to prevent and combat sexism;
- ▶ **Ad hoc Committee on the Rights of persons with disabilities (CAHDPH):** to conduct intergovernmental work in this field, including supporting implementation of the Council of Europe Disability Strategy. CAHDPH has been discontinued;
 - ▶ **Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM):** to oversee and coordinate the intergovernmental work in the field of Roma and Travellers, including supporting implementation of relevant activities launched by the Council of Europe, particularly within the Council of Europe Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019) and follow its implementation;
 - ▶ **Ad hoc Committee for the Rights of the Child (CAHENF):** to conduct intergovernmental work in this field, including supporting implementation of the Council of Europe Strategy for the Rights of the Child and the Council of Europe Action Plan on protecting refugee and migrant children in Europe;
 - ▶ **European Social Cohesion Platform (PECS):** to ensure the mainstreaming of social cohesion throughout the Council of Europe and foster the exchange of good practices and innovative approaches in the field of social cohesion;

Pillar II: Rule of Law

- ▶ **Consultative Council of European Prosecutors (CCPE):** consultative body on the specific situation of prosecutors;
- ▶ **Consultative Council of European Judges (CCJE):** consultative body concerning independence, impartiality and competence of judges;
- ▶ **Committee of Legal Advisers on Public International Law (CAHDI):** to examine questions related to public international law and conduct exchanges and co-ordinate views of member states;
- ▶ **European Committee on Crime Problems (CDPC):** to oversee and coordinate the intergovernmental work of the Council of Europe in the field of criminal law and procedure, criminology and penology;

Subordinate structures to the CDPC:

- **Committee of experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC):** to monitor and evaluate the operation of the conventions on international co-operation in criminal matters with a view to facilitating their practical implementation and improve the efficiency of international co-operation in criminal matters;
 - **Council for Penological Co-operation (PC-CP):** to conduct intergovernmental work in the field of prisons and probation, including with regard to radicalisation in prison;
- ▶ **European Committee on Legal Co-operation (CDCJ):** to oversee and coordinate the intergovernmental work in the field of public and private law;

Subordinate structures to the CDCJ:

- **Committee of experts on administrative detention of migrants (CJ-DAM - 2018 only)** – set up to draw on expertise beyond the ministry membership of CDCJ: to finalise its work on codifying existing international standards relating to the conditions in which migrants are to be held in closed administrative centres and, as appropriate, in other places of non-penal detention;

- ▶ **Steering Committee on Media and Information Society (CDMSI)**: to oversee and coordinate the intergovernmental work in the field of freedom of expression, media, information society and data protection, including the implementation of the Council of Europe Internet Governance Strategy;

Subordinate structures to the CDMSI:

- **Committee of experts on human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT)**: to examine the follow-up to be given to the study on the human rights dimensions of automated data processing techniques;
 - **Committee of experts on quality journalism in the digital age (MSI-JOQ)**: to prepare a draft recommendation by the Committee of Ministers to member states on promoting a favourable environment for quality journalism in the digital age;
- ▶ **Committee on Counter-Terrorism (CDCT)**: to oversee and coordinate the intergovernmental work in the field of terrorism (ex-CODEXTER);
 - ▶ **Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA)**: to co-ordinate the positions of all the States Parties to the European Cultural Convention on issues relating to the World Anti-Doping Agency (WADA);

Pillar III: Democracy

- ▶ **European Committee on Democracy and Governance (CDDG)**: to oversee and coordinate intergovernmental work in the field of democracy;
- ▶ **Steering Committee for Educational Policy and Practice (CDPPE)**: to oversee and coordinate intergovernmental work in the field of education;
- ▶ **European Steering Committee for Youth (CDEJ), Advisory Council on Youth (CCJ) (non-governmental), Joint Council on Youth (CMJ)**: co-management structures to establish priorities of the youth sector;

Subordinate structure to the CMJ:

- **Programming Committee on Youth (CPJ)**: to establish the biennial programme of activities of the European Youth Centres and the European Youth Foundation, in accordance with the decision of the Joint Council on priorities and expected results;
- ▶ **Steering Committee on Culture, Heritage and Landscape (CDCPP)**: to oversee and coordinate intergovernmental work in the field of culture, heritage and landscape.

The intergovernmental committees are governed by **Terms of Reference** established on a biennial basis. These lay out the committees' membership, tasks and ways of working, and are accompanied by financial information regarding the operational budget and number of staff allocated per committee. The Terms of Reference for all committees for the 2018-19 are compiled in a single document by the Committee of Ministers.

Committees directly answerable to the Committee of Ministers tend to be more formalised in their structures and approaches.

The Resolution states that they are to be composed of one representative of the highest possible rank in the relevant field designated by the government of each member state. Subordinate bodies are slightly more flexible in their membership. They are composed of representatives of all or of a limited number of member states of the highest possible rank in the relevant field designated by the governments of member states and/or of independent experts with established expertise in the relevant field. The budgets for the committees cover travel and subsistence costs for one representative of each member state and they are open to the participation of representatives from other member states but this is at their own expense. Some committees also meet the costs for other attendees (e.g. experts on subjects on the agenda of a meeting).⁸

2.3 INTERGOVERNMENTAL COMMITTEE OUTPUTS

During the period covered by this evaluation, the intergovernmental committees have produced many very impressive outputs. These are documented by the committees themselves but there are good examples from the case studies undertaken for this study.

The Steering Committee for Human Rights (CDDH) conducts the intergovernmental work of the Council of Europe in the human rights field, including protecting, promoting and developing human rights in the face of new challenges, advising other bodies and intergovernmental committees in the CoE on human rights to ensure they are reflecting the requirements of the Convention and the European Court of Human Rights (the Court), contribute to co-operation and support activities for national initiatives in this field. According to the research feedback, member states

8. This is not applicable to the five committees of the EDQM (partial agreement committees). For these committees, the chair is paid by the Council of Europe but member states pay for their delegates.

find the committees' work on migration especially useful. For example, when countries have to draft new legislation in the field of human rights, they tend to look to the Council of Europe for guidance.

The European Committee on Democracy and Governance (CDDG) steers the Council of Europe's intergovernmental work in the area of democracy and democratic governance. The aim of the committee is to contribute to strengthening democratic institutions, public administration reform, decentralisation, good governance, public participation, public ethics, e-governance, e-democracy and e-voting at all levels. A key output of the CDDG has been the 'Twelve Principles of Good Governance'. To help promote this, the committee has provided member states with the opportunity to exchange best practice and communicate on a common platform. The CDDG's activities in 2017 included revising Committee of Ministers' Recommendation Rec (98)12 on the supervision of local authorities' action, developing guidelines on public ethics, developing guidelines on e-democracy as a toolkit, and carrying out a feasibility study on the preparation of a Council of Europe indicator framework to identify trends with regard to public ethics and to allow member states to assess their performance.

To take another example, the **European Social Cohesion Platform (PECS)** takes its mandate from the objective, laid out in the 2014-15 Programme and Budget "to contribute to ensuring that everyone has access to their social rights in practice and without any discrimination, with a special emphasis on vulnerable groups and young people". It has a key role in promoting the European Social Charter and its collective complaints procedure. Social cohesion is one of the Council of Europe's transversal issues, and the Platform has responsibility for ensuring that a social cohesion perspective is mainstreamed in the activities of all relevant committees and Council of Europe bodies. An Inter-Secretariat Task Force has been created to support PECS's mainstreaming mandate. In addition to this, PECS is active in promoting the exchange of good practices and innovative approaches in the member states but also in relevant international institutions. It also has a role in identifying new trends and challenges in relation to social cohesion.

The European Committee on Organ Transplantation (CD-P-TO) was set up following the Third Conference of European Health Ministers in Paris in 1987. The committee is mainly active in promoting the non-commercialisation of organ donation, the fight against organ trafficking and the development of ethical, quality and safety standards in the field of organ, tissue and cell transplantation. Its activities also include the

collection of international data and monitoring of practices in Europe, the transfer of knowledge and expertise between organisations and experts through training and networking and the elaboration of reports, surveys and recommendations. The committee is composed of internationally recognised experts from Council of Europe member states, observer countries, the European Commission, the WHO and other organisations. Recent outputs include position papers on the long-term outcome of living kidney donation (November 2015) and transplantation and physical activity (July 2015), and a guide for the implementation of the principle of prohibition of financial gain with respect to the human body and its parts from living or deceased donors (2018).

The Joint Council on Youth (CMJ) has the role to develop, jointly with member states and non-governmental youth organisations, standards for European youth policy. The system operated by the Joint Council allows for high-level youth participation and is regarded as more developed than any other youth consultation mechanism at the international level. Its direct contact with European youth means young people are at the heart of the development of standards and activities at the CMJ. The CMJ's priorities for 2018-19 included developing a roadmap to help member states provide quality youth work (CM/Rec (2017)4); a recommendation to member states on supporting young refugees in their transition to adulthood and actions in relation to the Hate Speech Movement Campaign.

As the above examples show, the intergovernmental committees are very active in helping to develop common standards across the Council of Europe's member states, and in supporting their implementation through

site visits to countries, the preparation of good practice guides, reports and other outputs. It is not, however, easy to obtain a comprehensive overview of their activities because there is no single gateway to information on what the committees are doing. This and other communication issues are addressed in Section 3 below.

2.4 FINANCIAL AND HUMAN RESOURCES⁹

In the Council of Europe's 2018-19 budget there is a total of 64 full-time equivalent staff allocated to standard setting within the Ordinary Budget with the operational costs totalling €2.9 million¹⁰ (compared with €3.1 million in 2016 and €2.9 million in 2017). This accounts for 1.2% of the Council of Europe's €244.5 million Ordinary Budget for 2018. The €2.9 million operational costs relate to organizing the committees' activities (i.e. the per diem and travel of committee members, interpretation, translation and document printing) that are covered by the Council of Europe and does not take into account the cost of Secretariat personnel and other staff. A breakdown of the €2.9 million budget for 2018-19 is provided in Table 2.1 below. Between 2016 and 2017/18 the budgetary costs decreased by

- The figures quoted relate only to the Ordinary Budget. In addition, the EDQM (a Partial Agreement) has five intergovernmental committees which are funded by its budget.
- This amount breakdown in the table below does not consider the cuts made following the change in status of Turkey (notably the suspension of the Ad hoc Committee on the Rights of Persons with Disabilities (CAHPDH) and the postponement of one CDDH working group meeting). Furthermore, all costs related to the work of the committees under the EDQM are borne by the PH budget (partial agreement) and are not part of the ordinary budget (see footnote above).

Committee		Terms of reference 2018-2019			2018				2019			
Steering / Ad hoc Committee	Subordinate body	N° of meetings per year	N° of days	N° of Members	Plenary	Bureau	Subordinate structure / Working groups	Total	Plenary	Bureau	Subordinate structure / Working groups	Total
CDDH		2	4	48	143 200	21 800	214 100	379 100	143 200	21 800	214 100	379 100
	DH-SYSC	1/2	3	48	54 900			54 900	110 000			110 000
	DH-BIO	2	4	48	133 100	21 000		154 100	133 100	21 000		154 100
GEC		2	2.5	48	98 900			98 900	98 900			98 900
	GEC-Sexism	2/1	1.5	16	34 300			34 300	17 100			17 100
CAHDPH		1	3	48	57 000	7 800		64 800	57 000	7 800		64 800
CAHROM		2	3.5	48	147 800	6 900	31 500	186 200	147 800	6 900	31 500	186 200
CAHENF		2	3	48	136 400		57 600	194 000	136 400		57 600	194 000
PECS *		1	2	48	50 000			50 000	50 000			50 000
CCJE		1	3	48	43 200	10 400	63 700	117 300	43 200	10 400	63 700	117 300
CCPE		1	3	48	43 200	10 400	63 700	117 300	43 200	10 400	63 700	117 300
CAHDI		2	2	48	104 400			104 400	104 400			104 400
CDPC		2	4	48	143 600	22 000		165 600	143 600	22 000		165 600
	PC-OC	2	3	48	116 200		34 100	150 300	116 200		34 100	150 300
	PC-CP	1	3	48	53 700		57 300	111 000	53 700		57 300	111 000
CDCJ		1	3	48	73 700	19 700		93 400	73 700	19 700		93 400
	CJ-DAM	3	3	12	55 600			55 600	55 600			55 600
CDMSI		2	3	48	135 300	19 000		154 300	135 300	19 000		154 300
	MSI-AUT	2	2	13	34 100			34 100	34 100			34 100
	MSI-JOQ	2	2	13	34 100			34 100	34 100			34 100
CDCT (ex-CODEXTER)		2	3	48	99 900	7 600		107 500	99 900	7 600		107 500
CAHAMA		3	1	50	28 300			28 300	28 300			28 300
CDDG		1	3	48	80 000	9 800	14 600	104 400	80 000	9 800	14 600	104 400
CDPPE		2	2/3	51	99 900	16 300		116 200	99 900	16 300		116 200
CDEJ		2	3	50	108 500	13 500		122 000	108 500	13 500		122 000
CDCPP		1	2.5	50	62 400	11 400		73 800	62 400	11 400		73 800
					TOTAL				TOTAL			
					2 905 900				2 943 800			

Table 2.1: Budgets (€) for the Intergovernmental structure (2018-2019)

Source: CM (2017): Draft Programme and Budget 2018-2019 - intergovernmental structure, CM(2017)131-rev.

€215,000.¹¹

In the Programme and Budget 2018-2019, the Council of Europe has 1,725 posts/positions as of 1 January 2018 with a total budgetary cost of €143.7 million. Based on this, if the average cost per staff member (€83,304) for the Council of Europe as a whole is multiplied by the 64 full-time equivalent staff who support the intergovernmental committees, this gives a cost of €5.3 million which needs to be added to the €2.9 million cited earlier for members' expenses (i.e. a total of €8.2 million). In reality the actual staff costs vary from one committee to another. The staff cost estimate does not include other 'indirect' costs that are incurred by the Council of Europe in operating the intergovernmental committee system such as maintenance of the physical infrastructure used by the committees.

In recent years the Council of Europe has faced growing budgetary constraints and this situation forms an important backdrop to the current evaluation. The budgetary difficulties faced by the Council of Europe may intensify in the coming period if the situation relating to the non-payment of obligatory contributions by the Russian Federation is not resolved. This means that a serious funding gap may open up, which, in turn, means that cuts in the Council of Europe's operating costs may be needed and reductions in the number of staff may be necessary. All aspects of the Organisation's work, including the intergovernmental committee system, are likely to be affected by this situation.

2.5 REFORMS TO THE COMMITTEE SYSTEM

In the years leading up to 2018, the intergovernmental committees have undergone a series of reforms and revisions. Understanding these past changes provides a useful background for this evaluation, as it can help to explain the

11. Suppression / decrease: CDDH: the two additional plenaries for possible work related to the European Union accession are not foreseen for this biennium (- €96,6,000) and fewer meetings on the reform are required (- €78,000); PC-IBC: discontinuation of the subordinate structure (- €120,000); CDMSI: discontinuation of two subordinate structures (- €69,000); CAHVE: discontinuation of the subordinate structure (- €47,500); savings in recharged services (- €40,000) (CM(2017)131-rev - Draft Programme and Budget 2018-2019 - intergovernmental structure (restricted document)). New structures / increases: GEC-Sexism: Drafting committee to prevent and combat sexism (+€34,300); CAHENF: additional working groups (+€57,600); CCJE: additional working groups (+€33,600); CCPE: additional working groups (+€33,600); CDMSI: two subordinate structures (+€68,200); CDCT: additional day for the plenary meeting (+€9,900) (CM(2017)131-rev - Draft Programme and Budget 2018-2019 - intergovernmental structure (restricted document)).

structure of the committees as they are currently organised. Learning from the successes and failures of these past reforms should also help to ensure effective recommendations for the future.

A useful starting point for this study is an evaluation of the intergovernmental committees, carried out in 2007 by the consultancy Particip¹², that focused on the criteria of effectiveness, efficiency, sustainability and relevance. The evaluation was based on 35 semi-structured interviews and a survey with around 150 respondents. It found that the **effectiveness of the committees** relied heavily on the "quality" of those experts appointed to them (that is, their seniority, level of engagement with the activities of the committee and expertise in the specified subject). Furthermore, committees tended to function thanks to a small core of active members. Nonetheless, the committees were found to be effective as a forum for discussion (beyond their more formalistic role in developing legally binding instruments) and served as a fertile breeding ground for generating ideas which were then further developed, sometimes in other international fora (such as the European Commission).

