

EVALUATION OF THE COUNCIL OF EUROPE'S MONITORING MECHANISMS



May 2022

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Disclaimer

The analysis and recommendations in this report do not necessarily reflect the views of the Council of Europe or its member states. This is an independent publication by the Directorate of Internal Oversight.

Key personnel for the evaluation

External expertise and report authors

Carole Berrih, Evaluation team leader and report author
François-Xavier de Perthuis de Laillevault, Evaluator and report author

Directorate of Internal Oversight

Colin Wall, Director of Internal Oversight
Maria Goldman, Head of Evaluation Division
ad interim and evaluation manager
Cristina Matei, Evaluation assistant

Quality assurance

Edward R. McMahon, Independent evaluation consultant

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LIST OF ABBREVIATIONS

AC-FCNM	Advisory Committee on the Framework Convention for the Protection of National Minorities
CDDH	Steering Committee for Human Rights
CERD	United Nations Committee on the Elimination of Racial Discrimination
CM	Committee of Ministers
COMEX	Committee of Experts of the European Charter for Regional or Minority Languages
COP198	Conference of the Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSOs	Civil society organisations
DG	Directorate General
DGI	Directorate General of Human Rights and Rule of Law
DGII	Directorate General of Democracy
DIO	Directorate of Internal Oversight
DPB	Directorate of Programme and Budget
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ETUC	European Trade Union Confederation
EU	European Union
FATF	Financial Action Task Force
FCNM	Framework Convention for the Protection of National Minorities
FGD	Focus group discussion
FIACAT	Fédération internationale des ACAT (Action des Chrétiens pour l'Abolition de la Torture)
FRA	European Union Fundamental Rights Agency
FRONTEX	European Border and Coast Guard Agency
GRECO	Group of States against Corruption
GRETA	Group of Experts against Trafficking in Human Beings
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
GT-MON	Ad hoc Working Party on Monitoring
IC-CP	Committee of the Parties of the Council of Europe Convention on prevention and combatting violence against women and domestic violence
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
IMF	International Monetary Fund
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures

MM	Monitoring mechanisms
NGO	Non-governmental organisation
NPM	National preventive mechanism
OAS	Organization of American States
ODGP	Office of the Directorate General of Programmes
OECD-DAC	Development Assistance Committee of the Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PO	Director of the Private Office of the Secretary General and the Deputy Secretary General
PR	Permanent Representation to the Council of Europe
The Convention	European Convention on Human Rights
The Court	European Court of Human Rights
T-DO	Monitoring Group of the Anti-Doping Convention
T-MC	Follow-up Committee of the Council of Europe Convention on the Manipulation of Sports Competitions
T-RV	Standing Committee of the Convention on Spectator Violence
T-S4	Committee on Safety and Security at Sports Events (Saint-Denis Convention)
T-SG	Governmental Committee of the European Social Charter and the European Code of Social Security
THB-CP	Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings
ToC	Theory of change
ToRs	Terms of reference
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNEG	United Nations Evaluation Group
UNODC	United Nations Office on Drugs and Crime
UN SPT	United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

EXECUTIVE SUMMARY

The Council of Europe was set up to promote democracy and protect human rights and the rule of law in Europe. Its action is structured around three dimensions constituting a strategic “dynamic triangle” – standard setting, monitoring and co-operation. A number of monitoring mechanisms (MMs) have been set up by the Council of Europe in order to monitor compliance with its norms and standards and to ensure the proper implementation of international legal instruments. In recent years, the need for reviewing its activities has been highlighted on a number of occasions. This report is the evaluation of the various MMs that have been set up and implemented by organs of the Council of Europe and by convention-based and resolution/declaration-based mechanisms. The present evaluation focuses on the functioning of the MMs and not on the changes and impacts they induce in the member states.

The evaluation focuses on learning and presents a strong prospective component, including the identification of lessons learned from past experience and good practices, and the provision of recommendations for future interventions. The report aims to be used to identify potential gaps, obstacles, areas of improvement, lessons learned and good practices, and to guide future interventions and reform process, for the secretariats and members of the MMs, the senior and top management of the Council of Europe, the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, and national authorities. It also intends to provide information to the member states’ representatives working in the thematic areas concerned, representatives of other international organisations working on the topic of monitoring, and the general public. To that end, this evaluation uses the criteria of relevance, effectiveness, efficiency and added value. Gender equality and equity are analysed as cross-cutting issues.

The evaluation team adopted mixed qualitative and quantitative data collection and analysis methods in order to ensure data reliability and validity through triangulation: review of literature, case study, semi-structured interviews, focus group discussion, surveys and stocktaking. The executive summary only presents key findings.

The evaluation team considers the MMs to be relevant. Monitoring is one of the most important features of the Council of Europe’s work: the results of monitoring are often used to identify priorities for co-operation activities and MMs may be involved in creating new norms and standards. However, although all MMs are officially considered as priorities per se, in practice some mechanisms may appear to have higher priority than others. *A de facto* prioritisation may emerge, mostly due to the political weight of the themes addressed by the MM, which is directly linked to the political weight of the related conventions or other texts establishing them. Nevertheless, in recent years there has been a desire to rebalance some priorities and a willingness to undertake reforms to increase the effectiveness and impact of the MMs. Considering that MMs represent priority themes among those covered by the Council of Europe, not all the Council of Europe’s work themes are covered by a MM. Despite the existence of interactions between the fields of action of different MMs, there is no general duplication or overlap between the mechanisms because of co-ordination and understanding of the respective mandates. In addition, MMs have demonstrated an ability to identify good practices from the practices, tools and procedures of other MMs. However, this system is mostly effective at MMs’ secretariat level and tends to exclude new or less connected members of the secretariat, and depends on the willingness of secretariats to exchange externally. Gender equality and, to a lesser extent, equity are increasingly considered in the activities of the MMs, but this consideration depends on the MMs. MMs include a monitoring and evaluation system, which allows potential challenges to be identified. Generally, the activities carried out in the framework of monitoring are appreciated by the states, although they appear burdensome in some MMs.

The evaluation team considers that the MMs are generally effective: all MMs are carrying out monitoring activities, except the very recent ones. The analysis revealed that the existing activities and operating procedures allow the MMs to fulfil their mandate, in particular because they allow for a high quality of analysis, as a result of the working methods and profile of the experts involved. However, some MMs have more difficulties than others in fulfilling their tasks, and many MM members feel that further improvements are possible. As the MMs are very different, the elements that could be improved are not the same from one MM to another. The analysis demonstrated that the trust relationship with the MMs is fostered by certain types of MMs. Co-ordination between MMs is average, with the exception of some mechanisms that have implemented specific activities to exchange with other MMs. Co-ordination within the strategic triangle, which is considered to be essential in particular to build the confidence of states through links with co-operation, is generally viewed more

positively. However, this co-ordination is not considered to be adequate for a few MMs with complicated outputs to monitor or who lack staff members. Overall, the link between the MMs and the CM is not considered as optimal, in particular with regard to the follow-up of non-conformity findings.

The evaluation team considers that the efficiency of the MMs could be improved for some MMs. The “zero growth” budget policy has an impact on the availability of resources for the MMs, as, except for one, MMs cannot rely on extra-budgetary resources. The level of adequacy between financial resources and needs varies greatly between MMs. The “zero real growth” policy raises questions, as new MMs continue to be created. Moreover, some MMs have human resource constraints, whether due to low financial resources or to vacancies that are not filled, or positions that are filled by temporary staff, because of the long and cumbersome external recruitment process. In order to maintain a high level of quality, MMs may rely heavily on permanent secretariat staff or on overworked members of MMs. Although the level of motivation expressed is high, this has an impact on the work of the MMs. Apart from these difficulties, the majority of MMs consider that material resources are adequate, although the evaluation team believes that the use of new technologies could be enhanced to facilitate the reception of data, and that the visibility of MMs’ products could be improved (website, social media). While the timeliness of reporting and the time frame for analysis of national situations are generally considered to be good, in part because of rapid reaction procedures, they are considered too long in some MMs. A very positive aspect is the adaptation of the MMs to the Covid-19 context. It is clear from the analysis that most of the MMs have adapted their methods, to ensure continuity in their work. Several methods of quality control are in place within the MMs to ensure the consistency of the MMs’ results. These methods vary from one MM to another, and also depend on the human resources available to perform this work.

The added value of the Council of Europe’s MMs compared to other mechanisms is generally considered to be high. This is the result of several cumulative factors: specific working methods, which enhance the relevance of recommendations and the impact of outputs, geographical proximity and limited number of countries, which facilitate dialogue, and the importance of other Council of Europe mechanisms and bodies, notably the Court and the co-operation dimension. In terms of complementarity with mechanisms external to the Council of Europe, there are significant differences between MMs. Attempts to include external institutions have not always been successful, but there seems to be a willingness to work towards strengthening the relationship with external institutions. In addition, the link between the MMs and external institutions has already proven to be important in some cases, as illustrated by the use of MMs’ outputs by international and regional institutions.

In conclusion, this report shows that the MMs fully contribute to the objectives of the Council of Europe. The evaluation team consider that, while MMs are currently fulfilling their mandate, several aspects may be improved or modified to increase their effectiveness and efficiency. This report could be a useful tool to guide some changes. As a way forward, this evaluation has identified key recommendations.

Recommendations

1. **Facilitate follow-up given to monitoring mechanisms’ recommendations by the CM and states.**
2. **Provide all monitoring mechanisms with the resources needed to deliver quality and relevant products.**
3. **Ensure there is a forum for discussing good practices and working methods.**
4. **Increase the direct dialogue between monitoring mechanisms and states.**
5. **Increase the co-operation and co-ordination between monitoring mechanisms.**
6. **Further strengthen gender mainstreaming and consideration of equity in monitoring mechanisms.**
7. **Reinforce the links between the monitoring and co-operation dimensions of the strategic triangle.**
8. **Establish secure online data collection tools to make public resources and other non-confidential information available monitoring mechanisms and other stakeholders.**
9. **Increase the accessibility and the visibility of monitoring mechanisms’ products.**

1. INTRODUCTION

1.1. General context

The Council of Europe was set up to promote democracy and protect human rights and the rule of law in Europe. Its action is structured around three dimensions constituting a strategic “dynamic triangle” – standard setting, monitoring and co-operation.

The development of legally binding standards is linked to their monitoring by several mechanisms and supplemented by technical co-operation to facilitate their implementation.¹ The three dimensions of the “dynamic triangle” are defined as follows by Council of Europe’s Programme and Budget 2020-2021:²

- ▶ Standard setting includes activities aimed at the drafting 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.
- ▶ 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.
- ▶ 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 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.

Presentation of Council of Europe’s monitoring mechanisms

The member states of the Council of Europe are required to respect their obligations under the Statute of the Council of Europe, the European Convention on Human Rights and other conventions or treaties to which they are parties, as well as to observe a number of principles and standards established since the creation of the Council of Europe with regard to pluralistic democracy, human rights and the rule of law. Member states’ compliance with commitments is a key component of the Council of Europe. In order to monitor compliance with its norms and standards and to ensure the proper implementation of international legal instruments, the Council of Europe has set up a number of monitoring mechanisms (MMs). Monitoring procedures are implemented by statutory organs of the Council of Europe (hereafter the “statutory organs of the Council of Europe”) or by non-statutory bodies (hereafter the “non-statutory bodies of the Council of Europe”).³ Some MMs have been set up by specific treaties (hereafter “convention-based mechanisms”), others by Committee of Ministers (CM) resolutions or declarations (hereafter resolution/declaration-based mechanisms”).

Mechanisms can further be classified into three categories: mechanisms composed of independent members, mechanisms composed of state representatives, and MMs with a dual system, incorporating a mechanism composed of independent experts and a committee composed of state representatives.⁴

The definition of “monitoring” provided in the Council of Europe Programme and Budget refers only to monitoring activities and does not define what a monitoring mechanism is. Therefore, there are differing interpretations of this concept within the Council of Europe.⁵ This issue will be discussed in more detail in the report itself.⁶ For the purposes of this evaluation, the mechanisms that are considered as MMs are those that mention the

1. [Appendix 1: Terms of reference.](#)

2. Council of Europe (2019), *Programme and Budget 2020-2021*, p. 14.

3. The evaluation team takes up the distinction between statutory bodies and other bodies made by the Ad hoc Working Party on Monitoring (GT-MON) in its information paper published in February 2021 and presented in March 2021: Committee of Ministers, *Ad hoc Working Party on Monitoring – Information document on monitoring mechanisms in the Council of Europe*, CM(2021)50-final, 2021. The evaluation team added an additional distinction between convention-based and resolution/declaration-based mechanisms.

4. The different types of mechanisms are discussed in section 3.2.5.2.

5. According to several interviews conducted during the inception phase in September and October 2021, and during the mission in Strasbourg in December 2021.

6. See section 3.2.2.

performance of monitoring activities in their founding texts or rules of procedures. The founding texts or rules of procedures of the Commissioner for Human Rights and the European Court of Human Rights (the Court) do not specify any “monitoring” activity as such. These bodies will therefore not be considered in the report.⁷

A list of Council of Europe’s MMs is presented in Table 1 and further detailed in Appendix 2.⁸

Table 1: Council of Europe’s monitoring mechanisms (in alphabetical order, according to each type of mechanism)⁹

Monitoring by statutory organs of the Council of Europe	<ul style="list-style-type: none"> – Committee of Ministers (CM) – Parliamentary Assembly’s Committee on the Honouring of Obligations and Commitments by Members States of the Council of Europe (PACE’s Monitoring Committee)
Monitoring by non-statutory bodies	<ul style="list-style-type: none"> – Congress of Local and Regional Authorities
Monitoring by convention-based mechanisms	<ul style="list-style-type: none"> – Advisory Committee on the Framework Convention for the Protection of National Minorities (AC-FCNM) – Committee of Experts of the European Charter for Regional or Minority Languages (COMEX) – Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) – Committee of the Parties to the MEDICRIME Convention – Committee on Safety and Security at Sports Events (T-S4) – Conference of the Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (COP198) – European Committee for the Prevention of Torture (CPT) – European Committee of Social Rights (ECSR), and Governmental Committee of the European Social Charter and the European Code of Social Security (T-SG) – Follow-up Committee of the Council of Europe Convention on the Manipulation of Sports Competitions (T-MC) – Group of Experts against Trafficking in Human Beings (GRETA), and Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings (THB-CP) – Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), and Committee of the Parties of the Council of Europe Convention on prevention and combating violence against women and domestic violence (IC-CP) – Group of Specialists on Access to Official Documents – Monitoring Group of the Anti-Doping Convention (T-DO) – Standing Committee of the Spectator Violence Convention (T-RV) – Standing Committee of the Bern Convention

7. The GT-MON report had included the Commissioner for Human Rights in its analysis of MMs but had made it clear that it was “not a standard monitoring mechanism, but its activities are relevant in terms of the mandate of the Working Party”. Committee of Ministers (2021), *Ad hoc Working Party on Monitoring – Information document on monitoring mechanisms in the Council of Europe*, CM(2021)50-final, p. 3.