While no problems were found with regard to internal transparency (i.e. between committee members and their respective Secretariats), a significant finding of the 2007 evaluation was a lack of effective external communication. This meant that it is hard for representatives of member states (e.g. ambassadors, foreign ministry staff) and others to understand the rationale, working practices and outputs of the various committees. Furthermore, knowledge-sharing between committees was considered to be limited. While a lot of information was published, the amount of paperwork being produced by the committees was perceived as amounting to "information overload" which made it difficult to access the real knowledge being generated.

The investigation of **efficiency** focused on the significant budget cuts which had been imposed on the committees and how these were being dealt with. The evaluators noted a largely linear approach to cuts, with budgets being reduced across all committees and argued that any further cuts might endanger a committee's survival. A similar approach was being taken to discussions regarding potential cuts to representatives' expenses, with the focus being on reimbursing expenses of members from the "poorer" member states rather than a deeper questioning of the

12. Particip (2007), Study on the Efficiency and Effectiveness of committees under the Programme of Activities of the Council of Europe (Vote II), DD(2007)548 (restricted document).

rationale for who should attend.

A significant variation was found in the views of different stakeholders with regard to **relevance**. The evaluators recognised a drive to re-orientate the activities of the committees towards the Council of Europe's core values of human rights, democracy and rule of law, as expressed in the Warsaw Declaration. However, the success of these attempts was perceived to be limited. A lack of clarity was identified regarding how and why specific topics were chosen as areas of focus and a risk was identified that the outputs of some of the committees were not relevant to their specified aims and objectives. It was suggested that a review of the purpose and priorities of the different committees was necessary in order to provide more clarity in this area and allow for a realignment with the Council of Europe's core values.

A total of 22 recommendations were put forward by the 2007 exercise to improve the functioning of the intergovernmental committees (see below).

In 2011, drawing on some of the recommendations of the previous evaluation, the Secretary General proposed a number of reforms to the committee system. These aimed to promote cohesion within the committee structure and ensure the committees were aligned to the over-arching objectives of the Council of Europe.

The main purpose of the Secretary General's reforms was to create the conditions for the Committee of Ministers to take full strategic responsibility over intergovernmental work while maintaining the work of the steering committees as the main link with the specialised ministries. The reforms were adopted from 2012 onwards. The reforms applied the following criteria to the new intergovernmental set-up¹³:

- ▶ Ensuring their **political relevance** in terms of priorities of the Council of Europe and high-level attendance by member states;
- ▶ Promoting a **pan-European dimension** through international dialogue and exchanges;
- ▶ Allowing for better interaction between the **Committees of Ministers** and Steering committees in implementing key priorities;
- ▶ **Rationalising the intergovernmental structure** by setting up Steering committees that are responsible for a priority sector;
- ▶ **Streamlining of subordinate structures** through time-limited and clear mandates linked to the programme cycle.

The role of the intergovernmental committees was to be based on the key priorities of the

13. SG/Inf(2011)9-FINAL - Proposal by the Secretary General: Reform - Proposed new set-up for Intergovernmental Structures (restricted document).

Recommendations from the 2007 Evaluation

- ▶ Promote use of ToRs, best practices and exchange of experiences
- ▶ Members and other attendees of committees should be "scrutinized"
- ▶ Refine «selection» of committee participants
- ▶ Promote national coordination and feedback mechanisms
- ▶ Increase cooperation with other institutions
- ▶ Identify and support active members of committees
- ▶ Establish formal and informal "contracts" between members and committees
- ▶ Budget operational costs per country
- ▶ Promote interactivity among members even without formal interpretation
- ▶ Activate passive members
- ▶ Make use of a CoE Toolkit
- ▶ Base CoE Toolkit on good practices
- ▶ Consider non-material rewards and "payments" for members
- ▶ Ensure materials are produced in a targeted and focused manner
- ▶ Distinguish between information which is "pushed out" or "pulled"
- ▶ Increase formal and informal exchange
- ▶ Publish lists of committee members
- ▶ Make increased use of information and communication tools
- ▶ Make increased use of information and communication tools outside meetings
- ▶ Define core values of the whole organisation
- ▶ Concentrate steering activities
- ▶ Accomplish project-oriented work in focused project groups

Council of Europe. Their programming cycle was to last two years, to allow committees to discontinue or adapt their terms to new challenges on a regular basis. In order to deal with their thematic responsibilities, new subordinate structures were created to support the committees. The reforms tailored all Steering committees and

subordinate structures to be priority driven. This is consistent with a recommendation of the 2007 evaluation to concentrate steering activities.

The 2007 evaluation made recommendations on the increased use of information and communication tools. The reforms also looked at improving the working methods of the intergovernmental structures by using interactive new technologies to supplement meetings. More frequent use of video conferencing and secured shared workspaces were to be introduced to limit the number of meetings.

Overall, the proposed new intergovernmental set-up was to include 16 Steering committees and 6 Subordinate structures with an estimated operational cost of €2,600,000 per annum.

The previous structure of the Committee of Ministers included 23 Steering committees and 28 Subordinate Structures with an estimated operational cost of €3,524,800 per annum. Another key recommendation from the 2007 evaluation that was taken on board was the need to define the core values of the organisation. The reforms proposed a new intergovernmental design, based upon pillars, to reflect the key priorities as presented by the Secretary General. The pillars were focused on human rights, rule of law and democracy.

Since 2011, there have been a number of adjustments to the committee structure, including merging some committees, abolishing others and creating some new committees. An overview of the major changes following the 2011 reform are summarised in the table below. As can be seen, a large number of committees were abolished following the 2011 reform. After this, there have been relatively few changes in terms of committees being changed or discontinued. However, a number of new committees were established (largely sub-committees, but also 1-2 Ad hoc Committees each year).

CHANGES TO INTERGOVERNMENTAL COMMITTEE STRUCTURE 2012-18¹⁴

2012-13

- ▶ **Creation of new committees:** No new committees were added.
- ▶ **Suppression of existing committees:**
 - **CDEG** (Steering Committee for Equality between Women and Men);
 - **CDCULT** (Steering Committee for Culture);
 - **CDED** (Steering Committee for Education);
 - **CDESR** (Steering Committee for Higher Education and Research);
 - **CDPATEP** (Steering Committee for Cultural Heritage and Landscape);
 - **CAHPAH** (European Co-ordination Forum for the CoE Disability Action Plan 2006 – 2015), along with 2 sub-committees: *CAHPAH-PPL (Committee of Experts on participation of people with disabilities in political and public life)*; *CAHPAH-WGD (Drafting Committee on protecting and promoting the rights of women and girls with disabilities)*;
 - **CDBI** (Steering committee on Bioethics), along with 2 sub-committees: *CDBI-CO-GT2 (Group of Specialists on Biomedical Research)*; *CDBI-CO-GT4 (Group of Specialists on Human Genetics)*;
 - Sub-committees of **CDLR**: *LR-FS (Committee of Experts on Local and Regional Finance and Public Services)*; *LR-GG (Committee of Experts on local and regional government institutions and cooperation)*; *LR-IC (Committee of experts on local and regional government institutions and co-operation)*; *C-J-FA (Committee of Experts on Family Law)*; *C J-S-PR (Group of Specialists on the role of Public Prosecutors outside the Criminal Field)*;
 - Sub-committees of **CDDH**: *DH-DEV (Committee of Experts for the Development of Human Rights)*; *DH-MIN (Committee of Experts on Issues relating to the Protection of National Minorities)*; *DH-PR (Committee of Experts for the improvement of procedures for the protection of human rights)*; *DH-PS (Committee of Experts for the improvement of procedures for the protection of human rights)*;
 - Sub-committees of **CDMC**: *MC-NM (Committee of Experts on New Media)*; *MC-S-CI (Ad hoc Advisory Group on Cross-border internet)*; *MC-S-NR (Ad hoc Advisory Group on the Protection of Neighbouring Rights of Broadcasting Organisations)*;
 - Sub-committees of **CDCS**: *CS-S (Ad hoc Advisory Group on children's rights and social services)*; *CS-S-RSP (Ad hoc Advisory Group on shared social responsibilities)*; *CS-SS (Committee of Experts on Social Security)*;
- ▶ **Changes to existing committees:**
 - **CDMC** (Steering committee on the Media and New Communication Services) was replaced by **CDMSI** (CDMSI Steering committee on Media and Information Society);
 - **CDPPE** replaces **CDED** and **CDESR**

2014-15

- ▶ **Creation of new committees:**
 - New sub-committees of **CDMSI**: *MSI-JO (Committee of experts on protection of journalism and safety of journalists)*; *MSI-INT (Committee of experts on cross-border flow of Internet traffic and Internet freedom)*;
 - New sub-committees of **CDDECS**: *DECS-ENF (Committee of Experts on the Council of Europe strategy for the rights of the child (2016-2019))*;
- ▶ **Suppression of existing committees:** No suppression of existing committees.
- ▶ **Changes to existing committees:**
 - **DECS-GEC** (sub-committee of **CDDH**) became sub-committee of **CDDECS** (renamed **GEC**)
 - **CDDECS** (European Committee for Social Cohesion, Human Dignity and Equality) replaced **CDCS**;
 - **CDDG** (European Committee on Democracy and Governance) replaced **CDLR**;
 - Changes to sub-committee of **CDDECS**: *DECS-RPD (Committee of Experts on the Rights of People with Disabilities) becomes a sub-committee of **CDCS**, and is renamed **CS-RPD (the Committee of Experts on the Rights of People with Disabilities)**.*

14. CSES analysis of information contained in Draft Programme and Budgets 2012-13; 2014-15; 2016-17; and 2018-19.

2016-17

▶ Creation of new committees:

- **CAHPDH** (Ad hoc committee on the Right of persons with disabilities);
- Sub-committees of **CDMSI**: *MSI-MED (Committee of experts on Media Pluralism and Transparency of Media Ownership)*; *MSI-NET (Committee of experts on Internet Intermediaries)*;
- Sub-committee of **CDCJ**: *CJ-DAM (Committee of experts on administrative detention of migrants)*;

▶ Suppression of existing committees:

- Sub-committees of **CDMSI**: *MSI-JO (Committee of experts on protection of journalism and safety of journalists)* and *MSI-INT (Committee of experts on cross-border flow of Internet traffic)*

▶ Changes to existing committees:

- **PECS** (The European Social Cohesion Platform) replaced CDDECS
- **GEC** changed from Sub-committee to an Ad hoc committee

2018-19

▶ Creation of new committees:

- **CAHENF** (Ad hoc committee for the Rights of the Child);
- **GEC-Sexism** (Drafting committee to prevent and combat sexism)
- Sub-committees of **CDMSI**: *MSI-JOQ (Committee of experts on quality journalism in the digital age)*; *MSI-AUT (Committee of experts on human rights dimensions of automated data processing and different forms of artificial intelligence)*.

▶ Suppression of existing committees:

- **CAHDATA** (Ad hoc committee on Data Protection);
- **CAHVE** (Ad hoc committee of experts on legal, operational and technical standards for e-voting); **PC-IBC** (the committee on Offences relating to Cultural Property);
- Sub-committees of **CDMSI**: *MSI-MED (Committee of experts on Media Pluralism and Transparency of Media Ownership)*; *MSI-NET (Committee of experts on Internet Intermediaries)*
- Suspension of the **CAH-PDH** (following the change in CoE membership status of Turkey)

▶ Changes to existing committees:

- **CODEXTER** renamed **CDCT** (Committee on Counter-Terrorism)
- **CD-P-SC** was replaced by **CD-P-COS** and **CD-P-MCA**

Since 2009, on the initiative of the Secretary General, the Council of Europe has implemented various administrative reforms to help deal with the budgetary situation.

The last package of reforms was presented in November 2017. More recently, in May 2018, the Committee of Ministers instructed the Secretary General to make proposals concerning financial sustainability, activities in future years and the Organisation's governance. This led at the end of October 2018 to an adjusted budget for 2019 being adopted which provided for the presentation, in early 2019, of a three-year plan for sustainable measures to enable the Council of Europe to adapt to its budgetary situation if necessary.

The current reforms are essentially administrative and are embodied in the headline of 'Improving the way we work together', the latter principle seeking to promote 'an increasingly agile organisation with confidence in its know-how and expertise, which encourages creativity and greater responsibilities for teams and individuals.' Further, the aim is to achieve a 'vision of an organisation which should in future be more cross-cutting and place greater emphasis on heightened responsibilities at all levels, and on working methods based on trust.' The proposed reforms include: the introduction of a lump-sum system for travel to reduce the workload involved in organising travel and the time spent processing the supporting documents; the possible renegotiation of a new scale of rates with the International Association of Conference Interpreters; a revision of the Council of Europe's linguistic policy to bring about a reduction in the volume of documents to be translated; simplifying management of the programme and budget cycle; developing an integrated events management tool offering a "one-stop shop" for all aspects of conference management; and introduction of a flatter and more flexible working structure.¹⁵

Whilst the reforms do not directly involve the intergovernmental committees, they are nevertheless likely to affect the support structure that help the committees to perform their role.

15. GR-PBA(2018)16 - Reform framework in the current organisational context, (restricted document).

Chapter 3

Assessment of Key Evaluation Issues

In this section we provide an assessment of the key questions set out in the Council of Europe's terms of reference for the evaluation of the intergovernmental committees system.

3.1 INTRODUCTION

This section is structured around the three key questions set out in the Council of Europe's terms of reference for this evaluation:

- ▶ **Relevance** - to what extent do intergovernmental committees address the needs of the member states and the objectives of the Council of Europe?
- ▶ **Effectiveness** - to what extent do intergovernmental committees achieve their objectives?
- ▶ **Efficiency** - to what extent is the work of intergovernmental committees organised in an efficient way?

A number of more specific issues were defined in the evaluation terms of reference. These were summarised in an evaluation matrix that was contained in the inception report. As a reminder, they are replicated at the beginning of each of the sub-sections below. As the research progressed, it became clear that there were other questions that should also be considered and these are included, where relevant.

3.2 RELEVANCE OF COMMITTEE ACTIVITIES TO KEY STAKEHOLDERS

Relevance in the context of this evaluation means the extent to which the objectives, structures and outputs of the intergovernmental committees are aligned with their mandate and the priorities of key stakeholders.

Key Relevance Issues (Terms of Reference)

- ▶ What governance structures are in place for the committees, how well does interaction work, and do these structures provide sufficient strategic direction?
- ▶ To what extent do Ministerial Conferences guide the work of the committees?
- ▶ How relevant are the activities of the different committees from the perspective of the CoE member states?
- ▶ To what extent – and how - does the standard setting provided by the intergovernmental committees match the expectations of the Council of Europe member states overall?
- ▶ To what extent are the objectives of the different intergovernmental committees still pertinent and valid?
- ▶ Are the activities and outputs of the committees consistent with the overall objectives set out in CM/Res(2011)24?
- ▶ To what extent does the overall intervention logic and theory of change underlying the creation of the intergovernmental committees have ongoing relevance?

3.2.1 Structure of the intergovernmental committee system

The Council of Europe's intergovernmental committee system is structured around the organisation's three pillars – human rights, democracy and the rule of law. However, the links with these themes are not always clear.

The movement of committees between different pillars over time is perhaps a reflection of the inter-disciplinary nature both of the committees and of the pillars themselves, which can make it difficult to directly map each committee against one pillar. In short, the committee system has evolved over many years and has acquired what

could in many respects be described as 'Byzantine' features with complex procedures, a structure that lacks a clear rationale and lacks transparency. **Over time, new committees have been established and some disbanded but it is not entirely clear what criteria and procedures are used to take decisions with regard to setting up committees or terminating them.**

A useful starting point for understanding how the committee structure has developed is to consider the different views regarding the committees' purpose, key stakeholders and governance. From the interviews conducted, three distinct visions can be identified – these are not necessarily alternatives, but understanding the multi-faceted role that the committees are expected to fulfil by different stakeholders within the Council of Europe is vital to gauging their relevance and effectiveness, and may go some way to explaining the complexity of the current committee structure.

One vision put forward is that the committees are ultimately answerable to the member states as represented by the Committee of Ministers.

According to this view, the Committee of Ministers holds responsibility both for deciding the priorities of the committees (through approval of the Terms of Reference) and providing oversight (through the rapporteur groups). This means that a committee could be considered relevant if it responds to the needs of one or more of the member states, although in reality there is usually a majority of member states (minimum 24) behind a decision. Critics of this view point out that the Committee of Ministers is made up of generalists who do not have sufficient understanding of the specialist work being carried out in the committees, making it very difficult for them to make effective decisions regarding the activities and strategic direction of the committees.