8. Four MMs that were not identified in the evaluation ToRs were added: the Follow-up Committee of the Council of Europe Convention on the Manipulation of Sports Competitions (T-MC), the Committee of the Parties to the MEDICRIME Convention, the Committee on Safety and Security at Sports Events (T-S4) and the Group of Specialists on Access to Official Documents.

9. The list of convention-based and resolution/declaration-based mechanisms presented in Table 1 partially reflects the list in the following document: *Council of Europe Committees with a mandate based on a Council of Europe Convention or a Resolution of the Committee of Ministers, including partial and enlarged agreements. State of play on 1 May 2021*. The evaluation also included the Conference of the Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (COP198) and the Committee of Parties to the MEDICRIME Convention which were not mentioned in the document.

Monitoring by resolution/ declaration-based mechanisms

- Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL)
- European Commission against Racism and Intolerance (ECRI)
- Group of States against Corruption (GRECO)

The need to review MMs' activities

The need for reviewing MMs' activities has been highlighted on a number of occasions. In 2019 and 2021, the CM and the PACE have both called for "a stronger and more structured co-ordination between the monitoring activities" of all MMs, without prejudice to their independence.¹⁰ In her Strategic Framework of the Council of Europe published in 2020, the Council of Europe's Secretary General stressed the need to "achieve closer co-operation and synergies among and between kin or similar monitoring mechanisms and to avoid duplication of their work".¹¹ She underlined that reporting obligations and schedules are often demanding and cumbersome. According to her report, this situation has resulted in a "monitoring fatigue", which "can lead to important delays in the monitoring cycles and could result in jeopardising the key achievements and fundamentals of the monitoring system".

The Secretary General made a number of proposals to be implemented over the four-year period 2022-2025 aimed at strengthening cohesion and synergies among and between the Council of Europe's MMs: "Facilitating reporting obligations under monitoring mechanisms, particularly by aligning monitoring and reporting (similar to the UN practice of a single "core document") for several monitoring mechanisms with targeted questionnaires between the monitoring cycles. Achievement of enhanced co-ordination (alignment of visits, joint visits etc.) at the level of the Organisation, as well as with respect to the monitoring activities of other international organisations".¹² She also called for a closer dialogue between the CM and the PACE to enhance synergy and co-ordination and avoid duplication between the PACE's monitoring procedure and other MMs of the Council of Europe, and for further strengthening with other international organisations.

In January 2021, an Ad hoc Working Party on Monitoring (GT-MON) was set up with the mandate to examine the Secretary General's proposals. The GT-MON produced a report on Council of Europe monitoring which describes the MMs, mentions a series of challenges, as shown in the box below,¹³ and points out a number of good practices, from the point of view of the GT-MON.

Challenges faced by the Council of Europe's MMs according to the GT-MON report

- CM monitoring may not be sufficiently foreseeable and may have no defined ending.¹⁴
- CM monitoring procedures may concern only a few countries and are sometimes perceived not to have been applied to other member states where similar, pressing issues have emerged.
- Dialogue between the CM and the PACE may not be sufficient.
- There may be duplication between these MMs and other Council of Europe's MMs.
- Some standards may be monitored by more than one MM, potentially leading to inconsistencies and duplication.
- Council of Europe's reaction time may be too slow when pressing needs arise, due to the length of periodic evaluation cycles.
- There may be a recurrence of cases where the opinion and recommendations of MMs are ignored.
- There may be harsh criticisms faced by some MMs for merely carrying out their mission.

According to the GT-MON's report, the good practices that have been implemented by several MMs include: increasing capacity for rapid reaction and flexibility; developing mechanisms for ad hoc action; implementation of joint visits to member states; existence of cross-fertilisation with respect to working methods; and co-operation on issues of substance.¹⁵

10. Parliamentary Assembly, *Resolution 2369*, April 2021, para. 22. CM (2019); *Annotated Agenda of the 129th session of the Committee of Ministers* (Helsinki, 16-17 May 2019).

11. Secretary General (2020), *Strategic Framework of the Council of Europe*, SG/Ing(2020)34.

12. Ibid.

13. CM (2021), *Ad hoc Working Party on Monitoring*.

14. Ibid., p. 2.

15. Ibid.

In its Resolution 2369 (2021), the PACE, noting that “it would be beneficial to examine more efficient ways of co-ordinating monitoring activities with other international organisations, including the United Nations, in order to achieve better synergy, avoid unnecessary duplication and alleviate the reporting burden for member states”, indicated that “it stands ready to engage in a constructive institutional dialogue on this matter and will evaluate its own monitoring activities”.¹⁶

During the 131st session of the CM that took place in Hamburg in May 2021, the CM endorsed a report prepared by its deputies regarding the MMs.¹⁷ The report recalled a number of challenges faced by Council of Europe’s MMs, and made several proposals for reform:

- ▶ ending the CM’s ongoing country-specific post-accession monitoring procedures, while continue to act under the 1994 Declaration and to use the thematic monitoring procedure;
- ▶ undertaking dialogue with the PACE, having regard to their respective mandates;
- ▶ reinforcing co-ordination between MMs, including facilitating reporting and streamlining the drafting of state reports;
- ▶ reinforcing co-ordination between MMs and equivalent mechanisms in other international organisations;
- ▶ making full use of modern technologies to increase efficiency and visibility and to facilitate dialogue with member states;
- ▶ considering creating a portal on the Council of Europe’s website that functions as a “one-stop shop” to facilitate access.

During the Hamburg session, the deputies indicated that they “would welcome pragmatic proposals for enhancing the co-ordination, effectiveness and impact of monitoring mechanisms, and would invite all the stakeholders, in particular the mechanisms themselves, to contribute”.¹⁸

During the same session, the CM adopted its decision on the “Strategic Framework of the Council of Europe and forthcoming activities” in the coming four years. The CM instructed the deputies to “ensure a proper follow-up” of the MMs, and “invited the Secretary General to continue her regular dialogue with the chairs of the monitoring bodies with a view to strengthening synergies and co-ordination and to report back in time for the Ministerial Session in May 2022”.¹⁹ Since that session, several activities have been carried out in this direction.

1.2. Description and logic of intervention of evaluated object

The object of evaluation relates to the MMs that have been set up and implemented by Council of Europe organs and by convention-based and resolution/declaration-based mechanisms. The MMs are not circumscribed in one specific action or programme. The type, nature, functioning and date of creation differ from one MM to the other. Some MMs, such as the CPT, have been in existence for more than 30 years, others, such as the T-S4, are more recent. Some MMs, such as the AC-FCNM and COMEX, have undergone reform recently, others, such as ECSR and T-SG, are in the process of reform. In the Programme and Budget 2020-2021, the monitoring activities are inscribed in three thematic pillars of the Council of Europe: human rights, the rule of law and democracy (for the democracy pillar, the only monitoring body is the Congress of Regional and Local Authorities, which is outside the scope of the evaluation).

The present evaluation focuses on the functioning of the MMs and not on the changes and impacts they induce in the member states.²⁰ The evaluation does not assess the Programme and Budget of the Council of Europe. During the inception phase, the evaluation team constructed a logic of intervention,²¹ based on a review of documents provided by the Council of Europe, taking into account the initial theory of change, the

16. PACE (2021), para. 22.

17. CM, *Report on Council of Europe monitoring – strengthening cohesion and synergies*. 131st Session of the Committee of Ministers (Hamburg, Germany, 21 May 2021), CM(2021)50-final, 28 April 2021.

18. CM, *The Strategic Framework of the Council of Europe and forthcoming activities*. 131st Session of the Committee of Ministers (Hamburg (videoconference), CM/Del/Dec(2021)131/2a, 21 May 2021.

19. Ibid.

20. For this reason, the team does not use the theory of change (ToC) described in the ToR which includes the impact of the MMs but uses the logic of intervention validated in the inception report.

21. The terminology “theory of change” has been deliberately omitted in this evaluation, in order to avoid confusion between the theory of change of this evaluation and the theory of change of the Programme and Budget of the Council of Europe. The intervention logic presented here nonetheless overlaps with the notion of “theory of change” as implemented according to international evaluation standards.

terms of reference (ToRs) and other documents. The logic of intervention is detailed below and schematically depicted in Appendix 3.

The logic of intervention starts by describing activities aiming to address potential bottlenecks that have been identified by the review of documents. Those designed activities sought to produce certain outputs,²² which themselves would trigger change at the outcome²³ and, ultimately, impact levels. The key hypothesis of the logic of intervention is the following: If MMs are well co-ordinated both within the Council of Europe and externally, and fulfil their mandate, they will provide added value to the decision making and strategic intervention design of member states, which will ultimately ensure the implementation of the highest standards of democracy, human rights and the rule of law for the benefit of everyone in Europe.

Table 2: Evaluated object: monitoring mechanisms

Overall value	Unknown since the implementation
Duration	Different years of implementation according to each MM. Evaluation takes the period 2016-2021 into consideration ²⁴
Location	Member states and other states participating in the MMs (depending on the MMs)
Outputs	Output 1: MMs fulfil the mandate assigned to them Output 2: MMs are co-ordinated at internal level (within Council of Europe) Output 3: Complementarity is enhanced between MMs and external institutions
Outcome	MMs (Council of Europe's organs and convention-based and resolution/declaration-based mechanisms) support decision making and strategic intervention design of member states

1.3. Stakeholders' analysis

The following section presents stakeholders that have been involved in the planning or implementation of the MMs and outlines their role and contribution, based on the documentation analysed.

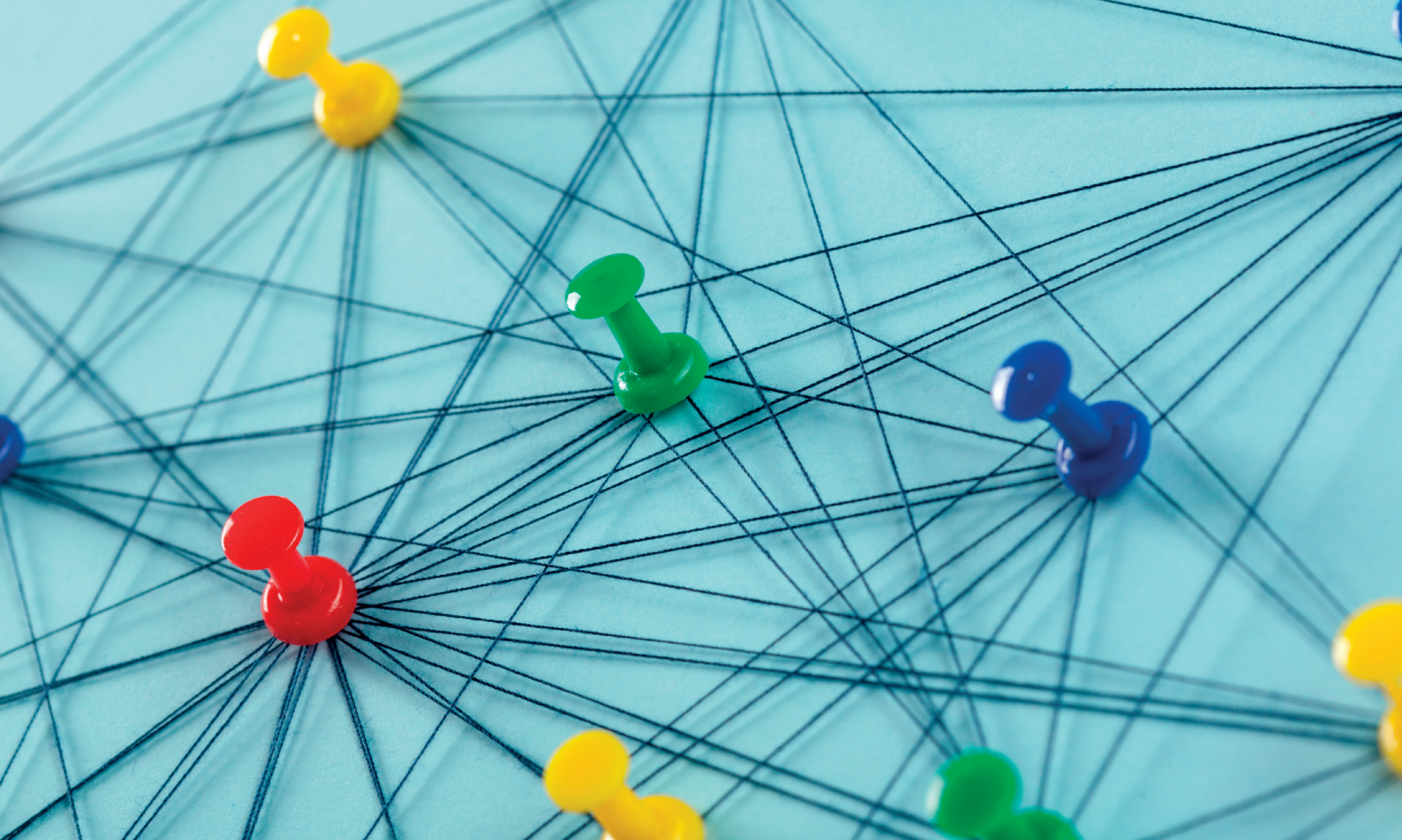
- The Council of Europe's MMs are presented in Table 1 and in [Appendix 2](#).
- A number of international institutions co-operate with Council of Europe's MMs. They exchange information and facilitate synergies at international level. The list includes, but is not limited to: the United Nations Office of the High Commissioner for Human Rights (OHCHR), the United Nations Committee on the Elimination of Racial Discrimination (CERD), the United Nations Subcommittee on Prevention of Torture (SPT), the United Nations Office on Drugs and Crime (UNODC), the Inter-Agency Coordination Group against Trafficking (ICAT), Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW), the Organization for Security and Co-operation in Europe (OSCE), including the Office for Democratic Institutions and Human Rights (ODIHR), the European Union's Fundamental Rights Agency (FRA), the Financial Action Task Force (FATF), the Organisation for Economic Co-operation and Development (OECD), the Organization of American States (OAS) and the World Anti-Doping Agency (WADA).
- Several non-governmental organisations (NGOs), civil society organisations (CSOs) and trade unions participate in the monitoring process, providing information to the MMs, observing the meetings, or initiating collective complaints (before the ECSR social partners).
- Links have been developed between the MMs and stakeholders involved in the standard setting and co-operation dimensions of the Council of Europe.