A second, more centralised vision, sees the committees as responsible for helping member states to deliver the long-term goals of the Council of Europe.

This vision is perhaps the most closely linked to the current organisation of the committees under the three organisational pillars of human rights, democracy and the rule of law. According to this vision, strong leadership is needed from the Secretary General in order to guide the Secretariats and the Committee of Ministers in deciding which committees should remain active and what their work programme should be. Critics of this view highlight the risk of the committees being used to serve a narrow vision of what the Council of Europe stands for, which may privilege the needs and interests of one group of member states over another.

A third vision of the committees sees them as relatively autonomous bodies, whose role is to proactively identify and act on key issues within their field, in particular issues which will have a high level of importance in the future

(examples given include the Council of Europe's work in the field of online safety, their work with regard to a common framework for languages, and their work on the protection of cultural artefacts). This vision places a great deal of responsibility on the Secretariats, who use their expertise to work with committee members in identifying and developing responses to issues which cannot always be foreseen. Critics of this view point out that, while this approach gives a lot of autonomy to committee members, it often relegates the Committee of Ministers to a much more passive role, effectively rubber stamping the committees' work rather than providing strategic direction.

These three visions are not mutually exclusive and may operate at the same time. Taken together, they show the broad range of stakeholders that the intergovernmental committees are answerable to and the multiple roles they are expected to fulfil.

It is useful to compare how the Council of Europe's approach with regard to setting up and disbanding committees compares with other organisations.

Procedures in the other organisations vary considerably with the mandate of European Commission's Comitology committees being linked to legislation while in the other cases the establishment or disbandment of committees depends on a vote by the governing bodies and/or the committees themselves. Especially interesting perhaps is the OECD where a positive vote by the Parent-committee is required for a committee to continue in existence. Also noteworthy is the fact that all comparators define criteria for setting up or disbanding a committee. The turnover of committees varies and is quite static in some comparators compared to others. For example, the ILO's Permanent committees have a long history of existence and have remained almost unchanged since the establishment of the Organization because ILO's main areas of activity have not been amended.

3.2.2 What governance structures are in place for the committees, how well does interaction work, and do these structures provide sufficient strategic direction?

The governance structures for the intergovernmental committees provide the overall institutional framework within which they operate. Insofar as these structures have a role in helping to define priorities, they provide the criteria against which

Comparators - Procedures for establishing and disbanding committees

- ▶ **EC** - Comitology committees are created when new legislation is adopted and only disbanded if and when the legislation comes to an end. An advisory group is set up by the Commission to fulfil specific tasks. The term of all committees is linked to the 7-year Multiannual Financial Framework (MFF).
- ▶ **LO** - Like the Council of Europe, the ILO's committee system is quite static with very little change. The ILO Governing Body is responsible for deciding to set up or disband a committee.
- ▶ **OECD** - The Substantive committees are created by the Council. Their mandates are agreed by the Council for a period of 5 years and monitored by an independent committee. A positive vote is required for a committee to extend its existence beyond this term. Subsidiary bodies are established by the Substantive committees which defines their mandate and term.
- ▶ **UNESCO** - The General Conference of UNESCO creates and disbands committees according to a simple majority vote.

the relevance of the committees' activities can be assessed.

The committees' main stakeholders are the Council of Europe's member states. Member states are represented in two key ways: firstly, committee members are appointed by the relevant line Ministries within the member states and are expected, according to Resolution CM/Res(2011)24, to represent the 'highest possible rank'; secondly, the committees are answerable to the Committee of Ministers representing the Foreign Ministries of the member states. The Committee of Ministers is the Council of Europe's statutory decision-making body, and is responsible for agreeing the budget for the intergovernmental committees, agreeing the creation of new committees and suppression of existing committees, and for overseeing their work programmes. According to Resolution CM/Res(2011)24, the Committee of Ministers is responsible for approving the terms of reference for the committees. The terms of reference should include a definition of tasks and their completion date.

The Committee of Ministers meets at Ministerial

level once a year and at Ministers' Deputies level (Permanent Representatives to the Council of Europe) every Wednesday with some exceptions. Some of the decisions of the Committee of Ministers are prepared in its seven rapporteur groups, each group meeting between 6 and 10 times a year. The research for this evaluation has highlighted several issues.

Firstly, there is a quite widespread view that the Committee of Ministers focuses too much on rather detailed issues in considering the committees' terms of reference rather than on providing strategic direction or helping to prioritise themes being considered by the intergovernmental committee. This can be explained in part because the Committee of Ministers is made up of mainly generalists, and in part because they lack sufficient information regarding the content of what is being discussed and worked on in the committees. An example was provided of the current procedure under which the Committee of Ministers is expected to decide (through the budgetary information provided in the committees' Terms of Reference) how many of the Council of Europe's personnel should be assigned to different topics. It was argued that rather than using the budget (and therefore the number of staff) as a starting point before deciding the work programme, a preferable approach would be for the Committee of Ministers to lay out their long-term objectives and for the Secretary General in close consultation with the steering committees to be left to decide on the specific actions, and consequent resources needed to achieve these strategic priorities, bearing in mind any budgetary limitations. Once the Terms of Reference are submitted to the Committee of Ministers for examination and adoption together with the budget, it is the Secretary General's role to provide the subsequent Secretariat services so that committees can fulfil their terms of reference.

Secondly, many of those consulted for the study identified a lack of strategic direction guiding the work of the intergovernmental committees. Opinions differed as to who should be providing such a steering role, with some stakeholders pointing to the Committee of Ministers; some to the Secretary General; and others to the committee members, through their Secretariats. In fact, the Secretary General consults the Committee of Ministers on the priorities before making his proposals for the next Programme and Budget. The nature of the Committee of Ministers' membership means that it may not always be well-placed to deliberate on the details of different policy issues being dealt with by the inter-governmental committees.

An opinion expressed by several of those we

interviewed for the evaluation was that Members of the Committee of Ministers usually come from their country's Ministries of Foreign Affairs, with Permanent Representatives acting as their deputies, and this can mean that they are not familiar with the specific subject matter dealt with by particular intergovernmental committees. Line ministries in the member states are of course familiar with the subject matters but it seems that there can be a lack of communication and coordination between the line ministries and the foreign ministries represented in the Committee of Ministers. The preparation of the relevant decisions in the Committee of Ministers rapporteur groups allows delegations to ask questions and discuss unclear issues. It can be expected that they ask and receive instructions from their capitals before these meetings. Despite the thorough preparation of draft terms of reference before they reach the Rapporteur Groups, including the strong intergovernmental element at expert level, it is not uncommon that the text is modified in the Groups before being transmitted to the Ministers' Deputies for decision.

An important issue is how well member states coordinate the positions of different line ministries represented on the intergovernmental committees in relation to each other and to the Ministries of Foreign Affairs, participating in the Committee of Ministers. The following chart summarises the feedback provided by committee members on how well cooperation with the Council of Europe is coordinated in their respective countries from the perspective of their committee. As can be seen, the feedback from the committee members is rather ambivalent on this question with a 46% of respondents saying that cooperation with the Council of Europe is only 'quite well' coordinated in their countries from the perspective of their committees, and 18% saying it is 'not very well' or 'not well coordinated' at all.

Feedback from interviews with Permanent Representations showed a clear variation in the extent of coordination between committee members and the Ministries of Foreign Affairs with some countries having a formalised reporting process, others holding informal meetings with experts when they are in Strasbourg, and a significant proportion having little to no contact with their national experts. Many of those interviewed explained that they often do not know when their national experts are in Strasbourg, and found it difficult to keep abreast of the activities in all the committees. A recent initiative by the Secretariat of the Committee of Ministers to publish monthly lists of upcoming committee meetings is universally welcomed by

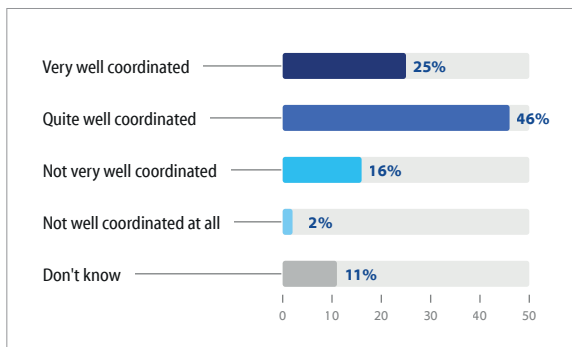


Figure 3.1: How well is cooperation with the Council of Europe coordinated in your country from the perspective of your committee?
Source: CSES analysis of survey results

Permanent Representations as a useful tool and good practice that helps them to better coordinate with committee members. Indeed, there are calls to expand this information, perhaps to include key outputs from the committees or an update regarding the topics the committees are currently working on.

The Rapporteur Groups meet regularly and are given written (and sometimes verbal) reports regarding committee activities. More generally, the Rapporteur Groups help to prepare the meetings of the Ministers' Deputies and provide guidance to them on subjects that the latter cannot be expected to have detailed knowledge of. One of the difficulties faced by members of the Rapporteur Groups is in the nature of these reports from committees, which tend to focus on procedural and administrative aspects rather than on the content of what is discussed in committee meetings.

The necessity of such close oversight is also questioned by some who feel that it was not reasonable to expect generalists to 'micro-manage' the work of the committees. Others counter this argument, however, viewing the Rapporteur Groups as an important mechanism for maintaining contact between the intergovernmental committees and the Committee of Ministers.

More generally, the evaluation suggests that there is a need to improve communication between intergovernmental committees and the Committee of Ministers. The Committee of Ministers has laid down guidelines for the contents of abridged reports in Resolution CM/Res(2011)24. However, they are in practice often too long and unfocused. Delegations also often complain about the length of other documents received from steering committees.

The governance procedures that apply to the Council of Europe's intergovernmental committees are similar to those in other organisations.

The set-up at the Council of Europe is very similar

to the comparators with the committees being ultimately responsible to the organisation's governing body. There would appear, however, to be some differences with regard to the respective roles in determining the priorities and work plans of the committees. Compared to the Council of Europe, the comparator organisations' committees would seem to have more responsibility for preparing their own work plans (terms of reference) with the governing bodies focusing more on

Comparators - What governance structures are in place for the committees, how well does interaction work, and do these structures provide sufficient strategic direction?

- ▶ **EC** - The EC committees follow the work programme of the Commission. They have rules of procedures and need to consult with the Commission for any deviations. The Commission has the right to determine for how long to discuss and when to vote.
- ▶ **ILO** - Work programmes are adopted at committee level. Committees are accountable to the Board.
- ▶ **OECD** - Programmes are prepared at committee level and then approved by the Council.
- ▶ **UNESCO** - The Director-General prepares the provisional agenda, which is adopted by the committee.

providing overall strategic direction. A good example is the OECD where the committees prepare a 'Biannual Programme of Work and Budget' which is then approved by the Council (however the Council rarely makes significant changes). This contrasts with UNESCO where the Director-General prepares the provisional agenda which is then adopted by the committees.

3.2.3 To what extent do Ministerial Conferences guide the work of the committees?

The Ministerial Conferences are meant to provide a more subject-matter specific input to the work of the intergovernmental committees and the Council of Europe generally. However, in recent years, there have been fewer Ministerial Conferences than previously. For instance in the Democracy pillar, there were three Ministerial Conferences in 2016 on 'Securing democracy through education' (April 2016), 'Building more disaster resilient societies' (October 2016) and combating doping in sport and promoting implementation of the Convention on match-fixing (November 2016), while in 2017 there was only one Ministerial Conference (March 2017), again on themes relating to 'Securing democracy through education'. It seems that less use is being made of Ministerial Conferences.

3.2.4 How relevant are the activities of the different committees from the perspective of the CoE member states?

Feedback from interviews with Permanent Representations highlight considerable disagreements regarding the relevance of the activities of different committees. Some argue for a tighter focus on human rights and the rule of law, while others point to the importance of the Council of Europe's work in the fields of culture and education (as represented under the democracy pillar). Some member states are interested particularly in civil and political rights, while others argue for a stronger focus on social rights. Given these differences, the activities of any individual committee may be judged as highly relevant by one member state and less relevant by another. This goes some way to explaining the number of committees and the broad range of their activities. It could be argued that this diversity is what renders the committee system as a whole relevant to all Council of Europe member states. That being said, most Permanent Representations interviewed by the evaluation said that they struggle to truly understand the activities of the committees, some are not even aware of how many committees there are or what they are working on, and therefore are not always convinced that they are particularly relevant. It could, however, be argued that the key stakeholders in terms of judging the relevance of the committees' activities are not so much the Permanent Representations but rather the line ministries who make up the membership of the committees and understand more clearly the detail and impact of their work.

Feedback from the survey of committee members on this question is, not surprisingly, generally positive with regard to the relevance of their activities to the Council of Europe and to the priorities of their country. As can be seen, from Figure 2.2, the committees are perceived by their members as playing an important role in helping the Council of Europe achieve its overall objectives with 92% of respondents saying that their contribution is either 'very' or 'quite' important. Whilst it may not be surprising that members consider the contribution of their own committee to be significant, the responses do suggest that committee members view their work as relevant to the Council of Europe, value the work of the committee they are engaged with, and feel valued as a part of the overall Council of Europe structure.

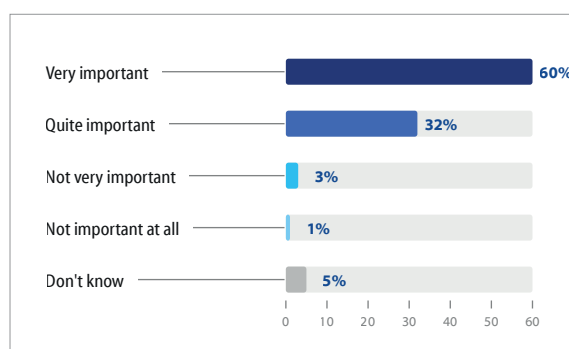


Figure 3.2: How important is the contribution of the committee you are involved with to the overall objectives of the Council of Europe
Source: CSES analysis of survey results

In relation to the member states, committee activities are also perceived by their members as being 'very' or 'quite' relevant to the priorities of the different countries and organisations that they represent. As can be seen from the following chart, 88% of survey respondents indicated that the activities of the committee they are involved with are either 'very' or 'quite' relevant to the priorities of their countries and organisations.

A number of respondents provided examples of how the work of their committee was shaping policy or legislation in their member state.

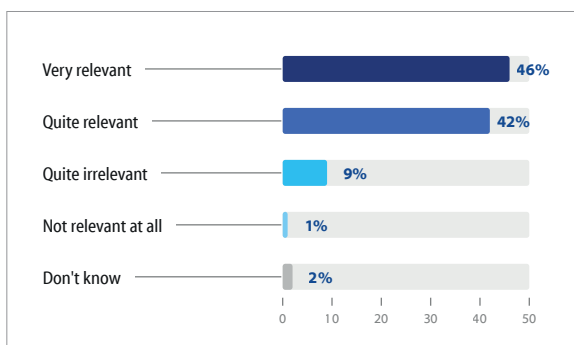


Figure 3.3: How relevant are the activities of the committee you are involved with to the priorities of your country/organisation?
Source: CSES analysis of survey results

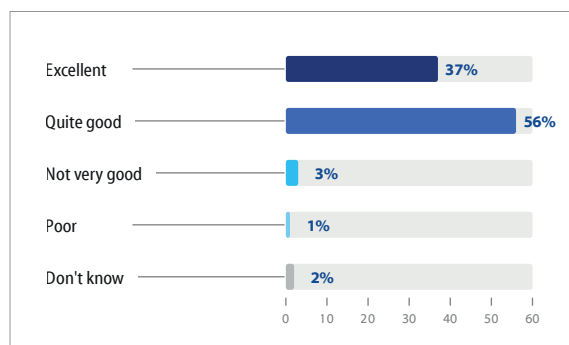


Figure 3.4: How would you assess the quality of the outputs that the committee produces?
Source: CSES analysis of survey results

Case study feedback – Impact of committee work on member states

- ▶ **CDDH** - When countries have to draft new legislation in the field of human rights, they tend to look to the Council of Europe for guidance and in recent years have found the committee's work on migration particularly useful. Since 2010-11, the committee has also been instrumental in the reform of the Court.
- ▶ **CD-P-TO** - Since 2007, there has been a marked development in the situation around organ transplantation in member states, with a growing consensus on priorities.

3.2.5 To what extent – and how - does the standard setting provided by the intergovernmental committees match the expectations of the Council of Europe member states overall?

Perhaps not surprisingly, the quality of the outputs produced by the committees is rated highly by their members with a combined 93% arguing that the outputs are either 'excellent' or 'quite good'.