22. In the framework of the logic of intervention designed for this evaluation, an output is defined as a product that is directly attributable to the implementation of the MM. This notion does not necessarily overlap with the output as defined in the Programme and Budget documents of the Council of Europe.

23. In the framework of the logic of intervention designed for this evaluation, an outcome is defined as the change that results from the implementation of the MM. This notion does not necessarily overlap with the outcome as defined in the Programme and Budget documents of the Council of Europe.

24. See below, section 2.1.3.

- ▶ The Council of Europe's Secretary General is responsible for defining and proposing to the member states the priorities of the Council of Europe. She is fully engaged in the reflections on ways to further strengthen cohesion and synergy among and between the MMs.
- ▶ The final beneficiaries are the member states, who are to benefit from the monitoring, with the aim of fulfilling their obligations under Council of Europe standards, and the people of these member states, who are to enjoy their rights.



2. EVALUATION FRAMEWORK

2.1. Evaluation purposes, objectives and scope

2.1.1. Evaluation purposes

The evaluation of the MMs was included in the work programme of the Direction of Internal Oversight (DIO) in order to gain insights into their relevance, effectiveness, efficiency and added value. The evaluation is mostly formative:²⁵ it more particularly focuses on learning and presents a strong prospective component, including the identification of lessons from past experience and good practices,²⁶ and the provision of recommendations for future interventions. The evaluation also identifies the possibilities of developing synergies and benchmarks against mechanisms in other organisations.

In accordance with the ToRs ([Appendix 1](#)), the report aims to be used as a source of information by several intended users.

- ▶ To identify obstacles, areas of improvement, lessons learned and good practices (including through the analysis of potential good practices identified by Council of Europe bodies), and to guide future interventions and reform process: the secretariats and members of the MMs, the senior and top management of the Council of Europe, the CM and the PACE, and national authorities.
- ▶ For information purposes: the member states' representatives working in the thematic areas concerned, representatives of other international organisations working on the topic of monitoring, and the general public.

25. A formative evaluation focuses on continuous improvement. Its aims are to improve the design or performance of a project or programme, while a summative evaluation measures outcomes against predetermined goals and framework.

26. For the purpose of the evaluation, good practices are practices that improve the quality of the outputs and/or that facilitate the implementation of monitoring activities, according to the interviews and surveys. The relevance of the implementation of good practices by MMs must be considered according to each MM's mandate and procedures.

2.1.2. Evaluation objectives

To respond to the evaluation purposes, this evaluation seeks to assess the MMs' performance and to draw up conclusions, lessons learned and recommendations. To that end, this evaluation is based on the adapted standard evaluation criteria of the OECD-Development Assistance Committee (OECD-DAC). This evaluation follows the criteria presented in the Council of Europe's Evaluation Guidelines: relevance, effectiveness,²⁷ efficiency and added value.²⁸ In accordance with the ToRs, the evaluation does not seek to analyse the MMs' impact on the member states or people (in terms of adoption of new legislation, change of practices, etc.), nor their sustainability.

The following table details key evaluation questions (KEQs). The question relevant to the analysis of the interaction between the CM and PACE is indicated by an asterisk.

Table 3: Key evaluation questions²⁹

Relevance: To what extent are the activities and outputs of the MMs consistent with the intended results, Council of Europe priorities and needs of member states?
To what extent do the Council of Europe's bodies (Secretary General, CM and PACE) consider the monitored areas as a priority?
Are the thematic areas of work of the Council of Europe covered by the scope of the monitoring of the MMs (for instance, existence of gaps in monitoring)? *
How appropriate are the MMs' activities and outputs for the achievement of their specific objectives (potentially useful activities missing and/or conducted activities not appropriate)?
To what extent are Council of Europe MMs' activities aligned with needs of member states?
To what extent are MMs' scopes clearly identified in their founding documents and amendments and do not duplicate other Council of Europe MMs? *
If a monitoring and evaluation system exists in the MMs: How relevant is the MMs monitoring and evaluation system to the MMs' needs?
To what extent do MMs identify lessons learned from internal and external monitoring practices, tools and procedures?
To what extent have the MMs' activities and outputs integrated gender equality and equity into their design?
Effectiveness: To what extent and how have the MMs achieved the outputs and the outcome?
To what extent do MMs fulfil the mandate assigned to them?
To what extent are MMs co-ordinated at internal level (within Council of Europe between MMs and between the dimensions of the "strategic triangle")?
To what extent is complementarity enhanced between MMs and external institutions?
To what extent do MMs (Council of Europe's organs and convention-based and resolution/declaration-based mechanisms) support decision making and strategic intervention design of member states, including in terms of gender equality and equity?

27. In this evaluation, effectiveness is analysed through the three outputs and the outcome presented in the logic of intervention. The effects produced by the MMs on member states or on their citizens are not analysed.

28. The criterion of "added value" is not part of the OECD-DAC evaluation criteria, unlike those of relevance, effectiveness and efficiency. According to the Council of Europe Evaluation Guidelines, the "added value" relates to the "ability of the Council of Europe, through its specific approach, composition and working methods to make a significant contribution". Although this criterion appears linked to other OECD-DAC criteria, the evaluation team analyses it separately, in conformity with the Council of Europe Evaluation Guidelines.

29. The evaluation team has done an in-depth review of the originally proposed KEQs and sub-questions of the ToRs and several amendments or additions were made. These include specifying general questions, adding new questions on gender equality and equity, repositioning questions across the criteria and placing some elements as indicators instead of evaluation questions. Changes to the initial ToRs are indicated in italics.

Were there unintended outcomes (positive and negative) produced due to the activities and operating procedures of the MMs?
Efficiency: To what extent is the work of the MMs efficient?
To what extent are the financial, human and material resources of Council of Europe MMs adequate to implement monitoring activities in order to produce quality outputs (particularly technological systems for data collection, discussions between MMs' members, visibility of reports, etc.)?
To what extent are stakeholders in the member states engaged during the monitoring process and supported in the implementation of recommendations?
To what extent is the mobilisation of resources optimal for the observed outcome (evidence of greater results or better quality of MMs interventions for actions that have mobilised the most resources)?
To what extent are the monitoring practices (country visits, online meetings, etc.), the quality and the timing (products delivered on time and response to potential delays, for instance in the contexts of Covid-19) useful?
If a monitoring and evaluation system exists in the MMs: to what extent does the system result in positive change of practices and procedures?
Added value: To what extent are the MMs providing added value?
In comparison to other international MMs, what is the perception of member states of the contribution of Council of Europe MMs in their decision making and strategic intervention design, (including gender equality and equity)?
To what extent has the complementarity with mechanisms working on same issues outside the Council of Europe led to increased results in the same sector?

Appropriate data collection methods and tools have been developed, as set in the Council of Europe Evaluation Guidelines, and UNEG's Norms and Standards, and take into account UNEG's Ethical Guidelines for Evaluation. All interviews will follow an evaluation matrix³⁰ and tools³¹ that have been specifically designed for this evaluation. The ethical principles can be consulted in Appendix 6.

2.1.3. Evaluation scope

Scope of the evaluation

In accordance with the ToRs, the object of evaluation relates to some specific aspects of the monitoring by Council of Europe's statutory organs and of monitoring by convention-based and resolution/declaration-based mechanisms:

- ▶ Monitoring by statutory organs of the Council of Europe: the evaluation analyses the interaction between the monitoring systems of the CM and of the PACE. The evaluation of the functioning of the monitoring of the CM and of the PACE, as well as the interactions between the statutory organs and non-statutory bodies of the Council of Europe, is outside the scope. The complementary procedure between the CM and the PACE developed in 2020 is not part of the monitoring system and is thus outside the scope of the evaluation.
- ▶ Monitoring by convention-based and resolution/declaration-based mechanisms: the evaluation considers the general functioning of all convention-based and resolution/declaration-based mechanisms. Considering the limited resources, and as indicated in the ToRs, the evaluation does not analyse all MMs in depth. A sample of four (4) mechanisms is analysed in more detail.³²

Monitoring by non-statutory bodies of the Council of Europe is outside the scope of the evaluation. Activities that contribute to monitoring but are not specified as such in the founding texts or rules of procedures of those bodies, such as the activities of the Human Rights Commissioner and the Court, are outside the scope of

30. [Appendix 4.](#)

31. [Appendix 5.](#)

32. See section 2.2.2. and [Appendix 8](#) for the sampling method and results.

the evaluation. Besides, the ToRs do not include the Court and the Congress of Local and Regional Authorities in the scope of the evaluation.

Period covered by the evaluation

The ToRs ([Appendix 1](#)) do not specify a period of time for the analysis of the MMs although they refer to the analysis of the most recent works. Following discussions with the DIO, the evaluation focuses on the period January 2016-June 2021. However, the evaluation considers the significant evolutions of MMs until December 2021.

2.2. Data collection methods and sampling

The evaluation team adopted mixed qualitative and quantitative data collection methods: review of literature, case study, semi-structured interviews, focus group discussion (FGD), surveys and stocktaking. Although observation was identified as a possible method of data collection, the evaluation team could not use this method due to the confidentiality of the discussions in the MMs' plenary meetings. All data collection tools are presented in [Appendix 5](#).

2.2.1. Review of literature

The evaluation consultants examined the available policy documents and literature relevant to the MMs throughout the evaluation. The list of documents analysed is provided in [Appendix 7](#).

2.2.2. Case study

The purpose of the case study analysis is to provide an in-depth analysis of the evaluation criteria through evaluative questioning related to practical implementation of the MMs. The case studies enriched the analysis based on practical examples of the MMs' strengths and weaknesses, related to each of the three outputs described in the ToC, as well as the identification of good practices and potential synergies. Although other MMs are included in the data collection through other methods,³³ the selection of case studies adds specific value to the analysis through their respective characteristics. The case study analysis only applies to non-statutory bodies.

Four MMs were identified on the basis of a set of criteria: their type, the presence of strong external links between the MM and other institutions, whether they have been recently reformed or are in the process of being reformed, whether there has been a recent increase in demand, whether there has been a recent evaluation, the directorate to which they are attached, the number of states monitored, the year in which they were set up, and their method of monitoring (with or without country visits):³⁴

- ▶ European Committee for the Prevention of Torture (CPT): The CPT is one of the oldest MMs of the Council of Europe. It is an independent mechanism that performs country visits. In the area of external co-operation, the CPT and the United Nations SPT have agreed to co-operate and consult each other with a view to avoiding duplication and to enhancing the effectiveness of their work.
- ▶ European Committee of Social Rights (ECSR) and the Governmental Committee of the European Social Charter and the European Code of Social Security (T-SG): the European Social Charter monitoring mechanisms consists of a dual system, with two monitoring procedures: a reporting procedure and a collective complaints procedure. It does not perform country visits. It has recently taken steps to streamline some aspects of its procedures and to make reporting more targeted and strategic. This mechanism is currently undergoing a reform process. To this end, a working group GT-CHARTÉ has been set up. Concerning the ECSR, the aim of the evaluation is not to duplicate the reform work that is being implemented, but to look at its working system, to understand its good practices and challenges.
- ▶ MONEYVAL: MONEYVAL is a peer-review MM, which is responsible for the mutual evaluation process for all of its countries/territories. It is part of the global network which includes eight other regional bodies: Asia/Pacific Group on Money Laundering, Caribbean Financial Action Task Force, Eurasian Group, Eastern and Southern Africa Anti-Money Laundering Group, Central Africa Anti-Money Laundering Group, Latin America Anti-Money Laundering Group, West Africa Money Laundering Group, and Middle East and

33. See sections 2.2.3., 2.2.4. and 2.2.5.

34. Criteria used for the sampling of case studies, see Appendix 8. The selection of case studies was approved by the Reference Group during the inception phase.

North Africa Financial Action Task Force. It performs country visits. In the area of external co-operation, MONEYVAL co-operates with several institutions, such as the International Monetary Fund, the World Bank and the Egmont Group. Within the Council of Europe, it has special links through permanent communication and co-operation with other MMs.

- The Lanzarote Committee: The Lanzarote Committee was established in 2010. It does not carry out country visits as part of its periodic monitoring procedure but may do so in urgent cases. The number of states parties has grown rapidly, as has its workload. The Committee is reviewing its working methods and strengthening its secretariat.

2.2.3. Semi-structured interviews and focus group discussion

Semi-structured interviews were preferred over other type of interviews because they are qualitative research methods that provide enough space to the interviewee to express themselves freely, while following a set of structured themes set out in a previously established interview guide. This type of method is used to guarantee that all the questions of interest to the person doing the analysis are covered, and to compare results between the different persons questioned. In addition to the semi-structured interviews, one FGD was held with several representatives of MMs' secretariats, with the aim of exchanging information on MMs' operating practices. This FGD was implemented with MMs that were not selected in the case studies.

Discussions took place in Strasbourg, during a mission of the evaluation team in December 2021, or remotely between December 2021 and January 2022. Some planned face-to-face meetings were held remotely due to the health crisis. A total of 83 people (39 women and 44 men) were interviewed:³⁵ 49 Council of Europe staff members, 18 MMs members,³⁶ 11 permanent representatives of the member states of the Council of Europe and five members of international organisations or NGOs.³⁷

2.2.4. Surveys

This data collection method was selected because it enabled the evaluation team to reach a large number of respondents. Three online surveys ([Appendix 5.2](#)) were conducted to gain knowledge on the perceived strengths and weaknesses of the MMs: one survey for representatives of MMs composed of independent experts, one for representatives of MMs composed of state representatives and one for MMs "contact persons" at national level who are not MMs members. To ensure a high rate of responses and for ease of analysis, the questionnaires were deliberately kept short (less than 30 questions). The questionnaires were composed of a mix of open-ended and closed-ended questions. All MMs were included in the survey, except the GREVIO because it was under evaluation at the time of this study, and the Standing Committee of the Bern Convention since it was identified at an advanced stage of the evaluation due to its low visibility (see section 3.1.2.). The results of the survey regarding Committee of Parties to the MEDICRIME Convention have not been considered since this MM had not yet started its monitoring activities at the time of the evaluation. The number of people who responded to the questionnaires was 236: 170 MMs members (independent experts and state representatives), representing a response rate of over 30%; and 66 contact persons who are not members of the MMs, representing a response rate of 26%.

Table 4: Number of respondents to the surveys

Type of survey	# respondents	#e-mail addresses to which the survey was sent ³⁸	Response rate
MMs members (independent experts and state representatives)	170	572	30%
Contact persons not members of MMs	66	257	26%

35. This list includes people who participated in semi-structured interviews and in the FGD. See complete list of persons interviewed, [Appendix 9](#).

36. The members of the secretariats interviewed for each mechanism are listed as the Council of Europe staff members.

37. These organisations have been identified by the secretariats of the selected MMs during the semi-structured interviews.

38. This number corresponds to the number of e-mails sent and not to the number of people, because the list of e-mails sometimes included several addresses for the same person.

The percentage corresponds to the response rate expected in the inception report. The evaluation team considers that the number of respondents is representative of the members of the MMs, noting also that the response rate indicated in Table 4 is a lower figure than the actual response rate.³⁹ The number of responses received varies from one MM to another. For members of the MMs, the response rate ranged from 12% to 100%. Responses from members of T-DO, which is the only MM that had a response rate below 15%, were not included in the analysis. For the contact points, the number of responses received by some contact points was low, which casts doubt on the representativeness and reliability of these results. This is the case of AC-FCNM (5 responses), COMEX (3), CPT (6) and sport-related MMs (4). These data are thus not presented in the report.

2.2.5. Stocktaking

An inventory of tools and work processes used by Council of Europe MMs was made, with the aim of identifying good practices that could be adapted to several Council of Europe MMs. The inventory took the form of a list of tools and processes. These good practices⁴⁰ appear in boxes throughout the report.

2.2.6. Reference group meeting

The evaluation team presented results and recommendations to the Reference Group during a meeting which took place on 23 March 2022 by videoconference. The meeting aimed at sharing and validating findings and finalising recommendations. During this meeting, all members of the Reference Group were able to share their views and express comments. Thus, representatives of stakeholders involved in the MMs have been engaged in the evaluation process.

2.3. Data management and analysis

All data were analysed according to each evaluation criteria and KEQ, in line with the evaluation matrix (Appendix 4). In accordance with Council of Europe's Evaluation Guidelines and UNEG's Norms and Standards, in order to ensure credibility and validity of data, evaluation report findings are based on data triangulation: all data were cross-referenced with other data collected, either through triangulation of sources (for instance between different interviews), methods triangulation (for instance, cross-referencing interviews with survey findings) and investigator triangulation (sharing and exchanging observations and conclusions within the evaluation team).

2.4. Limitations of the evaluation and mitigation measures

The evaluation faced a few limitations. The following table presents the limitations and the measures taken to mitigate them.

Table 5: Limitations and mitigation measures

Limitations	Mitigation measures
The ToC proposed in the ToRs concerned the whole Programme and Budget of the Council of Europe	A logic of intervention was built by the evaluation team. It was discussed and validated with Council of Europe DIO and several members of the Reference Group during the inception phase.
The work of MMs is continuously ongoing	As one of the three dimensions of the Council of Europe's dynamic triangle, the work of the MMs is ongoing. The evaluation analysed the MMs situation until mid-2021, but also took into account new information regarding MMs until the end of 2021.

39. The response rate is therefore higher than 30% but the exact rate is not known. This rate is: 44% for AC-FCNM (8 persons responded), 39% for COMEX (9 persons), 50% for COP198 (19 persons), 16% for ECRI (10 persons), 44% for ECSR (7 persons), 19% for GRECO (36 persons), 73% for GRETA (11 persons), 35% for Lanzarote Committee (17 persons), 29% for MONEYVAL (28 persons), 23% for sport-related conventions (5 persons).

40. Summary of identified good practices related to tools and working methods can be consulted in [Appendix 10](#).

The team has not analysed in detail the MMs since their origin. It focuses on the period 2016-2021	The analysis cannot take into consideration the MMs since their establishment. However, in order to understand the evolution of the MMs, the evaluation team read documentation on the history, challenges and successes of the MMs.
The evaluation team was not able to analyse in depth all MMs of the Council of Europe	The evaluation team conducted an in-depth study of four convention-based and resolution/declaration-based MMs, based on the sampling procedure explained in section 2.2.2. and Appendix 8 . Nonetheless, other convention-based and resolution/declaration-based MMs were included in the evaluation through several data collection methods: desk review, online survey, FGD or semi-structured interviews with secretariats.
Some respondents were not available for a face-to-face interview	In addition to interviews that took place at the Council of Europe in Strasbourg, several interviews took place remotely, using videoconferencing systems.
Bias may arise during interviews	In order to avoid bias, the team made sure that the respondents understood the objective of the evaluation and the confidentiality process. All data were triangulated.



3. FINDINGS

The report is structured around the main evaluation criteria: relevance, effectiveness, efficiency and added value.

3.1. Relevance

The section on relevance aims at assessing the extent to which the MMs are consistent with their intended results. In order to do so, this section assesses the extent to which the monitored areas are considered as priorities by the Council of Europe's bodies, the extent to which the thematic areas of work of the Council of Europe are covered by the scope of the monitoring, the potential existence of overlap between MMs' scopes, the existence of a monitoring and evaluation system of MMs, the methods of identifying lessons learned by MMs, the consideration of gender and equity dimensions in MMs' activities, and the alignment of MMs' activities with the needs of member states. For consistency of the analysis, the appropriateness of MMs' activities and outputs for the achievement of their objectives is analysed in section 3.2.

3.1.1. To what extent do the Council of Europe's bodies (Secretary General, CM and PACE) consider the monitored areas as a priority?

3.1.1.1. The monitoring and other dimensions of the "strategic triangle"

There is no hierarchy between the dimensions of the "strategic triangle" formed by standard setting, co-operation and monitoring. Nonetheless, according to all the interviews conducted, monitoring is at the heart of the Council of Europe's activities: the results of monitoring are often used to identify priorities for co-operation activities (see section 3.2.3.); MMs, who play a key role in interpreting conventions and treaties, may be involved in devising new norms and standards. As one representative of the Council of Europe's bodies stated, "the monitoring as such is really the essence of the Council of Europe"⁴¹ The consideration given to monitoring is reflected in the documents of the various Council of Europe bodies. According to the Secretary General's Strategic Framework, "monitoring mechanisms represent one of the most important features of the Council of Europe's work and contribute to the Organisation's clear added value"⁴² For the CM, although the Court and the Convention "have made an extraordinary contribution to the protection and promotion of human rights and the rule of law in Europe and play a central role in maintaining democratic security and improving good governance across the continent ... [t]he Organisation has a particular responsibility for ensuring the implementation of its conventions through a comprehensive system of monitoring"⁴³ Thus, as the CM stated in the "Report on Council of Europe monitoring – strengthening cohesion and synergies" endorsed during the Hamburg meeting, "[c]ompliance with commitments is a key component of the unique strategic triangle"⁴⁴

This prioritisation of monitoring within the Council of Europe is illustrated by the will of the parties not to reduce the budget dedicated to this activity over the evaluation period. Indeed, the interviews revealed that the monitoring dimension has been less affected by budget cuts than other dimensions. As one Council of Europe staff member stated, "at least for the last 10 years, the needs of the MMs have been systematically considered before others. There is the European Court of Human Rights and the Commissioner first ... then the priority was always monitoring". According to the interviews, the freezing of the Council of Europe's regular budget under the doctrine of "zero nominal growth" and then "zero real growth"⁴⁵ has mainly resulted in a reduction of human resources (particularly due to the non-replacement of departures) in dimensions other than monitoring. This is confirmed by the analysis of the evolution of the Council of Europe's ordinary budget between 2016 and 2021. According to the data of the DPB, the budget allocated to monitoring (€25 559K in 2016 vs €25 923K in 2021) is the only one that has increased within the dynamic triangle: over the same period, the budget allocated to co-operation has decreased from €29 838K in 2016 to €28 855K in 2021; and the budget allocated to standard setting has decreased from €16 417K in 2016 to €13 321K in 2021. Within the dynamic triangle, the share of the budget allocated to the monitoring dimension has increased from 35.5% in 2016 to 38.1% in 2021.

41. Some quotes indicated in the reports have been translated from French to English.

42. Secretary General (2020), *Strategic Framework of the Council of Europe*, SG/Inf(2020)34.

43. CM, (2021), *The Strategic Framework of the Council of Europe and forthcoming activities*.

44. CM, (2021), *Report on Council of Europe monitoring – strengthening cohesion and synergies*.

45. For more information on this element, see section 3.3.1.

3.1.1.2. Within the monitoring dimension in relation to the issues which MMs address

The representatives of the bodies interviewed indicated that all the areas covered by the MMs were priorities for the Council of Europe: according to one interviewee, “the MMs that are functioning are all considered priorities by their nature”. The consideration given to all MMs is thus clearly reflected in the contributions of the representatives interviewed. Nevertheless, this questioning takes on another dimension in the light of the analysis of the documents and the interviews conducted with the representatives of MMs themselves, for whom some mechanisms may appear to have higher priority than others. According to the interviews conducted, a *de facto* prioritisation may emerge mostly due to the political weight of the themes addressed by the MM, which is directly linked to the political weight of the related conventions or other texts establishing them. Respondents indicated that, at the time of the evaluation, some issues were of growing interest to the states parties: for instance, this is the case of the fight against the sexual exploitation of children (Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse monitored by the Lanzarote Committee), the fight against trafficking in human beings (Convention against Trafficking in Human Beings monitored by GRETA), and the fight against violence against women and domestic violence (Istanbul Convention monitored by GREVIO). This interest is reflected in the increase in the number of ratifications and in the increased demand on the MMs to achieve results in terms of monitoring.

According to the interviewees, the MMs must be seen in their own historical context: some MMs were considered a priority at a certain period in their history but sometimes faced a prolonged lack of interest and/or a limited number of ratifications, resulting in budgetary arbitration measures which reduced their effectiveness or even severely constrained their operating capacities (see section 3.3.1. on resources). According to respondents, this decrease in interest has led in the past to the cessation of monitoring of certain conventions, such as the Convention for the Protection of Animals during International Transport.⁴⁶ Other MMs also faced a declining interest but not to the extent of a cessation of monitoring. Respondents revealed that, in the past, a declining interest had concerned the ECSR and mechanisms monitoring sports conventions. However, in recent months, there has been a desire to rebalance certain priorities. On sport-related mechanisms, state interests have been expressed through the Macolin Convention, a new convention that includes a MM. On the ECSR, discussions on monitoring related to the European Social Charter have been taking place at the highest level of the Council of Europe. At the time of the evaluation, the monitoring mechanism of the European Social Charter was being discussed by the CM and the Secretary General, with the aim of proposing ways of reforming it in order to strengthen the functioning of the monitoring system, and, beyond that, improving the realisation of social rights.⁴⁷ The “Strategic Framework of the Council of Europe and forthcoming activities” considers the strengthening of the European Social Charter system as one of the priority elements for the next four years.⁴⁸ A GT-CHARTÉ working group has been specifically set up by the CM to provide concrete avenues for reform of the Charter’s monitoring. Nevertheless, the situation of the ECSR and of the Macolin MM is not widespread and some MMs stakeholders⁴⁹ have noted that more consideration of their work by statutory bodies would be beneficial. As a MM representative stated: “the idea is that there needs to be a real place and vision of monitoring in the general policy of the Council of Europe. Not just to say, ‘you are important’, but more about how we do it, why we do it, and to have a structural support beyond the staff issue, also a political support.”⁵⁰

Finding 1: Monitoring is one of the most important features of the Council of Europe’s work.

3.1.2. Are the thematic areas of work of the Council of Europe covered by the scope of the monitoring of the MMs (for instance, existence of gaps in monitoring)?

The Council of Europe’s working themes are broad. As stated in the Programme and Budget 2020-2021, “[t]he ultimate goal [of the Council of Europe] is to foster greater unity based on common values, thereby safeguarding democratic security in a Europe without dividing lines. This means building a common legal space based on the rule of law which protects and promotes the human rights of Europe’s 830 million citizens.”⁵¹ From 1949

46. The monitoring related to this convention is no longer implemented by the Council of Europe, but signatory countries may be monitoring this issue.