There is not much variation in the survey responses to this question across the different committees. Whilst 90-100% of the members of some committees – around two thirds of the total – who responded to the survey stated that the outputs from their committees are 'excellent' or 'quite good', in other cases (CAHAMA, CAHDI, CAHENF, CAHROM,

CCJ, CCJE and CCPE) the proportion was lower (60% to 80%). A caution needs to be added because the number of members responding to the survey was low in the case of some committees.

In terms of the committees' effectiveness as a mechanism for promoting common standards between member states, this is also seen as largely successful with 78% regarding them as 'quite' or 'very' effective". Again, there is a considerable variation in the survey responses to this question depending on which committee the respondent belongs to. Thus, in the case of four committees, less than half of the members who participated in the online survey said that their committees are effective as a mechanism for promoting common standards between member states (CD-P-TO, CJ-DAM, CD-P-MCA and MSI-JOQ). This may in part be explained by the fact that CD-P-TO and CD-P-MCA are Partial Agreement Committees, meaning they can be expected to be less effective in promoting common standards between all member states due to their lower membership. As a subordinate committee with only 13 members – 7 state representatives and 6 independent members – this committee has specific standard-setting and research tasks and cannot be regarded as a mechanism for promoting common standards among member states. Only its superior body, the CDMSI, has the intergovernmental structure that enables it to act as a mechanism for promoting such standards. In contrast, with nine committees, over 90% of members replied that their committees are effective as a mechanism for promoting common standards (CDCJ, GEC, CDDH, CCPE, CD-P-COS, CPJ, GEC-Sexism, MSI-AUT, and PC-OC). A caution needs to be again added because the number of members responding to the survey was low in the case of some committees.¹⁶

16. All of these committees include standard-setting activities in their terms of reference. In the case of the two partial agreement

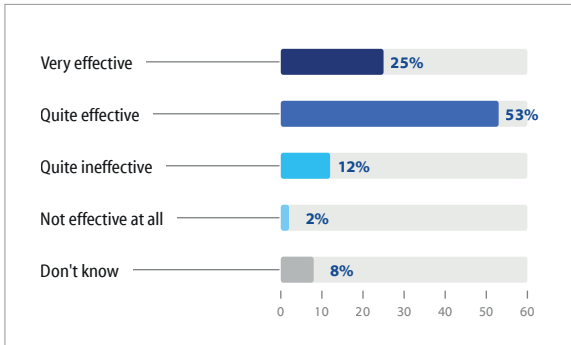


Figure 3.5: How effective is the committee as a mechanism for promoting common standards between member states?
Source: CSES analysis of survey results

The most concrete evidence of committees' effectiveness can be seen in cases where committee outputs have directly affected policy or legislation in a member state. The box below provides some examples, drawn from the survey, where this has been the case (to preserve anonymity, all direct references to countries or committees have been replaced with 'my country' or 'the committee').

Examples of the committees having a direct influence on member states¹⁷

- ▶ My country is reshaping its cultural policies and strategies in line with the action directions and programs that the committee focuses on.
- ▶ There is a considerable influence on legislation.
- ▶ I invited a working group from the CoE to visit my country in light of the creation of the youth law.
- ▶ The Opinions of the committee are followed as guidelines where appropriate.
- ▶ Promoting the rule of law internationally and furthering the standard-setting activities of the Council of Europe are at the centre of the political interest of my Ministry.
- ▶ Good governance is key to further development of public administration.
- ▶ My country's digital strategy needs to balance rights and openness with initiatives to protect people online and their security. The Council can help find a shared balanced approach and promote alignment with key principles and support for specific initiatives.
- ▶ The committee's activities are the key priorities of my Government.
- ▶ The documents issued by the committee have shaped the legislation in my country in specific fields.
- ▶ The Justice Department in my country takes much interest in all CoE recommendations - within legislation or addressing standards.
- ▶ Almost all of the activities that the committee is carrying or carried out in the past has a great relevance for the Prison Service. The recommendations provided a reference point to all main local regulations.

committees (CD-P-TO and CD-PMCA), their activities include drafting standards and guidance; while in the case of the two sub-committees, one of the activities foreseen for CJ-DAM was the codification of existing international standards on migrant detention, the ToRs for MSI-JOQ include the requirement to prepare a draft recommendation by the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age.

17. In order to preserve anonymity all direct references to countries or committees have been replaced with "my country" or "the committee".

3.2.6 To what extent are the objectives of the different intergovernmental committees still pertinent and valid?

The Terms of Reference for each committee are redrafted by the Secretariats on a biennial basis and reviewed by the Committee of Ministers to ensure they remain pertinent and valid. Feedback from the Permanent Representations suggests, however, that this mechanism may not be as effective in practice as it seems in theory, partly because the Ministers' Deputies does not always understand the work of the committees and therefore cannot effectively judge the pertinence of the Terms of Reference, and partly because due largely to time constraints they tend to be presented with the Terms of Reference as somewhat of a *fait accompli*, often acting more as a 'rubber stamp' than an effective oversight body. The need for consensus can make it very hard to suppress a committee if it is supported strongly by one member state, even if it is viewed as less relevant by other member states.

Despite a consistency of approach with regard to Terms of Reference (drafted according to a standardised template), there is little consistency in terms of committees' aims/objectives, activities and ways of working. This makes it difficult to evaluate the committee system as a whole or to compare committees to one another. It is noteworthy that the vast majority of committee members who have engaged with the evaluation place a high value on the work of the Council of Europe and believe the committees are doing work of political significance and producing outputs of high quality.

3.2.7 Are the activities and outputs of the committees consistent with the overall objectives of the Council of Europe?

As with other findings from this evaluation, there are differing views on the extent to which the activities and outputs of the committees are consistent with these overall objectives. As noted earlier, the Council of Europe has three pillars – Human Rights, Democracy, and the Rule of Law. Committee members almost unanimously agree that the activities and outputs of their specific committee are consistent with these overall objectives of the Council of Europe, and with the mandate of their specific committee as defined in the Terms of Reference. For other stakeholders, particularly the Permanent Representations, they feel there is an opacity surrounding the activities and outputs of the committees which can make it hard to judge whether they are consistent with the overall objectives of the Council of Europe or not.

Whilst, the overall objectives of the

intergovernmental committees are clear, there is a lack of prioritisation in deciding on actions to promote these goals. This shortcoming in the system has been noted earlier (Section 3.2 on the relevance criteria) and can be partly attributed to the Committee of Ministers not providing a clear sense of strategic direction. Linked to the lack of clear strategic direction, the self-perpetuating nature of the system means that there is a tendency for some committees to continue to function beyond the point where their relevance to the Council of Europe's overall objectives has diminished. Likewise, it is not always clear what the link is between the medium-term aims set out by the terms of reference of committees and the overall Council of Europe goals.

At present, the committee system could be transparent and the outputs being achieved could be communicated in a more effective way. An area recognised by all those interviewed as an area where improvement is needed is the communication of activities and outputs, both to member states and to the general public, in order to ensure continued support for the activities of the Council of Europe. Difficulties with regard to short tenure (one year renewable once) of Committee Chairs, and high turnover in membership in some cases, makes it hard to achieve progress in the long-term, and promotes a feeling of uncertainty regarding the committees' future.

From an external perspective, for those who are not directly involved in the Council of Europe's intergovernmental committees, trying to find out what they do is difficult. Thus, although there are many structures, the Council of Europe's home page on the internet does not mention the intergovernmental committees. Likewise, the 'explore' drop-down menu on the home page does not include the committees and if the words 'intergovernmental committees' are inserted into the search box, the main link that comes up is to a page that mentions them under the heading of the Committee of Ministers. This provides a paragraph of text and four links, two of which are password-protected (the other two provide a link to Resolution CM/Res(2011)24 and to a list of committees set up under Partial Agreements). Some information on some of the committees can be obtained by viewing the pages listed under the menu headings of 'Human Rights', 'Democracy' and 'Rule of Law' on the Council of Europe's home page banner, but the links are not comprehensive or standardized in terms of content. In short, there should be much easier navigation to online information on the committees. The use of acronyms to describe different committees adds to the perceived lack of transparency as the

acronyms are incomprehensible to those who are not closely involved in their work. In short, for those who are not familiar with the Council of Europe, the intergovernmental committees have little public visibility. Again it is interesting to compare the experience of the Council of Europe's intergovernmental committees with the comparators.

Comparators - What can be done to help ensure committees' activities are aligned with overall objectives of the organisations to which they belong?

- ▶ **EC** - The mandate of the Working Groups reflects the legislative programme of the Commission.
- ▶ **OECD** - Substantive committees are created by the Council to reflect the interests of members. Their mandates are agreed by the Council for a period of 5 years. The Subsidiary bodies are created by the Substantive committees. The Substantive committees agree on the mandate of the subsidiary bodies and can only be renewed if a positive consensus is agreed by members of the Substantive committees.
- ▶ **UNESCO** – Ensuring committees are aligned and avoiding duplication of committees' work has been identified as a difficulty for UNESCO.

Ensuring that committees' activities are aligned with overall objectives of the organisations to which they belong is an issue for all the comparators and the analysis suggests that the Council of Europe's approach is no better or worse than elsewhere. Where the committee systems are underpinned by a legislative framework, as is the case with the EC, ensuring alignment of activities with overall aims is less problematic. The experience of UNESCO contrasts with this. UNESCO has set up a Working group to address this question as well as issues relating to governance, procedures and working methods of the governing bodies of UNESCO which is examining its structure, rules of procedure, rules governing voting rights, role of its Bureau, organization of the session, agenda, relationship with the Executive Board and the Secretariat.

3.3 EFFECTIVENESS OF THE COMMITTEES IN ACHIEVING THEIR AIMS

Effectiveness in the context of this study can be defined as the extent to which the intergovernmental committees have achieved the specific objectives set out in their terms of reference and contributed to the overall goals of the Council of Europe. As explained earlier, the following list combines questions from the terms of reference with issues that have emerged in the course of the research.

Key Effectiveness Issues (Terms of Reference)

- ▶ What progress has been made towards the achievement of objectives set out in CM/Res(2011)24?
- ▶ To what degree have the objectives (including any quantified or qualitative targets) been achieved on time? (efficiency)
- ▶ What can be done to help ensure committees' activities are aligned with overall objectives of the organisations to which they belong?
- ▶ What sort of committee structure is best, e.g. to ensure comprehensive thematic coverage while avoiding an excessive proliferation in the number of committees? What is the right balance between plenary sessions / smaller working groups?
- ▶ How to ensure that there is a strong horizontal dimension built into the committee systems?
- ▶ What metrics and criteria can be developed to assess the work of the intergovernmental committees in the area of standard setting?

3.3.1 What progress has been made towards the achievement of objectives set out in CM/Res(2011)24?

Resolution CM/Res(2011)24 does not define the objectives of the Council of Europe's committees in specific terms. Instead, Article 17 states that the responsibility, in general terms, of Steering and ad hoc committees is to 'advise the Committee of Ministers and the Secretary General on the priorities and other matters with regard to their

sectors, in particular on the relevance of activities in line with the priorities and criteria adopted by the Committee of Ministers.'

Feedback from interviews with Permanent Representations and with Committee Secretariats suggests that the advisory function for committees set out in the Resolution is not being fulfilled, in part due to a weak link (as discussed earlier) between the Committee of Ministers and the intergovernmental committees and in part due to a lack of coordination between line ministries and Ministries of Foreign Affairs. In most cases, the strongest line of communication between committees and member states seems to be through the line ministries, which are not represented on the Committee of Ministers. While this has a clear logic in terms of ensuring the outputs of the committees are adopted by the relevant ministries, it does raise the question whether the role of the committees is in line with that which was foreseen in the Resolution.

The online survey of committee members indicates a positive view of effectiveness with 77% of respondents stating that the intergovernmental committee system is performing 'very' or 'quite' effectively in relation to its mandate. Respondents praised the committees for their ability to function within very stringent budget constraints and their ability to provide fora for practical and constructive discussion between member states' representatives on specific issues of interest. Criticisms were, however, expressed with regard to a certain inflexibility in certain committees and a lack of transparency, as well as the possibility of a small number of member states blocking a consensus. Nonetheless, it was recognised that these difficulties are common to inter-governmental institutions and cannot be attributed to the committee system itself.

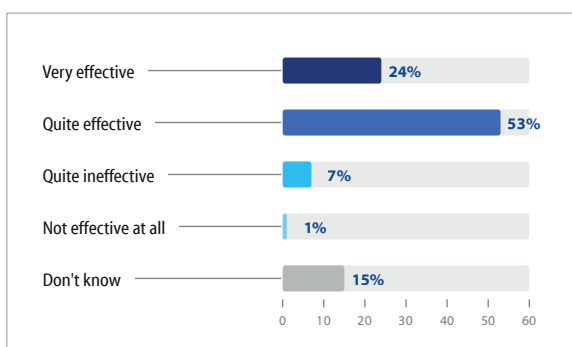


Figure 3.6: How well do you feel the intergovernmental committee system as a whole is performing in relation to its mandate
Source: CSES analysis of survey results

An analysis of the survey responses by committee indicates that there were a small number at opposite ends of the spectrum: in only three cases did less than 60% of members say that the committee system is performing 'quite' or 'very' effectively in relation to the various mandates (CAHDI, MSI-AUT, and CD-P-TO). Conversely, there were only four committees where the percentage of members expressing this opinion was over 90% (CDCJ, CAHROM, CPJ, DH-SYSC, and GEC-Sexism). Although the survey question related to the committee system generally, it is not unreasonable to assume that many if not most survey respondents will have expressed views primarily in relation to their own committees.

3.3.2 What sort of committee structure is best, e.g. to ensure comprehensive thematic coverage while avoiding an excessive proliferation in the number of committees?

The committees bring clear added value to the Council of Europe, both through the level of expertise they mobilise in relation to specific issues, and their ability to ensure a human rights dimension is maintained in international discussions on issues (such as organ transplantation or the internet) where it might otherwise be overlooked. Nonetheless, the sheer number of committees makes it difficult to understand what different committees are doing or to gain an overview of the system, and risks unnecessary duplication of work. Furthermore, the committee system as it currently stands limits the Council of Europe's ability to respond quickly and with flexibility to changing global priorities (such as climate change or the migration crisis) because, in essence, if a committee does not currently exist which can deal with a specific issue, it can be hard to create a new one.

Constraints on the Council of Europe's budget also strengthen the case for a smaller number of committees which could help bring about a more coherent and strategic approach to the challenges of the future. However, feedback from committee members and Secretariats suggest that historical moves to merge committees have led to a reduction in the expertise of committee members as experts cannot deal with the range of topics dealt with in more general committees and therefore generalists tend to be appointed instead. Any move to rationalise the committee system must try to limit the loss of knowledge and expertise that has historically accompanied such reforms.

Role of the Secretariats

The secretariats have a key role in supporting the activities of the Council of Europe's intergovernmental committees and the research for this evaluation suggests that they are fulfilling this role very effectively. Article 15 of Resolution CM/Res(2011)24 states that the Secretary General shall 'provide the committee with the necessary staff, including the committee secretary, as well as with the administrative and other services it may require'. The committees are entitled under the Resolution to ask the Secretary General to 'prepare a report on any question relevant to their work'. The Secretariats are required to undertake a number of other related tasks to ensure that the committees function efficiently and

effectively.¹⁸

According to the survey results, committee members also regard the role played by the Secretariats very positively with a combined total of 93% saying they perform either 'well' or 'very well'. The Secretariats are praised by many respondents for their diligence, efficiency and grasp of the subject matter but at the same time, serious concerns were raised over the decrease in resourcing and the impact this can be expected to have on staff who are already facing a high workload. Some respondents also raised concerns regarding the role of the Secretariat, with some arguing that committees may be too 'Secretariat driven' or that Secretariat staff view committee members as 'just passing through'. It is important to note however, that this feedback represents a small minority of respondents.

Case study feedback Role of the Secretariats

- ▶ **CDDH** - Resourcing is an issue for the CDDH Secretariat. There is a significant workload and high pressure due to staff changes and the use of temporary staff that can only stay for a limited time, which means that they are unable to build up any expertise or institutional knowledge. Three different secretaries over the course of 6 years impacted on the continuity of the Court Reform process. These difficulties are linked to broader budgetary constraints across the organisation, but they affect the efficiency of the committee and have for instance resulted in having to postpone meetings.
- ▶ **PECS** - In 2018-19, zero budget has been allocated to support the activities of the committee and a concurrent reduction in the number of staff. The Secretariat of the committee in recent years has been staffed on a part-time basis from the Social Charter team. Going forward, the staffing situation in the Secretariat is unclear, as the decision to provide no budget to PECS has led to concerns from committee members that there may soon be no Secretariat to support the committee.
- ▶ **CAHENF** - CAHENF is very well organised and the work of the Secretariat is seen as efficient. However, with regard to plenary meetings, agendas are often too full, making it difficult to prioritise issues in meetings.