47. During spring 2022, the process has moved on from the Secretary General into the hands of the CM.

48. CM, (2021), *The Strategic Framework of the Council of Europe and forthcoming activities*. This document also mentions more generally the strengthening of synergies and the co-ordination of monitoring bodies as a priority.

49. In this evaluation, “MM stakeholder” refers to any person involved in the mechanism, i.e. MMs’ members or secretariats.

50. For more information on the link between the MMs and the CM, see section 3.2.3.

51. Council of Europe, *Programme and Budget 2020-2021*. Since the exit of the Russian Federation, this has been reduced to 700 million citizens.

to 2018, 223 international conventions have been signed in the framework of the Council of Europe.⁵² In 2021, less than 20 MMs are operational: thus, only a minority of conventions include a MM. The Council of Europe's broad scope of work is also reflected in the diverse nature of the issues covered by the MMs (deprivation of liberty, violence against women, corruption, sport, social rights, etc.). The vast majority of MMs are classified in two of the Council of Europe's three thematic pillars: human rights and the rule of law.⁵³ The third pillar, democracy, does not include a MM, except the Council of Europe body, the Congress of Local and Regional Authorities, and the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). It should be noted that the latter mechanism appears to be isolated among the other MMs and has a lower visibility.⁵⁴

Table 6: MMs classified by pillar

Pillar	Human rights	Rule of law	Democracy
Objective⁵⁵	To bring together the Council of Europe's activities for the protection of the human rights of Europe's 830 million citizens ⁵⁶	To aim at strengthening the rule of law based system	To bring together the Council of Europe's action to safeguard and realise genuine democracy
MMs	AC-FCNM, COMEX, CPT, ECRI, European Committee of Social Rights, GREVIO, Lanzarote Committee	Committee of Parties to the MEDICRIME Convention, COP198, GRECO, GRETA, MONEYVAL, T-DO, T-MC, T-RV, T-S4	Standing Committee of the Bern Convention, Congress of Local and Regional Authorities (outside the scope of the evaluation)

While not all the Council of Europe's work themes are covered by an MM, the interviews conducted reveal that it does not have to be the case. In fact, the majority of MMs are created within the framework of conventions signed or ratified by states, or resolutions of the CM:⁵⁷ therefore, they do not cover several work themes. MMs thus respond to issues that are considered particularly important to states: they represent priority themes among the themes covered by the Council of Europe.

Furthermore, conventions and other standards not covered by the mandate of the MMs can be taken into account by other mechanisms, such as the Court (depending on the topic) or by PACE' Monitoring Committee,⁵⁸ whose scope is broad, in that it extends to obligations under the terms of the Statute of the Council of Europe, the Court and all other Council of Europe conventions to which states are parties, and the honouring of commitments entered into upon accession to the Council of Europe. Moreover, an existing MM may extend its mandate, such as the ECRI in relation to intolerance and discrimination against LGBTI persons.⁵⁹ In addition, respondents indicated that the analysis of compliance with obligations can also take place at national level, without monitoring by the Council of Europe. Nonetheless, this method has less political weight.

Finding 2: The fact that not all Council of Europe work themes are covered by a MM is not problematic.

52. Council of Europe, *Complete list of the Council of Europe's treaties*, available at: www.coe.int/en/web/conventions/full-list (accessed 5 May 2022).

53. It should be noted that some MMs feel that the distinction between the pillars does not fully reflect their scope of intervention.

54. It does not appear as a monitoring mechanism in the various working documents on MMs or MM-related documents adopted by the Council of Europe institutions, such as the GT-MON report (for more information on the visibility of MMs, see section 3.3.1.)

55. Council of Europe, *Programme and Budget 2020-2021*, p. 9.

56. See footnote 51.

57. The only exception is ECRI, which has been established by a declaration.

58. The evaluation team does not mention here the monitoring carried out by the CM, as it has not taken place since 2021 (see section 3.1.3.).

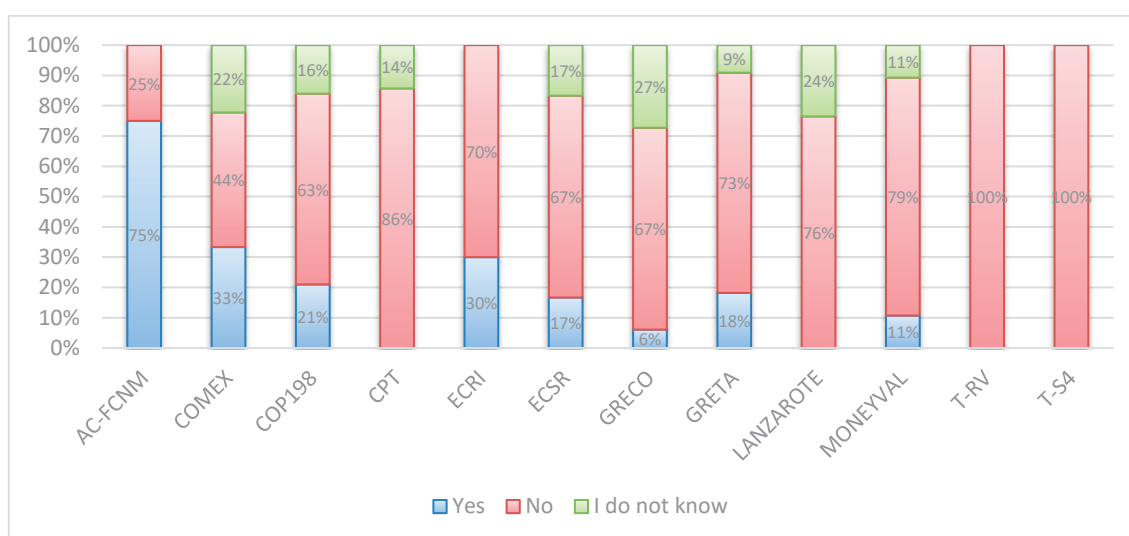
59. Several elements have facilitated this: a strong support of member states and the fact that ECRI is not based on a convention.

3.1.3. To what extent are MMs' scopes clearly identified in their founding documents and amendments and do not duplicate other Council of Europe MMs?

3.1.3.1. Between monitoring mechanisms

The analysis of the founding documents and amendments of the MMs, the questionnaire survey and the interviews revealed that there is no general overlap between the MMs. The scopes however may overlap on very specific aspects of a theme. The presence of overlap is identified particularly strongly in the MMs concerned with minorities, that is, between AC-FCNM, COMEX and, to a lesser extent, ECRI. More than 30% of the respondent members of these MMs consider that there is an overlap.

Figure 3.1: “Do you consider that the scope of your MM as identified in the founding documents and amendments overlaps with or duplicates the scope of other MMs of the Council of Europe?”⁶⁰



This is confirmed by interviewees who note that some areas of work, mandates and target groups are similar. As one staff member stated, “there are areas where we touch”. Nevertheless, the majority of respondents who answered that there is an overlap consider that this overlap does not create difficulties between the MMs for the implementation of their monitoring activities.⁶¹ Indeed, according to the interviews, the respective fields of the MMs are analysed before the activities, in order to avoid duplication. Moreover, when the themes intersect, the reports of these MMs refer to each other: COMEX reports may thus refer to AC-FCNM’s outputs and vice versa.⁶² The lack of difficulty is due in particular to the recent establishment of a joint secretariat between AC-FCNM and COMEX, and to the special relationships and frequent exchanges between mechanisms, through exchanges of views and informal discussions, as will be explained in section 3.1.5. As regards ECRI, its reports ensure that the scope of its mandate is specified. For example, ECRI’s latest report on Norway, which deals with the situation of Romani people/Tater, which could also be covered by the AC-FCNM, explicitly states: “ECRI will look into the social situation of both groups, whereas issues related to their cultural identity are covered by the Advisory Committee of the Framework Convention for the Protection of National Minorities”.⁶³

Moreover, there are significant spaces of interaction between the MMs (see section 3.2.3.). According to interviews with some MMs, the interfaces between the different MMs can appear, on the contrary, as opportunities to reinforce each other on similar issues. As one MM member mentions: “there could be an overlapping sector, but it is not problematic. The message is stronger if you strengthen the number of people involved”. However, this view is shared by some MMs but not all (see more information on this point in section 3.2.3.).

60. All quantitative data mentioned in the tables and the analysis are derived from the questionnaire survey conducted as part of this evaluation. If quantitative data are obtained from other sources, these are specified. N=156.

61. N=19. 53% consider that the overlap creates difficulties; 26% do not know; 21% believe this overlap creates difficulties.

62. See for instance for COMEX: COMEX (2020), *Seventh report on Sweden*, p. 7; or COMEX (2021), *Sixth report on Cyprus*, pp. 7, 13 and 15. For AC-FCNM: AC-FCNM (2021), *Fifth opinion on Croatia*, pp. 17-18; AC-FCNM (2021), *Fifth opinion on the Czech Republic*, pp. 22-23.

63. ECRI (2021), *Sixth report on Norway*, p. 36, footnote 110.

3.1.3.2. Between CM and PACE

In the Strategic Framework of the Council of Europe, the Secretary General noted that “close dialogue between the Committee of Ministers and the Parliamentary Assembly should be established with a view to enhancing synergy and co-ordination and avoiding duplication between the Assembly’s monitoring procedure and other monitoring mechanisms within the Organisation”.⁶⁴ The need for increased co-ordination between the CM and PACE in order to avoid duplication of monitoring was noted by the Secretary General in the Strategic Framework of the Council of Europe. The CM aims at monitoring the implementation of commitments in the fields of democracy, human rights and the rule of law, including specific post-accession monitoring for certain member states, while the PACE’s Monitoring Committee aims at monitoring the fulfilment of all commitments of the states and of their statutory obligations. Thus, while each body has a specific mandate, they may overlap, and some states, in particular those analysed in the framework of the CM’s post-accession monitoring procedures, were subject to monitoring procedures by both bodies. The country-specific post-accession procedure was controversial because it concerned only a minority of member states following their accession, and because the increasing introduction of new MMs led to more and more overlaps with the new mechanisms. During the 131st session of the CM in May 2021, when there were only three states (Armenia, Azerbaijan and Bosnia and Herzegovina) subject to country-specific post-accession monitoring, the CM decided to withdraw them from the monitoring procedure. This decision thus stopped the use of this monitoring mechanism in practice. Nevertheless, while there is no longer any duplication in practice, it should be noted that the legal basis is still there should the decision be taken that the seriousness of the situation in a member state calls for monitoring by the CM. It should be noted, however, that the CM and the PACE have recently entered into a dialogue on monitoring.

Finding 3: There is no general overlap between the MMs, and, where certain elements intersect, there are no difficulties between the mechanisms because of co-ordination and understanding of the respective mandates.

Finding 4: There is no overlap between CM monitoring and PACE monitoring, as all countries that were subject to specific post-accession monitoring have been withdrawn from the procedure.

3.1.4. If a monitoring and evaluation system exists in the MMs: How relevant is the MMs’ monitoring and evaluation system to the MMs’ needs?

At the level of each MM, the monitoring and evaluation system (activity monitoring) is first carried out by the secretariats. They provide the indicators to the Directorate of Programme and Budget (DPB), which compiles them. These bodies verify the adequacy between the activities foreseen in the Programme and Budget document and those actually carried out (number of reports planned/published, number of visits carried out/to be conducted, etc.). According to the interviews, this system is operational and allows each MM to closely monitor the implementation of its activities. The Secretary General presents interim progress review reports every six months followed by a full progress review report at the end of the biennium. This presents the progress towards expected results and provides a summary of issues encountered which have impacted their achievement.

In addition, evaluations of MMs are co-ordinated by the Council of Europe. This can be an evaluation of the mechanism itself (as was the case with ECRI⁶⁵), of a theme (as was the case with anti-corruption, which also concerned GRECO⁶⁶) or of a programme (as was the case for GREVIO, which was under evaluation at the time of this evaluation). The evaluations commissioned by the Council of Europe do not yet cover all the MMs.

Finding 5: The system of monitoring and evaluation of MMs is effective and allows potential challenges to be identified.

64. Secretary General (2020), *Strategic Framework of the Council of Europe*, p. 6.

65. DIO, *Final Report* (2012), *Evaluation of the European Commission against Racism and Intolerance*. Executive summary available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d5136> (accessed 5 May 2022).

66. Council of Europe (2018), *Evaluation of the Council of Europe support in the fight against corruption*, available at: <https://rm.coe.int/-2018-dio-evaluation-anti-corruption-vfinale/168093c893> (accessed 5 May 2022).

3.1.5. To what extent do MMs identify lessons learned from internal and external monitoring practices, tools and procedures?

3.1.5.1. At internal level

The literature review, interviews and focus group revealed the existence of lessons learned in terms of monitoring practices, tools and procedures and the circulation of these elements within the Council of Europe MMs. Several examples of internal learning processes can be cited, such as: Introduction of confidential dialogue in the AC-FCNM and COMEX procedures, based on the experience of other monitoring bodies such as ECRI and GRETA; Identification of a “contact person” in government to facilitate the country visits of AC-FCNM and the confidential dialogue, based on other monitoring bodies such as ECRI and GRETA; Implementation of ad hoc visits in GRETA’s procedures based on the experience of the CPT; reflections in the Lanzarote Committee on the possible application of the system of non-compliance measures and graduated response, based on other experience such as GRECO.

In 2014, the Council of Europe directorates were organised differently: instead of being thematic, as is the case today, the directorates were grouped by dimension: “monitoring”, “co-operation”, “standard setting” in order to strengthen the strategic triangle. As a result of the restructuring, co-ordination between the MMs is less institutionalised within the Council of Europe, but there are still platforms for exchange and opportunities to identify good practices. The identification of these good practices, the cross-fertilisation of practices and the internal learning processes are carried out through a variety of channels: a formal vertical process and an informal horizontal process.

A formal vertical process for identifying good practices

The initiation of discussions on monitoring at the level of the statutory bodies has enabled the identification of good practices. The report produced by the GT-MON as part of the examination of the Secretary General’s proposals to “achieve closer co-operation and synergies among and between kin or similar monitoring mechanisms and to avoid duplication of their work”⁶⁷ identified several lessons learned in the area of monitoring, including: increasing capacity for rapid reaction and flexibility; developing mechanisms for ad hoc action; implementation of joint visits to member states; existence of cross-fertilisation with respect to working methods; co-operation on issues of substance.⁶⁸

In the same vein, an annual meeting takes place between the Secretary General and the heads of MMs and advisory bodies. In 2021, this meeting aimed at gathering MMs’ suggestions on co-ordination, efficiency and impact.⁶⁹ According to the interviews, this meeting is interesting because it allows the Secretary General and each MM to be aware of challenges and achievements of other MMs. However, it does not provide an opportunity to engage in a dialogue between MMs on good practices and lessons learned, and so the objective of the meeting is achieved only partially. As a staff member of the Council of Europe pointed out: “It is a one way communication. It is the MM to the Secretary General; it is not a discussion between the representatives of the MMs, so that they can exchange with each other, it is not conceptualised that way. It is useful since it allows the president of my MM to hear from others in a succinct way, but we are passive. We are just listening in ... It is a long sequence of speeches, it is an outdated type of format.” Many interviewees considered that these meetings could be more useful. Furthermore, it should be noted that the recently established MMs (Committee of the Parties to the MEDICRIME Convention and the Group of Specialists on Access to Official Documents) were not invited to the last meeting.

An informal horizontal process for identifying good practices

In the Council of Europe, the practice of exchanges of views enables entities to exchange information, analysis and experience. This is an informal but relatively institutionalised practice within the Council of Europe. According to the respondents, the practice of exchanges of views between MMs was found to be very useful, in that it gives to MMs the opportunity to exchange on their methods and to strengthen their co-ordination and/or complementarity. This practice is, however, more relevant for exchanges on the points of convergence of mandates than for the exchange of monitoring practices (see section 3.2.3.).

67. Secretary General (2020), *Strategic Framework of the Council of Europe*, p. 6.

68. Committee of Ministers (2021), *Ad hoc Working Party on Monitoring – Information document on monitoring mechanisms in the Council of Europe*, CM(2021)50-final.

69. Secretary General of the Council of Europe, *Speech by Maria Pejcinovic Buric. Meeting with heads of the monitoring and advisory bodies*, Strasbourg, 25 October 2021.

According to the stakeholders interviewed, the most effective process for identifying good practices is even more informal and is built up in different ways. Firstly, the close links between staff in different divisions or departments facilitate discussions on methods. These links are facilitated, for example, by the proximity of the offices (such as GRECO and MONEYVAL) or by the fact that these MMs are part of the same division (AC-FCNM and COMEX secretariats). Secondly, good practices may be identified on the basis of previous experiences of staff from other MMs. For example, several interviewees explained that their previous experience in another MM allowed them to identify relevant methods and to implement them in their MMs. One staff member indicated that they had made a point of recruiting people who had worked in other MMs in order to learn from each other's methods and thus facilitate learning. Thirdly, the identification of good practices may be initiated internally by an MM that considers it important to improve its own practices. As one Council of Europe staff member said about the reform of an MM: "We looked at the activities of other MMs. We picked up the rules and methods ... It was done in a very oral way". These internal learning processes appear to be very effective. Nonetheless, the level of learning depends on the level of exchange with other MMs (see section 3.2.3.).⁷⁰

3.1.5.2. At external level

According to the interviews conducted, links with institutions outside the Council of Europe can also be a source of identification of good practices, but to a lesser extent. For example, the CPT established an "impact working group", to propose suggestions to further strengthen the implementation of its recommendations. In this group, the CPT looks at methods used by other stakeholders, such as the UN mechanisms. This is how the CPT has identified as an area for improvement the prioritisation of recommendations in its reports. It should be noted here that the practice of prioritisation of recommendations exists in other MMs of the Council of Europe: the fact that this good practice was identified externally reveals, to some extent, that this mechanism is somewhat more isolated than others within the Council of Europe. According to the interviews conducted, this is due to the very confidential nature of its working methods. However, some interviews noted that links could be further strengthened on non-confidential aspects (see section 3.2.3.).

Finding 6: Good practices are circulating within the Council of Europe's MMs, due to a mostly informal horizontal process of exchange between mechanisms, but this system tends to exclude new or less connected members of the secretariat and depends on the willingness of secretariats to exchange externally.

3.1.6. To what extent have the MMs' activities and outputs integrated gender equality and equity into their design?

The interviews conducted and the literature review illustrate that there is at least some consideration of gender and equity issues by many mechanisms, and this has evolved positively in recent years. At the level of Council of Europe, more generally, a set of tools has been developed on gender, in particular handbooks⁷¹ and training sessions. In the MMs, the consideration of gender and equity in the design of the MM's activities and outputs is illustrated in several ways:

- ▶ establishment of a minimum percentage of women in the composition of the MMs (e.g. CPT);
- ▶ appointment of Gender Equality Rapporteurs in the MMs, whose objective is to "provide impetus to the effective integration of a gender equality perspective in the work of their committee or other body, making sure that a gender mainstreaming strategy progressively becomes an integral part of their work";
- ▶ requests to states to provide gender-disaggregated data to enable the MMs to carry out gender-sensitive analysis (e.g. GRECO);
- ▶ specific analyses of the MMs on gender issues with assignment of case files to members who are gender experts (e.g. ECSR via collective complaints on the gender pay gap);
- ▶ visits to various types of institutions where men and women are deprived of their liberty (e.g. CPT).

The analysis thus shows that while the issue of equity is mainly addressed through the themes of MMs, gender is addressed through more entry points. However, the extent to which gender is taken into account

70. As we will see below, the level of exchange is mostly a matter of individual will or interpersonal relationship.

71. See tools on dedicated web page: www.coe.int/en/web/genderequality/gender-equality-rapporteurs (accessed 5 May 2022).

varies from one MM to another. For example, only 10 MMs have Gender Equality Rapporteurs;⁷² Furthermore, even for MMs that have Gender Equality Rapporteurs, there are differences in the ways in which this aspect is taken into account, for example in the questionnaires to the states. For instance, GRECO and the Lanzarote Committee both have Gender Equality Rapporteurs. However, the latest GRECO questionnaire includes one third of specifically gender-sensitive questions, asking for sex-disaggregated data for each question,⁷³ while the Lanzarote Committee questionnaire does not include any specific questions on gender, but only asks states in its introduction “to answer the questions specifying, where relevant, whether and how measures take into account gender-specific requirements as well as specific vulnerabilities of children”.⁷⁴ This places less encouragement on states to take gender mainstreaming into account in their data.

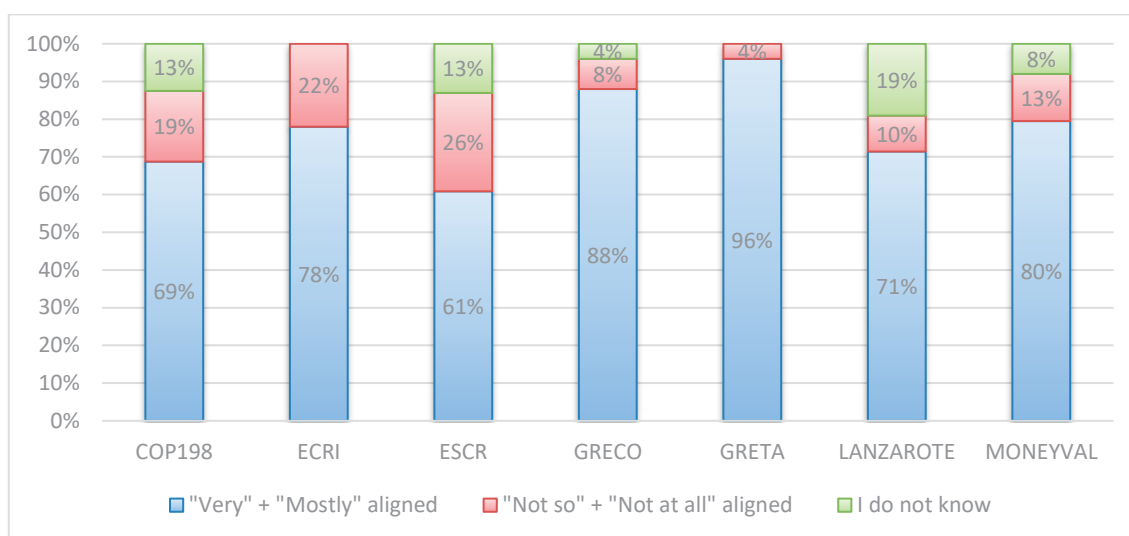
Furthermore, according to respondents, in the context of the CPT, although visits to places of deprivation of liberty do systematically include women among the populations visited, the interviews conducted reveal that women’s particular situations are not always specifically taken into account through a gender lens. According to the stakeholders interviewed, the extent to which women’s specific situations are examined is uneven.⁷⁵

Finding 7: Gender equality and, to a lesser extent, equity are increasingly considered in the activities of the MMs, but this consideration depends on the MMs.

3.1.7. To what extent are Council of Europe MMs’ activities aligned with the needs of member states?

According to the questionnaire survey carried out among the MMs’ contact points, the activities implemented by the MMs during the monitoring were judged as “very” or “mostly” aligned with their needs by a majority of respondents, as shown below.

Figure 3.2: “When your state is under review, to what extent are the activities of the monitoring mechanisms of the Council of Europe aligned with your needs?”⁷⁶



More than 75% of the contact point respondents for ECRI, GRECO, GRETA and MONEYVAL felt that the activities were aligned with their needs when their state is under review. According to the interview conducted, the main positive elements are the quality of the reports and the confidential dialogue with MMs (see section 3.2.2.).

72. See list updated in January 2022: <https://rm.coe.int/copy-of-liste-gers-2022-bilingual-11012022/1680a523ec> (accessed 5 May 2022).

73. See questionnaire for the 5th evaluation cycle, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168070cf7d> (accessed 5 May 2022).

74. See questionnaire for the 2nd monitoring round, available at: <https://rm.coe.int/thematic-questionnaire-for-the-2nd-monitoring-round-on-the-protection-/168075f307> (accessed 5 May 2022).

75. See more information in section 3.2.5.

76. N=142. This graph does not include the responses of the AC-FCNM, COMEX, CPT and sport-related MM contact points. For more information, see section 2.2.4.

The degree of alignment of the activities of the MMs with the needs of the states is slightly lower for other MMs, such as the ECSR: 26% of the contact point respondents for the ECSR considered that the activities were “not so” or “not at all” aligned with their needs. For the ECSR, the observation shared by the states is that of time-consuming procedures and repeated requests, which are considered problematic for states with fewer resources available for the monitoring processes. As one respondent noted, “now, we, the countries, receive every year many pages, around 30-40 long, with hundreds of additional specific questions, many of these not very relevant and essential, sometimes very difficult to respond to. In many cases we fail to see their real importance and significance”. This is linked with the fact that the mandate of the ECSR is particularly wide and that the questionnaires are not necessarily strategic, although some improvements have been made recently (for more information see section 3.2.2.). For further strengthening, as mentioned above, the Council of Europe bodies and the ECSR have initiated a reform process, including the establishment of a working group, GT-CHARTÉ, whose objective is to propose appropriate recommendations to make the mechanism more effective.

Finding 8: The activities carried out in the framework of monitoring are appreciated by the states, although they appear burdensome in some MMs.

3.2. Effectiveness

This section assesses the level of achievement of the MMs’ outputs and outcome, as reflected in the logic of intervention. As mentioned above, the logic of intervention was developed by the evaluation team, with three outputs being formulated: the MMs fulfil the mandate assigned to them; the MMs are co-ordinated at internal level; and the complementarity is enhanced between MMs and external institutions. This section starts with introductory remarks on the activities of the MMs and their level of appropriateness for the achievement of their objectives. The second and third subsections address one output. For the consistency of the analysis, the effectiveness of the output relating to the complementarity with external institutions is analysed in section 3.4.2. The fourth subsection analyses states’ perception of their degree of engagement in the monitoring process. The fifth subsection addresses the outcome, which relates to the extent to which MMs support decision making and strategic intervention design of member states. Unintended effects are considered in the last subsection. To avoid repetition, some questions have been grouped together.

3.2.1. What are the activities carried out by MMs and how effective are they? How appropriate are the MMs’ activities and outputs for the achievement of their specific objectives?

The literature review and the interviews conducted reveal that, during the evaluation period, all the MMs carried out operational activities, and produced outputs in various forms, with the exception of two recent MMs: the Committee of Parties to the MEDICRIME Convention, whose monitoring guidelines were recently adopted, and the Group of Specialists on Access to Official Documents convention, whose guidelines were being prepared at the time of the evaluation. The activities of MMs differed according to the MM considered. The following boxes present a non-exhaustive list of monitoring activities carried out by the MMs and a focus on case studies’ key activities.