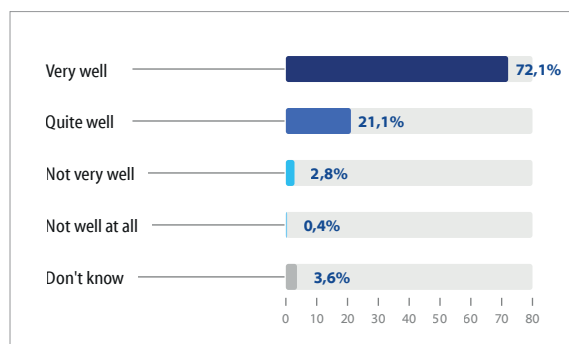


Figure 3.7: How well does the Secretariat perform its role in supporting the committee?
Source: CSES analysis of survey results

The current structure is compartmentalised with each intergovernmental committee being supported by a separate Secretariat. This has advantages and disadvantages. On the one hand, an advantage is that the Secretariats are able to specialise and develop real expertise in the policy field(s) that are dealt with by the committee that they serve. This was very clear from the interviews for this study that were carried out with Secretariat personnel, many of whom have held their positions for a number of years. However, there are also several drawbacks. Firstly, the fragmented nature of the current structure does not facilitate the promotion of a transversal dimension to the committees' activities although the structure alone

18. This role, as defined in Resolution CM/Res(2011)24, includes 'informing' members about: committees and subordinate bodies of the institutional and regulatory framework of the Council of Europe and other relevant texts; programme lines under their responsibility and budgetary appropriations; the results of monitoring mechanisms and procedures; the progress review report of the Programme and Budget so that they can examine and discuss it and report back on their respective parts; relevant co-operation activities and activities in the field; and relevant activities of other international organisations with a view to avoiding duplication and achieving synergies; and maintaining a 'Compendium' of terms of reference.

does not prevent people from talking to each other. Moreover, representatives of other committees are invited to the meetings and joint opinions are drafted and coordinated before being sent to the Committee of Ministers. Secondly, the current structure reduces the mobility of Secretariat personnel across the organisation, thus potentially reducing career progression and making it difficult to move people around to reflect shifting workload patterns or organisational priorities. The highly specialised nature of committee activities also reduces the scope for mobility amongst administrators.

The interaction between the Secretariats is made even more difficult if they are not in the same Directorate-General. The Council of Europe at one stage had four Directorate-Generals (DGs) but this was subsequently reduced to two. Several examples were mentioned to us illustrating how ‘turf wars’ between the two DGs had hindered progress on important issues. An example cited several times in the interviews for this study was the issue of female genital mutilation. Here, one committee unilaterally decided to add FGM on its agenda (while another committee may have been equally well placed in the light of its ToR) leading to difficulties in dialogue and in ensuring that the matter is treated in a manner that is considered acceptable by all committees.

A recent initiative by the Secretary General to bring together the Chairs of the different Secretariats in a high level meeting was seen as a very positive step in increasing cooperation between the committees and reducing the risk of replication of work. This initiative should be viewed as good practice and, indeed, there is enthusiasm for continuing with these meetings and replicating them at the Secretariat level, thereby promoting further collaboration and information sharing between the committees.

3.3.3 How to ensure that there is a strong horizontal dimension built into the committee systems?

The Council of Europe has a number of so-called transversal issues, which can be expected to apply to the work of all the intergovernmental committees. These are dealt with in different ways. Perhaps the most high-profile transversal issue is gender equality with every committee being required to appoint a gender rapporteur. The use of rapporteurs has helped to ensure that this issue remains visible in all committees, but the additional workload it requires has created a strain in some committees.

A slightly less visible horizontal issue is social cohesion. Responsibility for this currently sits

with the Social Cohesion Platform (PECS). Faced with severe budgetary limitations, PECS’s aim to ensure social cohesion is considered in other committees by providing input into their reports, surveys and other outputs, inviting committee members to attend PECS meetings, and sending PECS members where possible to observe and participate in the meetings of other committees. This slightly less formalised approach seems to be less effective than the use of rapporteurs, as many of those interviewed were not aware that social cohesion is a transversal issue. Nonetheless, the costs and workload associated with the use of rapporteurs may make it a tool which could be difficult to use for all transversal issues.

The online survey feedback on the question of how effectively the committees address gender equality, social cohesion and other transversal issues were generally positive with 64% of members answering affirmatively but a quite high proportion (23% of respondents) saying they did not know.

Further analysis of the survey responses indicates that in the case of nine committees, less than

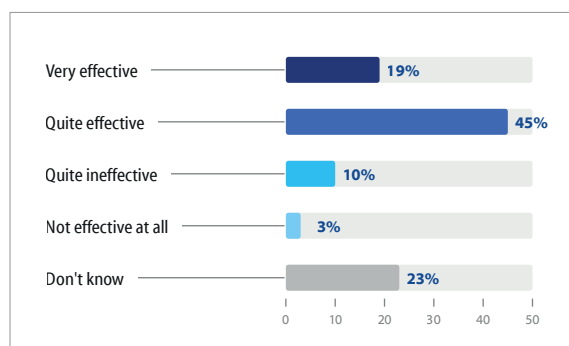


Figure 3.8: How effectively is the committee addressing gender equality, social cohesion and other transversal issues?
Source: CSES analysis of survey results

half those participating in the survey felt their committee are addressing gender equality, social cohesion and other transversal issues in an effective way (CD-P-MCA, CDCT, CD-P-TO, CD-P-COS, DH-SYSC, CAHDI, CJ-DAM, PC-OC, and CAHAMA).¹⁹

19. It is worth noting as a counterweight to this that, according to Secretariat staff, the CD-P-TO has been praised by the Gender Equality Unit of the CoE on various occasions for the work they have done on this topic. Furthermore, EDQM staff noted that there are no gender issues that need to be treated by the CD-P-COS and CD-P-MCA committees.

3.4 EFFICIENCY OF THE COMMITTEES

This section examines how efficiently the Council of Europe's intergovernmental committees are working. Narrowly defined, efficiency can be defined as the ratio between financial inputs and the outcomes produced by an intervention or organisation, and we examine this issue first. We then consider broader efficiency issues to do with how well the committees function from a procedural point of view.

3.4.1 To what extent are the activities being supported through the intergovernmental committees cost-efficient?

The question of efficiency is of increasing importance, given the financial constraints currently facing the Council of Europe.

At an estimated EUR 8 million for 2018, the direct costs of operating the Council of Europe's intergovernmental committee system are quite modest (on a total annual budget of €244.5 million). (It should be stressed that these are direct costs only). As noted earlier, in the Council of Europe's 2019 budget there is a total of 64 full-time equivalent staff allocated directly to the standard setting function. The staff costs were estimated at some €5 million (see Section 2.4). Within the Ordinary Budget for 2018 there is a budget for operational costs totalling €2.9 million for costs associated with committee meetings (e.g. travel costs that are paid for by the Council of Europe). This compares with €3.1 million in 2016 and €2.9 million in 2017.²⁰

In the online survey, 77% of respondents said their committee is organised in a 'quite' or 'very' efficient manner. Changes in ways of working to respond to limited budgets were mentioned, including significant amounts of preparation work carried out by the Secretariats to ensure meetings can be organised as efficiently as possible, strict timetabling of plenary meetings and the increased use of working groups. There was some criticism, however, of overly bureaucratic approaches to committee meetings and activities. Some respondents also saw the reduction in meeting

20. It should be stressed that these are the direct costs only. There are likely to be other Council of Europe personnel (e.g. administrative and financial staff) whose activities indirectly support the intergovernmental committees. Also, committee secretaries and assistants do far more than just organising committee plenary or bureau meetings. Similarly, the intergovernmental committees benefit from the use of the Council of Europe's physical infrastructure. Apportioning a share of such costs to the intergovernmental committees is not done and, as such, the real cost of their operations cannot be accurately estimated. Also, member states reimburse some committee members' travel expenses (for example when they decide to send several representatives or in the case of Partial Agreements) and this is not taken into account in the budgets highlighted above.

Key Efficiency Issues (Terms of Reference)

- ▶ To what extent are the activities being supported through the intergovernmental committees cost-efficient?
- ▶ To what extent are individual committees and the committees as a whole efficient in terms of the ratio between inputs and outcomes (outputs, results and impacts)?
- ▶ How are decisions taken in the committees and what are the advantages and disadvantages of different approaches?
- ▶ What can be done to ensure that committee members are selected who have the right knowledge and seniority?
- ▶ What scope is there for 'remote participation' (e.g. teleconferencing) and what are the advantages/disadvantages?
- ▶ Who should be responsible for reimbursing the expenses of committee members if they are required to physically participate in meetings – the Organisation or member states?
- ▶ What sort of support structures (logistics, research, etc) and how can they be best delivered (committee-specific secretariat, common support services)?
- ▶ How important are different stakeholders/target groups (e.g. national authorities, general public) and what the best ways of communicating and engaging with them?
- ▶ To what extent are the intergovernmental committees efficient compared to alternatives from a managerial and implementation perspective?

time as a 'false economy', with an overloaded agenda often requiring additional meetings to be scheduled which incurred further expenses in terms of time and finances.

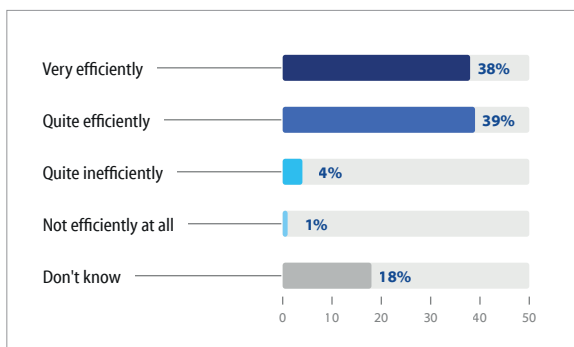


Figure 3.9: To what extent is the committee you are involved with organised in a way that is efficient and maximises value for money (i.e. an efficient use of the committee's budget to achieve maximum impact)?

Source: CSES analysis of survey results

The Council of Europe faces the prospect of budgetary pressures and possible further cuts arising from the situation with regard to the non-payment of obligatory contributions by the Russian Federation.

The consultations suggest that there is unlikely to be much if any scope to reduce the costs of operating the Council of Europe's intergovernmental committee system still further. In recent years there have been significant reductions in the headcount of Secretariat personnel with retiring staff not being replaced and a freeze on new recruitment. It has not been possible to quantify the scale of this reduction but interviews with Council of Europe staff point to an increase in working unpaid overtime, informal support mechanisms being developed between certain Secretariats to ease the burden, and Secretariats being cut back 'to the bone'.

Rather than reducing the Council of Europe's budget for the intergovernmental committees further, it would be preferable to explore how the contribution of the member states to the costs could be increased (this option is explored in Section 4). Cutting travel costs is seen as problematic because it would unfairly disadvantage experts from "poorer" member states and would lead to further disengagement with the work of the Council of Europe.²¹ The Council of Europe has developed mechanisms to help leverage funding for projects from its member states. A good example of such a mechanism is the Council's Human Rights Trust Fund which is supported by member state financial contributions to promote implementation of the European Convention on Human Rights. In the same vein, in order to cover the cost of intergovernmental

21. DD(2006)241 - Work Outline - how to adjust the existing arrangements concerning payments of daily subsistence allowances of government experts in order to reduce total expenditure of the Council of Europe.

committees, a fund could be created to attract voluntary contributions.

Financial constraints are affecting nearly all committees but some appear to be bearing the brunt of budgetary cuts more severely than others. The rationale behind what cuts are administered and why is not clearly understood by staff or committee members and, in some cases, leads to disengagement and feelings of resentment. Committee members are actively engaged in trying to find ways to work efficiently with reduced budgets (e.g. through use of IT tools, holding meetings in less expensive locations, cutting the number of physical meetings, etc). They are also very proactive in considering ways by which further resources could be generated (e.g. through employing volunteers, attracting external sources of funding from institutions such as the European Commission, and investigating new approaches to representation such as rotating membership or increased use of working groups).

3.4.2 How are decisions taken in the committees and what are the advantages and disadvantages of different approaches?

As noted in Section 2, Resolution CM/Res(2011)24 (Article 11) sets out how the committees should take decisions. It stipulates that the steering committees should reach decisions through a two-thirds majority of the votes cast. However, except on procedural matters, the ad hoc and subordinate committees should not take decisions by voting but rather on the basis of consensus or, if this proves impossible, through a simple majority indicating the dissenting opinions. Likewise, procedural matters should be settled by a majority of the votes cast.

Feedback from the research suggests that, in practice, the Council of Europe's intergovernmental committees seek to take decisions based on the principle of consensus. The exception is the Partial Agreement committees where a qualified two-thirds majority is used. The concept of consensus is viewed as a vital part of the committees' work, which although it may appear to hinder the efficiency of certain processes, allows all member states to feel involved in the process (an opinion which was voiced particularly by representatives of smaller member states) and ensures, at least in theory a level of buy-in to the final decision.

In the Partial Agreement Committees, the main difficulty is actually achieving quorum in order to be able to vote – this is linked to financing difficulties (member states are expected to pay for their own travel costs, which is believed to be the cause of significantly lower attendance at

committee meetings). While the use of a qualified majority may be more efficient in terms of making decisions more quickly, a number of committee members who have experienced such voting techniques in other bodies (for example, the European Commission) viewed the consensus-style approach of the Council of Europe as a significant strength in terms of ensuring that all member states feel ownership of committee outputs. It should, however, be underlined, that in order to avoid the introduction of a de facto veto right by any member state, consensus – while the preferred approach – cannot become a codified rule. Others point out, however, that restricting decisions to consensus gives undue and unlimited power to individual member states, potentially overriding the views and needs of the majority.

3.4.3 What can be done to ensure that committee members are selected who have the right knowledge and seniority?

The intergovernmental committees cannot function efficiently if their members do not have broadly similar levels of knowledge and seniority. Resolution CM/Res(2011)24 (Article 11) states that the Council of Europe's member states should select members of the 'highest possible rank in the relevant field designated by the government of each member state'. In the case of subordinate bodies, 'independent experts with established expertise in the relevant field' can also be nominated.

The research suggests a rather mixed picture with regard to the committee members being 'the best qualified person of highest possible rank in the relevant field'. Feedback from the interviews suggested that this is not always the case and that member states often do not send representatives with sufficient experience and authority to fully participate in committee sessions and to be able to take decisions on behalf of their country.

The 'Council of Europe Programme and Budget 2018-2019' commented that participants were mostly high-level officials, although the level for the youth sector committees was reported as not homogeneous and it was noted that the Steering committee for Educational Policy and Practice (CDPPE) had experienced a decline in the number of higher education representatives. In the past there were two education committees. When they were merged, the idea was that the Council of Europe would pay for one member (general education or higher education), while the member state would pay for the other. This does not always happen and this is the reason for higher education

being under-represented. Indeed according to representatives from the Education Department, considerably less than half the countries send an extra delegate at their own expense, and in some cases where they do (eg Belgium, Germany) it is more to have representation of different parts of country or system (central/federal) than to have representation in the general/higher education sector.

An example from another committee highlighted this point with some countries only sending one representative to meetings whereas others sometimes send as many as six representatives to the same meetings (five of whom are paid for by the country concerned).

The attendance rate also has a bearing on how efficiently the intergovernmental committees function. **According to Council of Europe data, the average attendance rate in the intergovernmental committee meetings in 2017 was 87%, with a quite wide range between different committees.** Perhaps not surprisingly, the vast majority of survey respondents (84%) declared that they attended all or the majority of committee meetings. Furthermore, 65% of respondents claimed to have been involved with their committee for three or more years (30% had been involved for 5-10 years and 14% for 10 or more years). This contrasts somewhat, however, with feedback from the interviews with Secretariats, Permanent Representations and committee Chairs and Vice-Chairs, where there is a quite widespread view that one of the key difficulties facing many of the committees is the lack of regular attendance

Case study feedback – Seniority and expertise of committee members

- ▶ **CDDH** - It is sometimes difficult for delegates to be specialists in all the topics that the CDDH deals with, as responsibility for human rights is usually divided between the Ministry of Justice and the Ministry of Foreign Affairs which can create a dilemma.
- ▶ **CD-P-TO** - If Ministries of Health or national agencies for organ transplantation are involved in selection of committee members, it usually works well, and the information flow and feedback mechanisms are effective, but at times other individual experts are selected who do not necessarily report back to the Ministry/agency on the work and results of the CD-P-TO. This means that there is an imbalance in the knowledge among member states about the work of the committee. These individuals may also find it difficult to represent the views of their national administrations.

combined with a high turnover of members. There could of course be a bias in the survey responses with those answering the questionnaire being also the members who regularly attend the committee meetings while non-respondents are also less inclined to do so.