Non-exhaustive list of activities carried out by the MMs

- Analysis of state documents: periodic reports, questionnaires, additional information
- Periodic, ad hoc or emergency country visits
- Confidential dialogue with states, high-level dialogue
- Appointment of rapporteurs
- Discussions with CSOs
- Discussions with other institutions
- Publication of reports, recommendations, conclusions, opinions, decisions, statements, public statements (country-specific or not)
- Analysis of the implementation of monitoring results (follow-up, compliance procedure)
- Analysis of collective complaints
- Publication of statements of interpretation

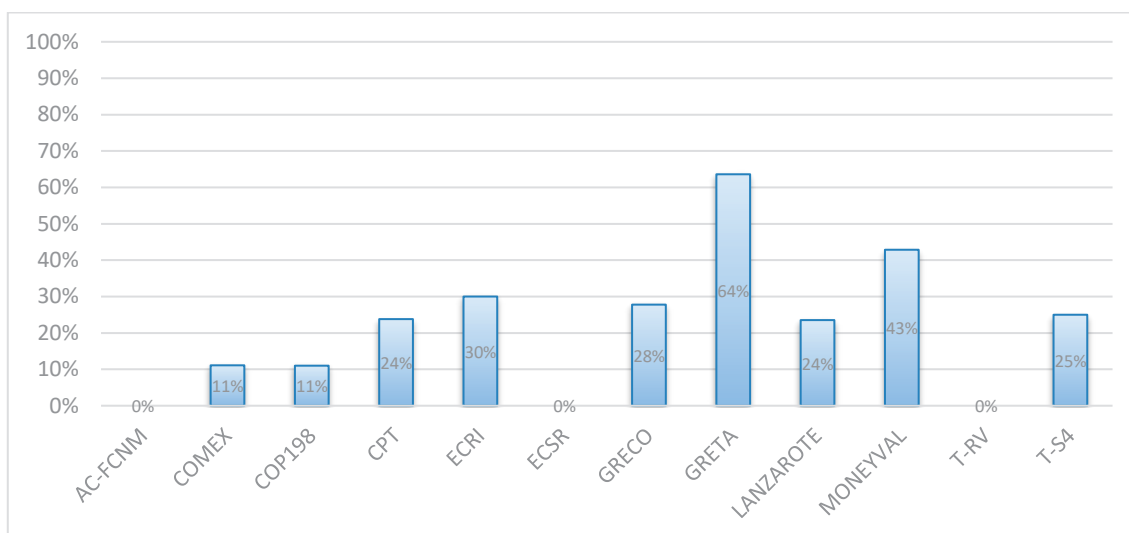
Key activities of the case studies' monitoring⁷⁷

- CPT: country visits, confidential dialogue, publication of reports, ad hoc and urgent procedures, public statements. Follow-up visits ensured by the CPT.
- ECSR: reporting procedure (four (4) modalities: analysis of documents, publication of conclusions), collective complaint (quasi-judicial decisions: examination of collective complaints, adoption of decisions). Follow-up of conclusions and decisions ensured by the CM.
- Lanzarote Committee: analysis of replies to questionnaires/information submitted, direct dialogue, publication of reports, possible urgent procedure. Follow-up ensured by the Lanzarote Committee.
- MONEYVAL: analysis of documents, country visits, confidential dialogue, publication of reports, compliance enhancing process. Follow-up ensured by MONEYVAL.

Most of the members of the MMs who responded to the questionnaire consider that some of the activities carried out could be strengthened in order to fulfil their mandate. Only GRETA members are in the majority in considering that no change is needed in the functioning of their mechanism, as reflected in the following graph. By contrast, all respondents from the AC-FCNM, the ECSR and T-RV indicated that some activities of their MMs could be strengthened to better fulfil their mandate.

Figure 3.3: “Of all the activities and operating procedures your MM implement, are there any that could be strengthened to better fulfil your mandate?”

Answer: “No changes are needed”⁷⁸



As all MMs operate in very different ways, the activities that MMs members think should be strengthened are very diverse. Nevertheless, a few activities were more often mentioned. The following table presents the elements mentioned by more than 30% of the respondents of each mechanism.⁷⁹ GRECO and GRETA are not represented because no activity or procedure was mentioned by more than 30% of respondents. Only those activities or procedures mentioned by at least two MMs are presented below.⁸⁰

Table 7: Activities or operating procedures that could be strengthened to better fulfil MMs' mandate, according to MMs' members (by alphabetical order)

Activities and operating procedures	# of MMs who named the activities
Follow-up procedures	5 MMs: AC-FCNM, CPT, ECSR, Lanzarote Committee, T-RV
Co-operation with MMs within the Council of Europe	3 MMs: COMEX, COP198, ECRI

77. This list is not exhaustive. For more details, see [Appendix 2](#).

78. N=161.

79. The question allowed multiple choices (up to three answers). The sum of responses exceeds 100%.

80. See detailed table in [Appendix 11](#).

Analysis of documents	2 MMs: AC-FNCM, MONEYVAL
Co-operation with institutions outside the Council of Europe	2 MMs: COP198, ECRI
Country visits	3 MMs: COP198, Lanzarote Committee, T-RV

For the consistency of the analysis, the activities and operating procedures mentioned in Table 7 are discussed together with other activities and operating procedures in other sections: the country visits and the follow-up procedures in section 3.2.2.; the co-operation between MMs within the Council of Europe in section 3.2.3.; the co-operation with institutions outside the Council of Europe in section 3.4.2.; and the challenges linked to the analysis of documents in section 3.2.4.

3.2.2. To what extent do MMs fulfil the mandate assigned to them?

This section presents the elements that enable MMs to fulfil their mandate. A discussion on the definition of the mandate of the MMs is presented in the box.

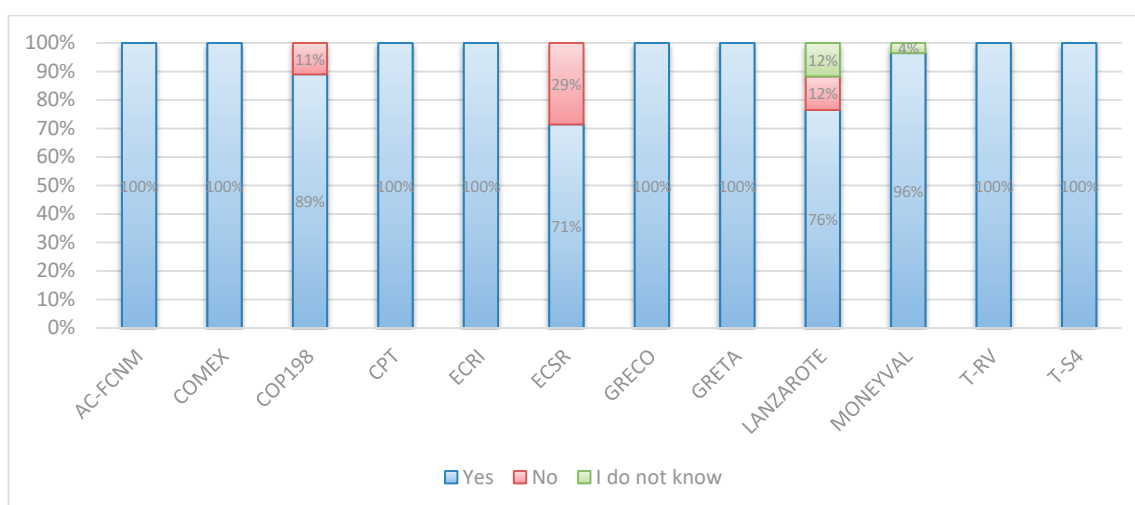
What is the mandate of the MMs?

Although monitoring is considered as a priority, its definition is often questioned. The working definition of monitoring activities provided in the Council of Europe's Programme and Budget does not necessarily coincide with the understanding of all interviewed Council of Europe stakeholders. The question of the definition was often raised during the interviews, which revealed sometimes conflicting views. Thus, a number of stakeholders rejected the use of the term "monitoring" for non-independent mechanisms. For instance, a DGI staff member noted with regard to the Committee of the Parties to the MEDICRIME Convention: "MEDICRIME is an intergovernmental mechanism, it is not a real monitoring mechanism". Another explained: "Monitoring is to assess from an independent point of view whether States are complying with their obligations. If it is the States that are scheming among themselves to say that they are clearing each other's names, that is not monitoring". Furthermore, some stakeholders consider that the Court is, par excellence, a monitoring mechanism, and regretted that it was not included in the present evaluation: many of them consider that the core of the MMs' mandate is to prevent national situations from being submitted to the Court. Still others have noted that the distinction between the co-operation and monitoring dimensions is not clearly defined, especially when MMs engage in dialogue with states with the aim of convincing them to implement the recommendations.

The analysis shows that, for the vast majority of MMs, the activities of a MM necessarily include co-operation activities, which result from the dialogue with states, on several aspects such as: the follow-up of recommendations, the identification of good practices, the confidential exchanges during visits, if any, etc. This is particularly evident for intergovernmental MMs, but it also applies to independent mechanisms that dialogue with states. As one permanent representation indicates: "States should always be treated as partners and not as systems to be judged. The aim is to help to do more and better. Not to do naming and shaming". This vision is shared by several secretariats of MMs. One of them explained: "the ultimate goal is not to blame the States but to help them to improve their standards and their compliance with the conventions". The interviews conducted with many respondents thus illustrate the existence of a certain vagueness in the understanding of the scope of MMs. The analysis thus shows that while it is possible to distinguish between "monitoring activities" and "co-operation activities", the monitoring mechanisms implement activities of both types in their operation. This ambiguity would benefit from being resolved for the sake of consistency and clarity.

According to the survey, a large majority of the members of the MMs indicated that the existing activities and procedures were adequate to fulfil their mandate. However, there are differences depending on the MM in question, as the following graph shows. In three mechanisms (COP198, ECSR and the Lanzarote Committee), at least 10% of respondents consider that existing activities and procedures do not allow them to fulfil their mandate. The percentage is 29% for respondents who are members of the ECSR.

Figure 3.4: In your opinion, do the activities and operating procedures implemented allow your MM to fulfil its assigned mandate (%)?⁸¹



According to the members of the MMs, the MM secretariats and the states, these mainly positive results result from the high quality of the analysis, which contributes to the credibility of the data (3.2.2.1.) and the existence or not of a follow-up procedure (3.2.2.2.). For the ECSR, the perception of the degree of fulfilment of its mandate is lower. According to interviews, this results, among other aspects, from its wide scope (3.2.2.3.). Other elements contributing to this result include the delays in the production of outputs and of country analysis, financial and human resources issues and the complexity of its dual system: those elements are specifically addressed in other sections (sections 3.2.5. and 3.3.1.) and are therefore not dealt with here.

3.2.2.1. The high quality of analysis

The respondents consider that the legitimacy of the reports and recommendations produced depends on them being well founded. The work of ensuring consistency between the findings and the national situations is therefore fundamental. Despite the fact that some improvements have been identified, as will be seen below, the high quality of MMs analysis is recognised by the states' members. It results from a number of elements: country visits, cross-referencing of data, the profile of the experts involved and confidential dialogue.

Country visits

Several MMs have a system for conducting country visits to the states under evaluation to obtain reliable information. This system is in place, for the reporting procedure in several Council of Europe MMs: the AC-FCNM, COMEX, CPT, ECRI, GRECO, GRETA, GREVIO, MONEYVAL, T-DO and T-RV.⁸² These country visits are considered essential by the permanent representations and by the stakeholders of these MMs. As one permanent representative said, "the field visit is essential. You have to go there. I find it hard to imagine that we can produce a report that can contribute to an objective analysis without a field visit".

The analysis makes it possible to draw up a typology of two types of monitoring: monitoring based on the practice of country visits (including visits in the framework of emergency procedures) and monitoring without visits. The table below shows the strengths and (risks of) weaknesses for each type of monitoring.⁸³

81. N=161.

82. The list only includes country visits for "usual" reporting procedures. Other MMs, such as the Lanzarote Committee, may perform visits on an ad hoc basis, for instance in urgent situations.

83. For more information on the effects of the system on resources, see section 3.3.

Table 8: Main strengths and weaknesses according to the type of monitoring (visit-based or remote)

Visit-based monitoring	Remote monitoring
Case studies examples: CPT, MONEYVAL In case of emergency: Lanzarote Committee	Case studies examples: ECSR, Lanzarote Committee
Strengths: – Enhanced dialogue with states – Increased consultation with civil society	Strengths: – In-depth document analysis and research
(Risks of) weaknesses: – Cumbersome process for countries with limited capacity – Significant preparation required before and during the visit for MMs	(Risks of) weaknesses: – Difficulty in taking views of civil society into account – Less depth in the analysis of the context

Country visits cover different situations. For the CPT, country visits are the core activity of the committee, which carries out fact-finding missions in places of deprivation of liberty. The very high quality of the CPT's analysis, emphasised by all the state representatives interviewed, is, *inter alia*, made possible by the length of the country visits (around two weeks). The country visits provide an opportunity for committee members to hold face-to-face meetings with state representatives, but also non-governmental stakeholders, in particular, CSOs. A meeting with CSOs is usually organised at the beginning of their country visits. For MONEYVAL, the country visits are among the longest of the Council of Europe MMs (two to three weeks). MONEYVAL also spends a lot of time preparing for the visit with the state. In 2021, MONEYVAL conducted a test in one territory (Holy See), extending the duration of the visit by three days in order to develop the draft report on site, which allowed it to continue verifying the data. As this practice was deemed effective, it will be generalised from 2022 onwards. Other examples of MMs conducting country visits include for instance: ECRI, which organises meetings with representatives of governments, members of parliament, judges, equality bodies, CSOs and other actors, and systematically includes in its visit programme "field visits"; T-RV or sport-related monitoring, whose missions include meetings with sports fans and attendance at football matches, etc. In general, the analysis shows that the country visits allow MMs to verify information collected during the preliminary phase and to open a dialogue with states at the end of the mission.

In order to reduce the burden of MMs' visits to the national authorities, the practice of joint visits was tested in some MMs intervening in a similar field of work, for example between MONEYVAL and COP198, or between AC-FCNM and COMEX. Respondents' answers regarding the effectiveness of these visits were very mixed. According to some interviews conducted, these joint visits could be received by the states, as they may, in certain cases, reduce the time spent on visits. However, the duration of the visits is not greatly reduced because each MM must be able to conduct the interviews necessary to collect reliable data. The introduction of joint visits has meant, in practice, that each MM has less dedicated time with national stakeholders, making it more difficult for MMs to fulfil their mandate. As a result, it poses challenges for each MM to be sure to collect the information it needs. One state representative considered that it was better to have separate visits: "It is better to have separate visits. The draft report was not reflecting the reality of the situation observed on the field because the mission was too short in time".