It is interesting to analyse the reasons given for non-attendance (shown in the chart below). Three reasons stand out: a lack of time (20.3% of the responses), a lack of prioritisation for committee activities (13.8%) and a lack of financing for travel/accommodation costs (7.5%). This would suggest that the committees are considered relevant in terms of the topics covered but that participation is not considered a priority by all member states.

When looking at the comparator organisations (see box below), the difficulty in finding experts with the appropriate level of seniority and the required expertise is reflected. This suggests that it is a difficulty which is common to many intergovernmental organisations. While the European Commission struggles with levels of seniority (which fluctuate depending on national priorities), the OECD and UNESCO have difficulties in finding representatives with the appropriate expertise. The ILO is an interesting example of an organisation which seems to balance seniority and

- ▶ **CDDG** - Since CDDG members only meet once a year, thematic areas and priorities are not tailored, so certain member states do not see the value of attending, participating or sending high-level government representatives. A number of CDDG participants do not have the authority needed to bring back the work of the CDDG at national level.
- ▶ **CMJ** - The Joint Council on Youth works in close co-operation with the European Youth Forum (YFJ) – the largest platform of youth organisations and networks in Europe. The YFJ elects, from amongst its members, 20 of the youth representatives who sit on the Advisory Council on Youth (CCJ). The remaining 10 of the 30 members are nominated by the Secretary General of the Council of Europe following a call for applications to youth organisations at national, regional and grass-roots levels. In this way, the work of the CCJ, and therefore also of the CMJ, reflects the interests and needs of tens of millions of young people from all over Europe.

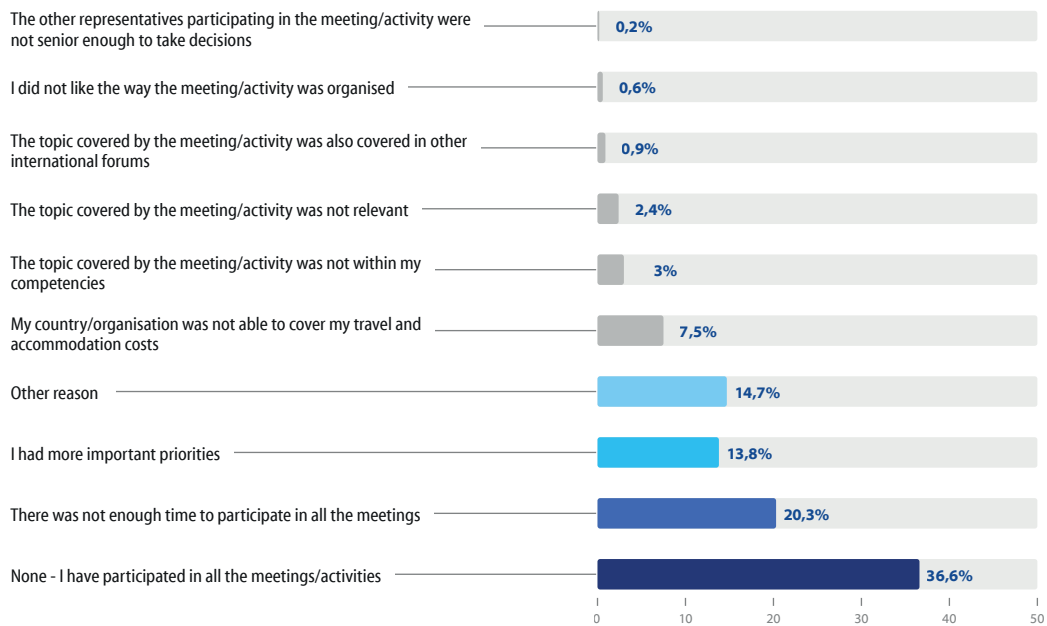


Figure 3.10: If you have not participated in all the meetings/activities of the committee, what was the main reason for this?
Source: CSES analysis of survey results

expertise – and could perhaps be looked to as an example of good practice in this area. However, this is due, at least in part, to the tripartite nature of the committee structure which allows for delegations from three different stakeholder groups to be present.

3.4.4 What scope is there for 'remote participation' (e.g. teleconferencing) and what are the advantages/disadvantages?

With the constraints on the Council of Europe's budget continuing and quite possibly becoming more severe, alternative ways of working and/or covering the costs of committee meetings need to be considered.

Comparators - What can be done to ensure that committee members are selected who have the right knowledge and seniority?

- ▶ **EC** - The absence of national representatives from committee meetings is an issue for some of the EC Comitology committees. This can partially be explained by the priorities of national politics. There is also an issue regarding the legitimacy of their national mandate as there is no clarity how candidates are chosen. For better transparency, a Comitology register is maintained and all voting sheets are made available online.
- ▶ **ILO** – Seniority levels in terms of representation are not problematic. Membership of the committees is competitive, which helps to ensure that high quality candidates are selected. The delegates are representatives of different social groups with proven leadership skills. Therefore the decision-making aspects of the work is performed at a good level.
- ▶ **OECD** - Representation levels are not problematic, however some delegates lack the technical knowledge required for the specialisation of certain committees.
- ▶ **UNESCO** - Representation levels are not problematic, however some delegates lack the technical knowledge required for the specialisation of certain committees.

The current **modus operandi for the intergovernmental committees** is to hold between one and three plenary sessions each year in Strasbourg. An alternative that could be investigated is to adopt a more decentralised approach with groups of member states with a particular interest in a subject meeting on a more frequent basis, possibly in one or more of the countries sending representatives. This thematic peer-to-peer working method has been introduced in CAHROM in addition to plenary meetings, and has been received positively. This would have to be linked to a mechanism to ensure that all Council of Europe member states have an opportunity to consider issues and to participate in any decision-making. There is already some use of online tools: Specifically in relation to the Steering committees, if the financial constraints on the Council of Europe necessitate a reduction in the number of meetings, some doubts were expressed by those consulted for the study as to whether just one **meeting of the steering committees** per annum would be sufficient to exercise a steering function. It was also pointed out that when the frequency of their sessions drops, there is a corresponding increase in the role of the secretariats which although helpful can have negative consequences for the influence exercised by member states through their representatives on the committees.

Case study feedback – use of online tools

- ▶ **CDDH** - The Bureau uses email/video conferencing for meetings in between plenary meetings, in order to prepare the plenaries and deal with any decisions which need to be taken. If decisions are required, all members are consulted (usually via email).
- ▶ **PECS** - In response to budgetary constraints, there has been an increase in the use of virtual tools (e.g. use of teleconferencing and videoconferencing for working groups). A monthly newsletter is also used to disseminate information on recent developments concerning social cohesion within the Council of Europe and foster the exchange of good practices and innovative approaches.

Although no one consulted favoured doing away with face-to-face sessions of the intergovernmental committees altogether, there is support for the option of **remote participation in sessions** using teleconferencing systems to be extended to make it easier for representatives from certain member states to participate in situations where constraints on travel costs, difficulties in travelling to Strasbourg and/or other factors make this difficult. This may also make it possible for other experts within member states to follow the sessions in addition to their representative physically present at the meeting. The importance of continuing to have physical meetings (at least for plenaries) was underlined, as it provides members with the opportunity to establish valuable formal and informal relationships which can lead to long term learning between member states.

It is interesting to compare the situation in the Council of Europe with regard to 'remote participation' with other organisations. The most commonly cited reason for not using teleconferencing and other remote participation software are concerns regarding security (an issue which has not been raised by representatives from the Council of Europe). Perhaps, as these technologies become more advanced, such concerns may be overcome. Where remote participation is used, this tends to be for smaller 'bureau' meetings, rather than full-scale plenaries, as in the Council of Europe. It may be interesting to follow the progress of the OECD, in particular, which is exploring advanced possibilities for remote participation by some countries.

Comparators -What scope is there for 'remote participation'

- ▶ **EC** - Virtual meetings are not allowed for security reasons, as the identification of participants and the security of the information shared cannot currently be guaranteed.
- ▶ **ILO** - Committee meetings are not organised remotely, but teleconferences are used for some Bureau meetings. Currently, there are some technological limits. There is no system offering a tool for secure remote voting. However, further methods for remote working are being developed. Among the reasons behind it is that it would be particularly convenient for some far apart located member states.
- ▶ **OECD** - Committee meetings are not organised remotely, but teleconferences are used for some Bureau meetings. Currently, there are some technological limits. There is no system offering a tool for secure remote voting. However, further methods for remote working are being developed. This move is driven by member states (particularly those located further away from the organisation's HQ), who find it more convenient to participate remotely.
- ▶ **UNESCO** - Committee meetings are not organised remotely, but teleconferences are used for some Bureau meetings. Security concerns are cited as the principal reason that remote participation is not used more widely.

3.4.5 Who should be responsible for reimbursing the expenses of committee members if they are required to physically participate in meetings?

At present, and in the case of most committees, the Council of Europe covers the per diems and travel costs of one member from each country travelling to and from Strasbourg with member states being responsible for the expenses of any additional participants. It was suggested by some Secretariats that removing these reimbursements, or limiting them in some way (either to specific countries or by using an average cost) might help both to reduce expenses and ensure that participation was based upon real interest in the subject matter by national authorities, not just the fact that the Organisation was funding participation.

With the committees of the Partial Agreement EDQM, participation is paid for by member states alone. Not all members participate at all meetings and as a consequence the 2/3 quorum for decision-making is hardly ever reached. A causal link has been suggested by committee members and the Secretariat between the lack of reimbursements available and the reduced participation of member states. Finally, the removal of reimbursements could lead to an unfair playing field between member states – increasing the inequality of representation between richer and poorer countries, and risking the possibility that some countries may not be able to participate at all. The comparator organisations used for this study have different approaches with regard to the reimbursement of expenses:

Comparators - Who is responsible for reimbursing the expenses of committee members if they are required to physically participate in meetings – the committee organisation or member states?²²

- ▶ **EC** - The organisation reimburses travel costs of participants, but these are limited to one representative per member state.
- ▶ **ILO** - The organisation reimburses travel costs of participants, except for delegates of the International Labour Conference. The full reimbursement of travel costs is perceived by the ILO to be one of the reasons for their high attendance rates.
- ▶ **OECD** - The member states cover the travel costs of participants, with exceptions covered by the organisation (for example, for developing countries attending meetings on a temporary basis). Cost reimbursement has never been found to exert a significant impact on attendance rates.
- ▶ **UNESCO** - The member states cover the travel costs of participants. Travel costs are not perceived as a barrier to attendance.

Within the comparator organisations, there is no uniform position regarding the reimbursement of costs. While the European Commission and

²² The term “travel costs” in this box includes subsistence allowance/per diem.

the ILO cover the costs of participants (limited to one participant per member state in the case of the former), attendance at OECD and UNESCO meetings is covered by the member states. Travel costs are not perceived as a barrier to attendance in these organisations, although it should be borne in mind that – at least for the OECD – members tend to be countries with a relatively high GDP (and who can perhaps therefore “afford” to cover attendance costs).

3.4.6 What sort of support structures (logistics, research, etc) are required and how can they be best delivered (committee-specific secretariat, common support services)?

The intergovernmental committees also have support needs of a logistical nature and at present these are provided partly by the Secretariats and partly by other Council of Europe personnel. Thus, committee members’ travel-related logistics and expenses are handled by each of the Secretariats. Other support services, notably interpretation and translation, are provided centrally to the intergovernmental committees

Comparators - What sort of support structures (logistics, research, etc) and how can they be best delivered (committee-specific secretariat, common support services)?

- ▶ **EC** - The Comitology committees and the Expert Groups are supported by the General Secretariat of the institution without a permanent separate secretariat for each committee.
- ▶ **ILO** - The committees are supported by one shared Secretariat.
- ▶ **OECD** - There is a General Secretariat (covering issues such as global relations, legal, budget, evaluation, HR, IT, etc.) and several thematic departments supporting the work of different committees. The risk of “working in silos” and the necessity of creating more joint structures has been identified as one of the challenges faced by the organisation.
- ▶ **UNESCO** - The Secretariat of UNESCO encompasses 3 types of services: Programme Services (organised around key policy areas), Central Services and Shared Support Services.

and other users. It is interesting to compare the intergovernmental committees' support structures with those of other organisations. The degree to which common structures exist for different committees varies.

3.4.7 What metrics and criteria can be developed to assess the work of the intergovernmental committees in the area of standard setting?

Resolution CM/Res(2011)24 stipulates that the committees 'shall prepare reports of their meetings. These reports shall include an evaluation of completed activities and a presentation of ongoing and planned work, together with the identification of its source and deadlines, as well as proposals for future activities and identification of activities that might be discontinued'. The Secretary General has a coordinating role.

The Council of Europe's overall evaluation framework is set out in various documents and this contains some indicators that are relevant to the intergovernmental committees.²³ There are a number of performance indicators relating to the intergovernmental committees. These are, however, rather basic and not sufficient in their own right to undertake an assessment of how well or otherwise the committees are functioning. The only common indicator that is used across most of the intergovernmental committees in all the pillars is evidence of changes in terms of legislation or practice. There are also several quantitative indicators that are used for many if not most of the committees, namely the number of reports produced and number of meetings held each year, but these, on their own, offer no insight of course into the actual impact of these reports and meetings. There are also a number of other quantitative metrics that are used by some committees such as the average time spent on a project, or the number of member states completing a given task (e.g. becoming signatories). Otherwise, across the various pillars, the extent to which there are quantitative indicators varies. Human Rights, for example, has a somewhat higher proportion of concrete numeric indicators (such as

the number of events held, or the number of policy briefs disseminated). Whilst numeric indicators are the most common across the three pillars, the 'Democracy' pillar also has a number of less concrete indicators (e.g. 'Education for Democracy' seeks to measure commitment and engagement in terms of 'high' versus 'medium').

23. This includes the document 'Council of Europe: Programme and Budget 2018-19'. The Council of Europe theory of change makes a distinction between immediate outcomes (e.g. changes in knowledge, awareness and access to resources on the part of the intervention's beneficiaries); intermediate outcomes (changes expected of the target groups or the prevention of a negative change, e.g. a deterioration of compliance with human rights standards); and impacts (the intended longer term change which the Council of Europe contributes bearing in mind the principle of subsidiarity). According to the theory of change, the Council of Europe has considerable control over the immediate outcomes and reasonable influence over the intermediate outcomes. Impact assessment is subject to evaluation.



Chapter 4

Conclusions and Recommendations

The previous section provided an evaluation of the intergovernmental committees. This section looks forward and presents conclusions and recommendations for the future.

4.1 CONCLUSIONS

The Council of Europe's intergovernmental committee system lies at the heart of the organisation and has a critical role to play in helping to deliver its overall mandate. As Sections 2 and 3 have shown, the committees have produced many very impressive outputs and have achieved a great deal over the years. They have played a critical role in developing common standards in the field of human rights, democracy and the rule of law across the Council of Europe's 47 member states. In addition, the intergovernmental committees are the link in the policy areas concerned between the Council of Europe and the member states and in some cases, like in the context of the Cultural Convention, with non-member states.

The work of intergovernmental committees includes the negotiation of a series of conventions in fields as diverse as the protection of cultural artefacts and the prevention of torture; ensuring that the human rights aspects of issues such as organ transplantation and digital technology are given due consideration; ensuring a common approach to issues such as language learning (through the common reference framework); improving the efficiency of the Court; and the publication of numerous resources on the human rights aspect of fields including education, medicine and bioethics, migration, crime and policing, public law, journalism, artificial intelligence and terrorism. The common standards that result from the work of the intergovernmental committees are also used by the European Court of Human Rights and the monitoring bodies. In addition, and not to be underestimated, is the importance of bringing together members of 47 member states to share experiences and examples of good practice providing an important tool to increase cooperation and coherence between countries in terms of legislation, policies and practices. In this sense, committees play a role in achieving greater unity between its members, which is an aim stated in Article 1 of the Statute of the Council of Europe

Notwithstanding these and other achievements, the evaluation has identified some issues in the committee system. The Council of Europe's intergovernmental committee system has evolved over a long period of time and has developed into a rather cumbersome structure that in some areas lacks coherence, transparency and a clear sense of strategic orientation. A series of budgetary reductions and cuts to staffing have put strain on the intergovernmental committee system and Secretariats.

The terms of reference for the evaluation highlighted key questions relating to relevance, effectiveness and efficiency. With regard to relevance, the terms of reference required an examination of the extent to which the intergovernmental committees address the needs of the member states and the objectives of the Council of Europe. As Section 3.2 explains, the activities of the committees are generally very relevant in both respects, albeit the extent to which this is the case varies across the committees and across the member states. The rules determining the establishment and disbanding of committees are very important

in this respect, as are their terms of reference, and in the report we have argued that improvements are needed.

The conclusion of the evaluation in relation to **effectiveness** is that the intergovernmental committees perform well in relation to their mandates. Their terms of reference do not always make specific objectives clear and, likewise, in relation to the more general objectives of the Council of Europe, it is difficult to meaningfully assess effectiveness because the three pillars are very broadly defined and reflect areas of Council of Europe work rather than strategic objectives with indicators at that level. In Section 3.3 we have commented on these issues and other aspects of the performance measurement framework for the intergovernmental committees. With regard to **efficiency**, as explained in Section 3.4, the intergovernmental committee system has faced increasing financial constraints that have made the fulfilment of tasks more difficult. The report has also highlighted scope to rationalise the committee system and to improve working methods.

4.1.1 Future scenarios

Looking ahead, three basic scenarios can be identified with regard to the development of the committee system:

- ▶ **Scenario 1: Status quo** – i.e. the current intergovernmental committee system continues to operate without any changes at all.
- ▶ **Scenario 2: Limited change** – under this scenario, some limited changes are made to the committee system but this is limited to procedures rather than more fundamental aspects such as the structure of the committee system.
- ▶ **Scenario 3: Radical change** - the third scenario would involve much more radical changes to the intergovernmental committees with steps being taken to restructure the system and refocus its objectives as well as reforming the procedures.

The consultations undertaken for this study suggest that there is no consensus amongst key stakeholders on either the need for change to the Council of Europe’s intergovernmental committee system or, in the case of those who support change, what this should involve.

More specifically, the overwhelming majority of committee members who responded to the online survey would appear to favour the status quo. However, Council of Europe staff who were interviewed were more divided with some supporting the need for changes, albeit in many cases rather limited, but many also arguing in favour of maintaining the existing system. The Permanent Representations, for their part, were quite sharply divided between those favouring fundamental and far-reaching changes and those in favour of the current system.

Looking at the scenarios, Scenario 1 could come about simply because of the lack of a clear consensus, combined with institutional inertia.

However, the evaluation in this report suggests that changes are required to improve the way in which the intergovernmental committee system works if the system is to remain relevant, efficient and effective. Moreover, the budgetary constraints faced by the Council of Europe mean that changes to the committee system could become unavoidable. Although the costs of operating the system appear to be quite modest as a proportion of the Council of Europe’s overall operating budget, and there has already been a series of cuts, further reductions might be necessary. Thus, even if key stakeholders are not convinced that there is a need for change on its own merits, the status quo may prove unsustainable and change could be forced on the Council of Europe. The key conclusion of this study is, however, that the Council of Europe’s intergovernmental committee system should be reformed whether there are budget cuts or not.

The case for Scenario 2 lies in the fact that change is needed and this Scenario is a compromise between the status quo and more radical change, and this might be the most realistic way forward. In the absence of a clear consensus, any changes to the current intergovernmental committee system are likely to be controversial and it could be difficult to gain the necessary support to implement them. Scenario 2 might therefore be the only realistic course of action and perhaps the start to a process of incremental reform. On this basis, Scenario 2 could over time become Scenario 3. **Whether there is sufficient support for Scenario 3 in its own right at this point in time is very doubtful but some elements could be combined with an incremental approach.** Equally, Scenario 3 could come about in its entirety if budgetary pressures mean that more radical changes are necessary.

Overall, the conclusion of this study is that Scenario 2 should be adopted with some elements of Scenario 3 if there is sufficient support for more fundamental change. If not, elements of Scenario 3 should be introduced over a two-three year

timeframe once the case for change for each recommendation has been examined in more detail. Some recommendations could be trialled on a pilot basis with certain committees in order to assess more concretely the effect that they could have on the efficiency and effectiveness of the system.

4.2 RECOMMENDATIONS FOR THE FUTURE

Below we present the recommendations arising from the evaluation for the future development of the committee system. These recommendations are made by the external evaluators and it is of course for the Council of Europe to ultimately decide, in light of the evaluation but also other considerations, whether to implement the recommendations or not.

4.2.1 Committee structure and governance

Recommendation 1: The Committee of Ministers/Secretary General should focus on defining the strategic frameworks for the committees and request reporting at a strategic level. Under Resolution CM/Res(2011)24, the Committee of Ministers is responsible for approving the terms of reference for a committee. However, although these documents are meant to define 'concrete and measurable expected results', the terms of reference mainly concern quite detailed procedural questions. A mid- to long-term (5-10 year) strategic framework should be introduced for each sector, setting out the key issues, challenges and priorities to be addressed in the sector, the rationale and role of the Council of Europe intervention, and how such intervention can add value and promote complementarity with the work carried out by other international actors. Strategic frameworks of this type already exist in some areas (e.g. children, youth) but should be introduced across the full breadth of committee activities. This should not be understood as a requirement to develop a strategic framework for each committee but rather as a recommendation to ensure that the work of each committee is guided by one or more strategic (sector-level) framework. The chairperson and secretariat of a committee could use the strategic framework as a basis for strategic reporting to the rapporteur group on progress and to ensure accountability. Furthermore, the strategic framework should be used as a basis for budgeting and fundraising. This approach to planning and implementing committee activities would make it easier to pursue long and medium-term priorities and encourage

greater continuity between one two-year budgetary period and another. An example for an existing document, which involved several actors, including standard setting and monitoring bodies, is the White Paper on Transnational Organised Crime. Finally, a policy on the role of Ministerial Conferences should be developed to clarify their role and place in providing strategic direction to the Organisation.

Recommendation 2: The Secretary General should clarify how committees are established and dissolved. Rather surprisingly, Resolution CM/Res(2011)24 does not include any method nor criteria for establishing new committees, merging them or disbanding existing ones or rendering them inactive for a defined period of time. The experience of merging committees in order to reduce their numbers in the previous reform has had adverse effects such as loss of knowledge and expertise (see Section 3.3.2). Furthermore, it seems that committees are able to continue if one or a few member states want them to. The method and criteria for merging committees, retaining existing ones or setting up a new committee should be clearer and made more explicit. Decisions on future activities of a committee could be linked to their self-evaluation reports (see recommendation 11). Over time, the use of a method and criteria could lead to a rationalisation of the intergovernmental committee structure and help ensure a close alignment of their activities with the Council of Europe's strategic objectives. It would be advisable to undertake an independent evaluation of the implementation of these criteria at regular intervals (4-6 years). Lastly, the criteria for creating ad-hoc committees, should also be made clearer in order to distinguish them from steering committees.

Recommendation 3: Draft terms of reference should be systematically discussed by the concerned committee before being approved by the Ministers' Deputies and chairs of committees should have at least a two-year mandate. The Secretary General should continue to be responsible for preparing terms of reference for the committees. It is vital that committees' inputs are sought before submitting the terms of reference to Ministers' Deputies. The terms of reference of committees should set out the specific actions needed to achieve the strategic priorities approved by the Committee of Ministers (see recommendation 1). The mandate of committee chairs should also be extended to two years to improve continuity.

Recommendation 4: Coordination and cooperation between the intergovernmental committees should be reinforced. The current rather compartmentalised structure of the intergovernmental committee system makes it

more difficult to promote transversal themes, or to identify synergies that might be exploited. The fact that there are so many committees, with a separate Secretariat in most cases, also makes it more difficult to promote horizontal themes. The recent meeting of committee chairs, the first of its kind, should become a regular event, as should joint meetings of the Secretariats which should ideally take place before/when the Programme and Budget is prepared. During their meeting, the committees' chairs suggested developing a one entry-point database for the committees. See also recommendation 10 on the need to have a 'single gateway'.

4.2.2 Role of the Secretariats and other support structures

Recommendation 5: Mobilisation of extra budgetary resources is needed to support the work of intergovernmental committees.

Rather than reducing the Council of Europe's budget for the intergovernmental committees any further, other funding possibilities such as an intergovernmental cooperation fund should be explored. The above-mentioned strategic frameworks could be used to help raise additional funds for committee activities. This requires a strategic approach to building of capacity for resource mobilisation to support intergovernmental work.

Recommendation 6: There should be more flexibility in the way the committees' staff and operational budget are planned and deployed. At present, the support structure for the intergovernmental committees is mostly compartmentalised with a separate Secretariat and budget for each committee. Whilst recognising the importance of the specialised know-how and expertise of senior Secretariat staff, adopting a more task-orientated approach to defining roles and introducing more flexibility to the committee system generally would have advantages. In particular, it would allow for breaking of existing silos, increased "surge capacity" and increase the mobility of staff, thereby also potentially offering more interesting and varied career paths, and ensuring that resources can be more flexibly allocated. Such a structure should also be more cost-effective than the present more fragmented system. Indeed, if the Council of Europe's budget is reduced further, the more flexible use of A-level personnel could become a necessity. There is a precedent for this in form of the shared Secretariat support arrangements for committees in some sectors (e.g. the committees dealing with the independence of justice: the CCJE, CCPE, and

CEPEJ).²⁴ Moreover, there is a case for promoting a pooling, or at least increased mobility (or exchange and internal secondment) of B-grade administrative staff as well. Ideally, administrative support clusters might be introduced. These could be within the two DGs but also across these. Furthermore, the trend towards more transversality should be addressed through an increased usage of taskforces consisting of specialists from different Council of Europe entities.

Recommendation 7: Consideration might be given to outsourcing and/or pooling the travel-related tasks associated with committee meetings and other visits which are currently handled by each of the Secretariats on behalf of their committee's members. Outsourcing this function would help free up the Secretariats' resources and enable them to focus more easily on key tasks. Outsourcing could also prove to be more cost-effective than the current in-house arrangements. Some of those we consulted could not see any advantage in contracting out travel-related support functions to an agency. Therefore, if this recommendation is taken forward, the options of pooling and outsourcing should be investigated in more depth and any course of action introduced on a pilot basis so the extent of any cost savings and other efficiency gains can be identified. An alternative to outsourcing would be to create an in-house assistant team dedicated to making travel arrangements for committee activities and other areas of work of the Council of Europe. Such a team might also be in a position to explore ways of negotiating/obtaining cost reductions in relation to travel.

4.2.3 Working methods

Recommendation 8: Consideration should be given to holding more committee meetings outside Strasbourg. Strasbourg is a relatively expensive venue for meetings, partly because of the lack of direct transport links with the city from many of the Council of Europe's member states. Holding more meetings in the member states could save costs (indeed, this should be made a condition of doing so), should improve visibility and would, in addition, provide the host countries with an opportunity to promote themes of their interest. One possible alternative to Strasbourg is the European Youth Centre in Budapest which has some excellent facilities and could be more easily accessible and a cheaper option than Strasbourg for certain meetings.

Recommendation 9: Whilst it is important

24. CEPEJ is not an intergovernmental committee that is included in the scope of this evaluation because it was established through a different mechanism: CM Res(2002)12.

that the committees meet on a face-to-face basis, the scope for 'remote participation' in certain sessions, such as bureau meetings should be explored and piloted. As Section 3.4.3 showed, the average committee attendance rate in 2017-18 was 87%, with a quite wide range between different committees. Although face-to-face meetings are by far the preferred option, teleconferencing should be developed as a way of increasing participation where the alternative would appear to be non-attendance at committee meetings. Likewise, teleconferencing could be used where the expenses of only one committee member from a country are paid for but the subject matter justifies two or more persons taking part in a meeting. Finally, bureau or other meetings with a small number of participants could potentially be organised remotely.

Recommendation 10: The way in which the committees communicate their activities and interact with key stakeholders should be improved. Although the Council of Europe's website provides access via a banner to information on some of the committees, this is not comprehensive. Ideally, there should be a webpage (a single gateway, see section 2.3) that provides access to comprehensive information for each committee on their objectives and work programmes, work in progress in real time, details/presentations on the work undertaken on standard-setting, etc. Accessibility of information should be rendered easier by using shortened committee names instead of acronyms (e.g. instead of CDDH, Human Rights Committee) or by choosing acronyms that convey a meaning or message (similar to USAID for the United States Agency for International Development or SWIFT for the Society for Worldwide Interbank Financial Telecommunication). Furthermore, reporting to the CM should be concise and content-oriented (abridged). Recent initiatives such as the publication and distribution of a monthly list of committee meetings, and the use of open days to inform Permanent Representations about the work of committees, mark a positive step in this direction and should be further built on. Also, informal presentations of standards before their adoption at the Ministers' Deputies should be envisaged, particularly if they are placed 'in the box' of their agenda. Finally, standards and other outputs produced by the committees should be translated into as many languages as possible in order to enhance their accessibility for relevant intended users in member states.

Recommendation 11: More emphasis should be placed on evaluating the performance of the committees. As noted in Section 3.4.7, there are several performance indicators that are used to

monitor the committees (e.g. attendance rates) but these only measure member states' commitment to participating in the activities of the committees. They do not provide an insight into the outputs being produced. Resolution CM/Res(2011)24 stipulates that 'committees shall prepare reports of their meetings [and that] these reports shall include an evaluation of completed activities and a presentation of ongoing and planned work'. It is not clear from our research that this is being done systematically, what the results are or how these are used. Ideally, each committee should be required to produce a biannual (self-)evaluation report as a way of demonstrating accountability to the Committee of Ministers, member states and the general public. In addition to providing basic information (number of meetings, attendance rates, etc), the reports would summarise what the committee in question had achieved during the past years and the benefits to member states, progress towards achieving objectives set out in a work plan and priorities for the forthcoming period. Within this reporting, there should be more emphasis on assessing long term impact in member states. One idea would be to introduce an online tool ('impact tracking platform') that could be used for self-reporting by member states on the follow-up actions they have undertaken related to standards. The strategic frameworks suggested earlier (Recommendation 1) could provide the basis for such reports.

Recommendation 12: Assuming some or all the recommendations from this evaluation are adopted, changes to Resolution CM/Res(2011)24 should be made to put them into effect. This could include specifying the role of the committees in more detail; their governance structure; a clearer method for creating, prolonging the mandate of, and disbanding committees; and the requirement for regular self-evaluation. Provision for pilot projects to test out innovative ways of working could also be foreseen in the Resolution.

4.2.4 Considerations for member states

Item for consideration 1: Ministries of foreign affairs could improve communication at national level and the way in which line ministries coordinate their activities in relation to the intergovernmental committees. At present, it seems that there is often a lack of communication and coordination between the line ministries and those representing their countries from the foreign ministries in the Committee of Ministers. This means that there can be a disconnect between the Committee of Ministers and the specific issues that the intergovernmental

committees are dealing with. It is of course beyond the competence of the Council of Europe to influence how member states act in this regard but it is an issue that the Permanent Representations could consider with their governments. The chairs of the intergovernmental committees have also recently recommended the development of communication strategies at national level. Permanent Representations could ensure that they systematically meet their experts when they are in Strasbourg and ministries of foreign affairs could organise monthly coordination meetings for experts involved in the committees of the Council of Europe in the capitals. In addition, regular study visits should be organised for political directors responsible for the Council of Europe in the ministries of foreign affairs.

Item for consideration 2: In the few cases where arrangements are made in a way that member states are expected to cover travel expenses for their committee members, member states could seek to ensure that they play their part in helping to guarantee the committees can function effectively by meeting the travel costs of national representatives. At present, this is often not the case. For example, in the case of

the education committee, each member state is supposed to send two representatives (one for each policy area) but often only the person, whose costs are met by the Council of Europe, participates in its meetings. In the case of this particular committee, the result is that one of the two policy areas (dealing with higher education) tends to be neglected. The EDQM's committees, where member states pay for their representatives' participation, has difficulties in establishing a quorum in order to vote on decisions. Member states should also ensure that representatives of the national authorities who are selected to sit on committees are 'of the highest possible rank' as stipulated in Resolution CM/Res(2011)24. An intergovernmental cooperation fund (see recommendation 5) could support member states, which have difficulties bearing these costs. Eligibility criteria for using this fund should be established.

4.2.5 Summary - Scenarios and recommendations

The table below summarises the changes that could be envisaged under each of the 'change' scenarios. Where a recommendation is listed as part of Scenario 2, they are also part of Scenario 3.

	RECOMMENDATIONS	SCENARIOS		SECTIONS OF REPORTS
		2	3	
1	The Committee of Ministers/Secretary General should focus on defining the strategic frameworks for the committees and request reporting at a strategic level.	X		3.2.2, 3.2.7
2	The Secretary General should clarify how committees are established and dissolved.		x	3.2.1, 3.2.7
3	Draft terms of reference should be systematically discussed by the concerned committee before being approved by the Ministers' Deputies and chairs of committees should have at least a two-year mandate	x		3.2.2, 3.2.7
4	Coordination and cooperation between the intergovernmental committees should be reinforced.	x		3.2.2, 3.3.2, 3.3.3
5	Mobilisation of extra budgetary resources is needed to support the work of intergovernmental committees.		x	2.4, 3.4.1
6	There should be more flexibility in the way the committees' staff and operational budget are planned and deployed.		x	3.2.1, 3.3.2
7	Consideration might be given to outsourcing and/or pooling the travel-related tasks associated with committee meetings and other visits which are currently handled by each of the Secretariats on behalf of their committee's members.		x	3.4.6
8	Consideration should be given to holding more committee meetings outside Strasbourg.	x		3.4.4
9	Whilst it is important that the committees meet on a face-to-face basis, the scope for 'remote participation' in certain sessions, such as bureau meetings should be explored and piloted.	x		3.4.4
10	The way in which the committees communicate their activities and interact with key stakeholders should be improved	x		2.5, 3.2.2, 3.2.7
11	More emphasis should be placed on evaluating the performance of the committees.	x		3.4.7
12	Assuming some or all the recommendations from this evaluation are adopted, changes to Resolution CM/Res(2011)24 should be made to put them into effect.	x		n/a
CONSIDERATIONS FOR MEMBER STATES				
1	Ministries of foreign affairs could improve communication at national level and the way in which line ministries coordinate their activities in relation to the intergovernmental committees.	N/A	N/A	3.2.2, 3.2.7
2	In the few cases where arrangements are made in a way that member states are expected to cover travel expenses for their committee members, member states could seek to ensure that they play their part in helping to guarantee the committees can function effectively by meeting the travel costs of national representatives.	N/A	N/A	3.2.2, 3.4.3

Table 4.1 Summary of the Scenarios

Appendix A

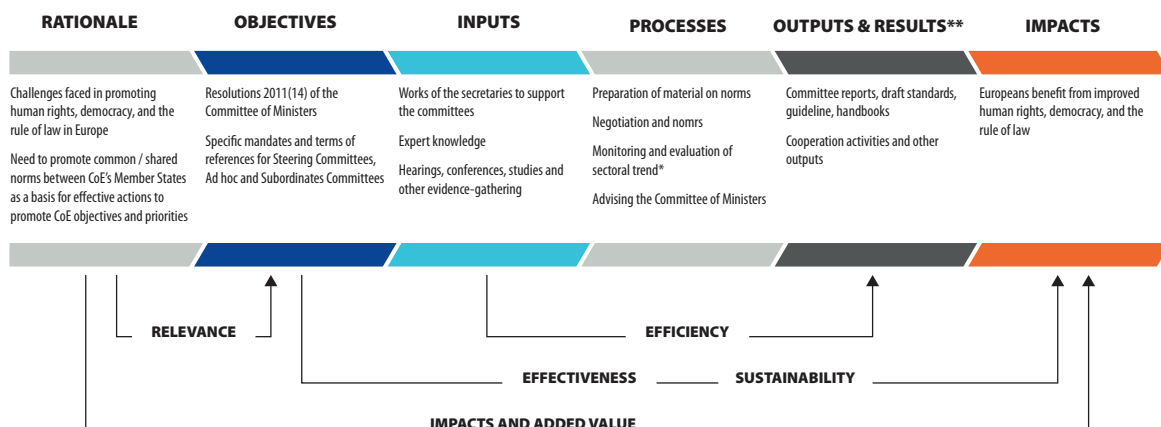
Evaluation Framework

A.1 THEORY OF CHANGE

The theory of change provides an overall conceptual framework for the evaluation of the Council of Europe’s intergovernmental committees. This compares ‘what should be achieved and how’ with ‘what has actually been achieved and how’. The theory of change is the reference point of an evaluation. Based on the DIO feedback, the original summary diagram contained in the CSES tender has been amended to better align with CM/Res(2011)24 and the comments from the Reference Group.

Resolution CM/Res(2011)24 on ‘intergovernmental committees and subordinate bodies, their terms of reference and working methods’ is a key reference point for the ‘theory of change’ because it defines the role and modus operandi of the intergovernmental committees.²⁵ The Resolution does not contain a formal definition of the objectives of the intergovernmental committees. However, under Clause V (Planning, monitoring and evaluation function) the resolution states that “Steering and ad hoc committees advise the Committee of Ministers and the Secretary General on the priorities and other matters with regard to their sectors, in particular on the relevance of activities in line with the priorities and criteria adopted by the Committee of Ministers”.

Theory of change for intergovernmental committees



Note:* Some committees also follow up on the implementation of standards in member states; ** Space permitting, additional levels could be added for outcomes, namely better-informed CoE debates and improved policy-making in member states.

As the Resolution explains, committees answerable to the Committee of Ministers and Subordinate bodies “are composed of one representative of the highest possible rank in the relevant field designated by the government of each member state”. A key issue is whether the members of the committees are actually of “the highest possible rank” because, if this is not the case (or only partially so), it could affect how well the committees function. Related to this, in the case of Subordinate Bodies, the Resolution explains that these are composed of representatives or experts from only a limited number of member states, and here the question is whether enough member states participate to enable the committees concerned to operate effectively.

The Council of Europe has identified three levels at which outcomes should be identified and evaluated:

25. Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods (Adopted by the Committee of Ministers on 9 November 2011 at the 1125th meeting of the Ministers’ Deputies)

- ▶ **Immediate outcome** - such as changes in knowledge, awareness and access to resources on the part of the intervention's beneficiaries. This level is described in the Council of Europe's Programme line template as the expected results.
- ▶ **Intermediate outcome** - changes at the Programme level that are expected of the target groups. It may be defined not only as a change but also as the prevention of a negative change, when for example the Council of Europe operates to prevent the deterioration of compliance with human rights standards.
- ▶ **Impact level** – changes at the sector level leading to longer term change to which the Council of Europe contributes bearing in mind the principle of subsidiarity. Impact assessment is subject to evaluation which is outside the scope of the biennial programming cycle.

The annual publication 'Council of Europe Programme and Budget' provides a lot of information relating to the 'immediate outcomes, some of which can be linked specifically to the work of the intergovernmental committees (in other cases, the performance indicators capture outcomes generated by activities across the Council of Europe as a whole). This information is analysed in Section 3.3 of this report.

A.2 KEY EVALUATION ISSUES

The Council of Europe's Evaluation Guidelines (page 38-39) define a number of key evaluation issues. We summarise these below:

In this assignment, the focus has been on three of these key evaluation issues – relevance, effectiveness and efficiency. Impacts, as defined above, would be difficult to assess without research involving the end users of the intergovernmental committees' outputs (e.g. national authorities and NGOs) although some indication was provided in the interviews with Permanent Representations and others. Added value can be assessed in evaluating effectiveness. Sustainability was not really a key issue in this assignment although there are issues relating to the Secretariats and their resourcing given the budget cuts the Council of Europe is faced with.

The Reference Group identified a number of other issues to be examined: the problem that member states do not always prepare adequately for committee meetings; the view that the role of the committees should not only focus on standard setting but also other functions; the question of

- ▶ **Relevance** – the extent to which the intervention is relevant to the Council of Europe's mandate and priority areas and addresses the identified needs of the target group(s).
- ▶ **Efficiency** - the extent to which the outputs have been delivered in a timely manner to achieve the intervention purpose (effect). A related issue is to what extent alternative working methods could have led to the achievement of comparable or better results with fewer resources or the same resources could have achieved increased outcomes? Specifically in relation to the Council of Europe, a key question is to what extent its organisational structure, managerial support and coordination mechanisms have effectively supported the delivery of the outcomes.
- ▶ **Effectiveness** – the progress made towards achievement of the expected results (based on the objectives set out in the committees' terms of reference, as modified from one year to another) and the reasons for the achievement or non-achievement of intended outcomes. A related question is to what extent beneficiaries have been satisfied with the results.
- ▶ **Impacts** - the extent to which the changes that have occurred (or are likely to occur) as a result of the intervention can be identified and attributed to the intervention. To what extent has the intervention generated unexpected outcomes?
- ▶ **Added value** – any impacts that have occurred that would have been difficult if not impossible to achieve without the intervention. Related to this is the question of the extent to which the Council of Europe demonstrates a clear comparative advantage vis-à-vis other international actors in the implementation of the intervention.
- ▶ **Sustainability** - the extent to which the benefits from the intervention will be maintained for a reasonably long period of time if the intervention were to cease.

how the objectives of the committees (and the role of Ministerial Conferences in this respect) are defined; and related to this, the issues of how the programme budgets are decided and how the committee system is provided with strategic direction (and the Committee of Ministers' role in this process).

Appendix B

Comparators

The four comparators have common features but also significant differences which make direct comparisons difficult. For example, the European Commission is a much bigger organisation, and is supranational rather than inter-governmental, and the ILO focuses on a much narrower subject matter. The committee system of each of the comparator organisations is summarised in the box below.

EUROPEAN COMMISSION

Although the European Commission is the only supranational organization among the four comparators, important lessons can be learned from the way its advisory bodies are structured. The committee system of the European Commission comprises two types of committees: Comitology committees and Advisory Groups. There are some 250 Comitology committees and 900 Expert Groups.

The comitology committees are made up of representatives of all member states. They have two different mechanisms for responding to measures proposed by the Commission: examination procedure (can block a decision of the Commission); and advisory procedure (cannot block a decision of the Commission). Advisory groups provide the Commission with specialist advice from external experts. There is no requirement for all member states to be represented and decisions are non-binding. Another specificity is that a Comitology committee is created via legislation and an advisory group is set up by the Commission. The Commission decides the agenda for both the Comitology committees and Expert Groups.

The committees provide opinions on a proposed measure – the opinions of the Comitology committee going through an examination procedure and adopted with a qualified majority are binding for the EC. The ones adopted by an advisory procedure or the expert groups are not binding for the EC.

ILO

The ILO is another UN body focusing on international standards – setting with long organizational history. Its committee system has been maturing for almost a century. The ILO has a tripartite governing structure that represents governments, employers and workers. Its work is conducted through three main bodies: the international labour conference, which sets the broad policies of the ILO; a Governing body that works as an executive council and meets three times a year to establish the ILO's work programme and budget; and the International Labour Office, led by a Director-General, which conducts the work of the ILO and functions as its secretariat. The Governing body and Labour Office are supported by tripartite committees of experts on issues such as health and safety and industrial relations, as well as committees representing major industries. The ILO committees are set up and disband by the ILO Governing Body.

The ILO has 6 Permanent committees as well a number of Tripartite committees and Ad-hoc committees.

OECD

The internal structure of the OECD also faced some reorganizations due to financial constraints in the mid - 1990s. Nevertheless, the interviews conducted confirmed that its current committee system has been working relatively well. The work of the OECD Council and the OECD Secretariat is supported by around 250 committees, Working Groups and Expert Groups. A typical OECD committee has several ad hoc/permanent subordinate bodies such as Working Groups, Working Parties, and Advisory Task Forces. It comprises Standing committees (Executive committee, External Relations committee a Budget committee), also Substantive committees and other subsidiary bodies and their substructures (i.e. sub-committees, groups created by the sub-committees, sub-groups created by bodies below that level). In total there are 80-90 different technical committees and 150 subsidiary committees as well as several temporary steering committees that compose the organization. The OECD committees are established by the OECD Council with a mandate to collect data for international benchmarking, consensus-building and standards setting. A committee can be set up and disband by the ILO Governing Body.

UNESCO

The General Conference of UNESCO is supported by more than 20 intergovernmental committees and Councils associated with UNESCO's major programmes. The committees also establish subsidiary bodies on an ad-hoc basis, as deemed necessary for the conduct of their work. Among its main committees approved at the 39th session of the General Conference, in November 2017 are: the Intergovernmental Council of the «Management of Social Transformations» Programme (MOST), the intergovernmental committee for Physical Education and Sport (CIGEPS) and the intergovernmental committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP).

There are currently 17 International and intergovernmental commissions, committees and programmes as well as a number of Ad-hoc committees, Consultative committees, and Steering committees

The intergovernmental committees of UNESCO are created and disbanded by its General Conference. The composition and the terms of reference (including mandate and duration of office) of subsidiary bodies are defined by the committees when they are set up.

Throughout its history, UNESCO has been confronted with complex issues related to its governance. Over the years, more and more structures and bodies added supplementary layers to its complex power structure. Institutes, international and intergovernmental programmes or organs creation was agreed as a part of several International Conventions signed by the organization.

In order to strengthen its coherence, effectiveness and efficiency, a Working group on governance, procedures and working methods of the governing bodies of UNESCO was created in 2016. Its ambition was to prepare a state-driven reform of UNESCO. It was open to the participation of all 195 States Members of the Organization. The internal consultations covered UNESCO's structure, rules of procedure, rules governing voting rights, role of its Bureau, organization of the session, agenda, relationship with the Executive Board and the Secretariat and composition of the electoral groups. The WG produced a list of 134 Recommendations providing several potentially interesting suggestions applicable also for the adaptation of the committee system of the Council of Europe.

Appendix C

Survey Data²⁶

A breakdown of survey responses by committee is provided below. More detailed survey data has been provided to DIO in a separate document.

26. The survey data was collected in the form of 424 survey responses in English and 92 in French.

COMMITTEE NAME	NUMBER OF RESPONDENTS
CAHAMA - Ad Hoc European Committee for the World Anti-Doping Agency	14
CAHDI - Committee of Legal Advisers on Public International Law	8
CAHENF Ad Hoc Committee for the Rights of the Child	20
CAHROM - Ad Hoc Committee of Experts on Roma and Traveller Issues	15
CCJ - Advisory Council on Youth	12
CCJE - Consultative Council of European Judges	19
CCPE - Consultative Council of European Prosecutors	22
CDCJ - European Committee on Legal Co-operation	17
CDCPP - Steering Committee for Culture, Heritage and Landscape	35
CDCT - Steering Committee on Counter-Terrorism	5
CDDG - European Committee on Democracy and Governance	32
CDDH - Steering Committee for Human Rights	26
CDEJ - European Steering Committee for Youth	20
CDMSI - Steering Committee on Media and Information Society	25
CDPC - European Committee on Crime Problems	18
CD-P-COS - Committee for Cosmetics and Consumer Health (Partial Agreement)	11
CD-P-MCA - Committee for Food Contact Materials and Articles (Partial Agreement)	9
CDPPE - Steering Committee for Education Policy and Practice	29
CD-P-PH - European Committee of Pharmaceuticals and Pharmaceutical Care (Partial Agreement)	12
CD-P-TO - European Committee on Organ Transplantation (Partial Agreement)	10
CD-P-TS - European Committee on Blood transfusion (Partial Agreement)	9
CJ -DAM - Committee of Experts on Administrative Detention of Migrants	10
CMJ - Joint Council on Youth	10
CPJ - Programming Committee on Youth	3
DH-BIO - Committee on Bioethics	26
DH-SYSC - Committee of Experts on the System of the European Convention on Human Rights	11
GEC - Gender Equality Commission	17
GEC-Sexism - Drafting Committee to Prevent and Combat Sexism	3
MSI-AUT - Committee of Experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence	4
MSI-JOQ - Committee of Experts on Quality Journalism in the Digital Age	7
PC-CP - Council for Penological Co-operation	16
PC-OC - Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters	21
PECS - European Social Cohesion Platform	12
No Committee Named	8

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The Council of Europe is the continent's leading human rights organisation. It includes 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

Le Conseil de l'Europe est la principale organisation de défense des droits de l'homme du continent. Sur ses 47 États membres, 28 sont aussi membres de l'Union européenne. Tous les États membres du Conseil de l'Europe ont signé la Convention européenne des droits de l'homme, un traité visant à protéger les droits de l'homme, la démocratie et l'État de droit. La Cour européenne des droits de l'homme contrôle la mise en œuvre de la Convention dans les États membres.