It is important to note that, although country visits contribute to the quality of the data collected, not all MMs require country visits to conduct a quality analysis. This is particularly the case for the Lanzarote Committee, whose analysis is referred to well beyond the Council of Europe, although its periodic monitoring does not include visits to countries. However, visits are possible when there are urgent situations,⁸⁴ as was the case once for Hungary. According to the information gathered, the resources currently allocated to the committee do not allow for regular visits to parties, but there are proposals for this mechanism to be opened on a voluntary basis for a better understanding of national issues. At the time of the evaluation, this possibility was under consideration. However, there is a reluctance on the part of some members to change the dynamics and the egalitarian philosophy among states if visits are made to some countries and not to others. Moreover, depending on the conditions, such visits may overlap with the mandate of the Human Rights Commissioner. The question

84. Rule 28, Rules of Procedure, Lanzarote Committee.

of the relevance of introducing country visits is also currently being addressed within the framework of the ECSR. Indeed, while the quality of the ECSR's analysis is considered to be high, some of the people interviewed consider that the unavailability of certain data may in some cases reduce the relevance of its conclusions. The issue of data availability is here linked to the need to improve data collection methods, for example through visits, through increased links with national non-governmental stakeholders, or through other methods, such as the appointment of an ECSR focal point at national level.

Some good practices on country visits

- Discussions with civil society stakeholders to cross-check information from the states with other sources (e.g. CPT and GRECO)
- Meeting with the authorities at the end of the mission, to start a confidential dialogue on the findings (in-person or online) (e.g. AC-FCNM)
- Initiation of the drafting of a report on site to collect possible additional information (MONEYVAL)

Cross-referencing of data

In order for the data to be credible, and to take better account of the reality on the ground, the MMs cross-check the information provided by the states with other information. Information may come from CSOs, from private stakeholders (for instance multinational companies or financial institutions for MONEYVAL), from independent stakeholders (for instance national preventive mechanisms – NPMs for CPT) or from rights-holders. This cross-referencing is done by collecting additional information through meetings during country visits (e.g. CPT, MONEYVAL, GRECO or GRETA), or in writing (e.g. submission of reports). For example, in the case of the CPT, MM members meet directly with people deprived of liberty and staff of prisons, police establishments, social care homes, psychiatric establishments, migrant centres, etc., but also with CSOs, NPMs and existing Council of Europe offices at country level, if any. They also receive information from NGOs and CSOs in writing. MONEYVAL experts may interview private companies and non-governmental stakeholders during the country visits.

According to the interviews conducted, civil society sometimes has difficulties in furnishing their data. To ensure that civil society was able to provide information, the Lanzarote Committee reformed its practices between the first and second cycles by extending the time allowed for the submission of additional information. As far as the CPT is concerned, NGOs can send reports and information at any time. However, as far as the periodic visits are concerned, NGOs can only do so in a relevant manner once the list of countries to be visited the following year is published. It is indeed only then that NGOs are made aware of the countries to be examined the following year. The confidentiality of the visit dates can make it difficult for NGOs to send information, as they do not know how much time they have to send it. However, the CPT's systematic approach to meetings with CSOs during country visits helps to mitigate this difficulty. For the ECSR, civil society and social partners play a fundamental role in collective complaints, as it initiates the process. Only a number of organisations are entitled to lodge the complaints.⁸⁵ The role of civil society in the reporting procedure is quite limited. Some explained that exchanges with CSOs would benefit from being more regular, including with regard to the collective complaints' procedure: several respondents noted that the procedure is not yet sufficiently well-known and could be more widely publicised among national CSOs. There are nevertheless reports that awareness-raising activities have intensified in 2021, resulting in an increase in the number of comments by civil society.

Some good practices of links developed with civil society

- Information sharing by civil society: submission of reports, exchanges during visits, etc.
- Participation of CSOs as observers in meetings

The profile of the experts involved

The interviews conducted reveal that the profile of the experts mobilised is an important factor in the quality of the analysis. The variety of profiles allows for a transversal knowledge of the conventions as well as an in-depth knowledge of several provisions. At the CPT, the cross-fertilisation of knowledge between experts and MM members is a major asset: CPT members include lawyers, prison doctors, psychiatrists, psychologists, etc. At MONEYVAL, the team also comprises internationally renowned experts from different backgrounds, such as: financial majors, law enforcement, lawyers and evaluators, all of them trained to FATF standards. At the ECSR,

85. These are: European social partners (for employees: European Trade Union Confederation; for employers: Business Europe and International Organisation of Employers; Conference of INGOs of the Council of Europe, social partners, employers' organisations and trade unions at national level).

the committee is composed of experts with different backgrounds: labour law, social security, international human rights – some with a strong expertise in gender, which was particularly impactful when analysing the collective complaints on gender pay gap. The Lanzarote Committee members include anti-trafficking specialists, psychologists, child protection officers, lawyers, judges, etc. Although the level of expertise mobilised is high, some respondents indicated that it could still be improved. For example, for some MMs, an increase in evaluation knowledge would be welcome. In other MMs, some regretted that the expertise of a few MM members was too theoretical and far from the needs of the states. In contrast to other MMs, CPT and ECSR members are elected by the CM in a rather extensive procedure. According to some interviews conducted, such a validation procedure is not feasible for other MMs, as it requires a lot of time and resources.

Confidential dialogue⁸⁶

For many respondents, the possibility of confidential exchanges between MMs and states is considered very positive. This working method is mentioned in the texts relating to each MM, such as the rules of procedure or the treaty itself (for instance for the CPT). According to the interviews, the establishment of these confidential dialogue spaces helps to build a bond of trust, which facilitates the implementation of the recommendations by the authorities. It also makes it possible to alert the MMs to factual errors, which strengthens the quality of the reports.

The effectiveness of confidential dialogue varies depending on the timing of the monitoring process. According to the interviews conducted, when initiated at the data analysis stage, confidential dialogue provides additional information to improve the contextual analysis of each country. This allows for factual mistakes to be corrected. This step is relevant to all MMs but is particularly important for mechanisms that do not conduct visits. When confidential dialogue takes place in the process of drafting recommendations, it is a tool for refining the recommendations in order to make them operational, but also to strengthen their acceptability and ownership by the parties through the establishment of a relationship of trust. While this dialogue is relevant when it addresses possible factual errors, contextualises national situations, increases the relevance of the recommendations, it should not interfere with the analysis.

Some MMs have recently integrated confidential dialogue into their procedures: based on ECRI's experience, AC-FCNM has included mandatory confidential dialogue in its process at an early stage; COMEX has also integrated confidential dialogue, although it is optional. Such dialogue is considered by states to be a major element in improving outputs, specifically factual errors. One permanent representative noted: "We were very active to introduce a confidential dialogue. Before, the Executive Secretary refused to take into account what we were saying because it had already been discussed in the Advisory Committee. So now we can really discuss at an early stage." This procedure allows MMs to take into account the comments of states. However, this does not prevent MMs from delivering their analysis independently. MMs may reject comments if they are considered irrelevant.

Confidential dialogue is also considered very valuable for other MMs. For the CPT, according to respondents, confidentiality is one of the main reasons why MM members can visit all places of deprivation of liberty. Some consider that without it, they would have much less freedom of action. Confidential dialogue is also important for MONEYVAL. Some states consider that the volume of information requested by this MM is very large, and they may have difficulty understanding requests and making information available (e.g. information not identified in time, or not translated in time.). Direct dialogue with the states before the visit, during the visit and after the visit gives the opportunity for them to solve questions directly. One permanent representative explained about MONEYVAL: "The process is complicated. Maybe even sometimes it is difficult for us to understand. We cannot skip steps. There is a lack of capacity to respond and how to transpose. The confidential dialogue is very helpful." The interviews revealed that dialogue is only useful if it is conducted with the relevant institutions. For example, MONEYVAL's contact points are the state ministries of finance, which allows for a rapid reaction when a request is made, but also an ability to understand the request and provide appropriate explanations. As one official said: "we speak the same language".

3.2.2.2. Existence or absence of follow-up procedures

Although the large majority of MM members consider that they are able to fulfil their mandate, several MMs consider that the follow-up procedure could be developed and/or improved. As noted in section 3.2.1., the follow-up procedure is the most frequently mentioned activity to be reinforced.

86. The confidential dialogue refers to confidential exchanges between member states, and MMs members and secretariat. The time at which it is involved in monitoring and the elements covered vary according to the mechanism.

Follow-up procedures are implemented by many MMs, but not all. These procedures cover several mechanisms to follow up on the recommendations addressed to states and to check whether measures have been taken to improve situations. This can be done through a continuous dialogue between rounds for the follow-up of recommendations between the MM and state, or an institutionalised interim follow-up process for certain priority recommendations between rounds. According to a Council of Europe stakeholder, “[s]ome mechanisms make reports and that’s it. Others will follow and that keeps the pressure on”. One staff member also explained: “We make a final report with a lot of very relevant recommendations but in practice there was no follow-up. The usefulness of the system is lost.” This difficulty was identified by several MMs, which began to reflect on the definition of new procedures enabling them to strengthen the follow-up of recommendations, in particular through the introduction of compliance criteria. The Lanzarote Committee is particular here, because the absence of a specific country report complicates the follow-up of recommendations. This is currently under discussion (see section 3.2.5.). Even in MMs which implement follow-up, interviewees have revealed that these procedures could be improved. An example is the CPT: this MM has a broad mandate, which is to visit places of deprivation of liberty of various kinds (prisons, psychiatric hospitals, social care homes, immigration centres, etc.) in all countries of the Council of Europe. Given the magnitude of the task, and the need to prioritise visits, a number of issues were found during the country visits (allegations of ill-treatment, inadequate living conditions, lack of legal safeguards, etc.). These are not systematically subject to follow-up visits to verify the measures taken by the states, or places of deprivation of liberty are visited only after many years. A stakeholder notes: “sometimes there is not a lot of follow up between visits. We do not have a unit or someone in terms of monitoring and evaluation in the secretariat that will closely follow up. But if the situation is sufficiently serious, we organise an ad hoc visit”. There may be other tools used, however, such as letters in reply to government responses or high-level talks with national authorities. However, the analysis resulting from these practices remains limited in comparison to conducting a visit. Moreover, several respondents pointed out that the role of country-based Council of Europe offices (if any) and NPMs could be strengthened in terms of follow-up of recommendations. They also indicated the need to create conditions for more in-depth dialogue with other stakeholders at state level, in particular associations of lawyers, police officers and judges. As one stakeholder mentioned, the needs are different from one country to another, and “There is not necessarily one model.”

Some good practice in follow-up procedures

- Continuous dialogue between cycles for the follow-up of recommendations between the MM and states (e.g. GRECO, T-DO)
- Interim follow-up procedure for priority recommendations (e.g. ECRI, for two priority recommendations, two years after publication of the report)

3.2.2.3. Challenge linked to scope of ECSR

Although 71% of ECSR members consider that this MM can fulfil its mandate, 29% consider that it cannot. According to the interviews, one of the causes for this is the wide scope of the MM. As mentioned above, other causes will be discussed in other sections.

Among the MMs of the Council of Europe, a very large majority of which have a circumscribed mandate that allows for effective monitoring, the ECSR is an exception. As one of the stakeholders interviewed points out: “There are problems with the content of the purpose and objectives of the Charter. One problem is that the areas covered by the Social Charter are too broad.” This is particularly the case for the reporting procedure, which is one of two procedures of the ECSR, the other being the collective complaints procedure. Indeed, states are supposed to provide information on all the provisions they ratified,⁸⁷ but as one MM stakeholder explained: “We deal with labour law, healthcare, education, social security, etc. It is about monitoring all public policies of the state”. Therefore, states are required to spend a lot of time drafting the report, and at the same time, the ECSR is required to analyse data that sometimes contain a lot of information that is deemed unnecessary or irrelevant. One respondent noted: “For me, the essential point is to list what is required and to really identify which things should be insisted on or not. We insist on things that do not make sense.” In addition, this also leads the ECSR to liaise with many ministries, not all of which have a good understanding of human rights issues. The existence of the collective complaints procedure, which focuses on concrete problems identified at national level by civil society or social partners, only partially addresses this difficulty. Indeed, this procedure only concerns a few countries (at present, 16) and, many regard it as complementary to the reporting procedure. According to the interviews, it is important that both procedures are maintained,

87. Each country has different obligations, depending on the treaty ratified (1961 Charter or 1996 Revised Charter) and, within the Charter, the provisions accepted.

as the reporting procedure concerns a larger number of countries and gives a general perspective that can be useful, since the issues addressed by the collective complaints depend on the demands of social actors, which may not be interested in all social rights.

In recent years, a reform of practices has been initiated and the questionnaires sent to states now include more focused and strategic questions, which, according to interviews, allows for a better dialogue between the ECSR and states. However, respondents indicated that there is some resistance to this practice, as all provisions are supposed to be analysed, and non-priority issues may be excluded from the reporting procedure. This raises the question of identifying priority issues. At the time of the evaluation, discussions were ongoing, and several options were put forward.

Finding 9: Most MMs are successfully fulfilling their mandate, although they could modify their activities to be even more effective; while a few MMs have difficulties in fulfilling their tasks.

Finding 10: The mandate of MMs is subject to differing interpretations within the Council of Europe.

Finding 11: The quality of analysis of MMs is considered high as a result of the working methods and the profile of the experts involved.

3.2.3. To what extent are MMs co-ordinated at internal level (within the Council of Europe)?

This section is divided into three subsections: co-ordination between the MMs, co-ordination within the strategic triangle, and links between the MMs and the CM.⁸⁸

3.2.3.1. Co-ordination between MMs⁸⁹

The level of information exchange between the Council of Europe MMs is judged very differently depending on the MMs: it is considered to be “average” by most MMs, such as the AC-FCNM (63%), ECSR (57%), COMEX (56%) or ECRI (50%), but is considered to be “excellent” or “very good” by a majority of GRETA members (91%). Only a very limited number of MM members interviewed consider the level of information exchange to be of poor quality.

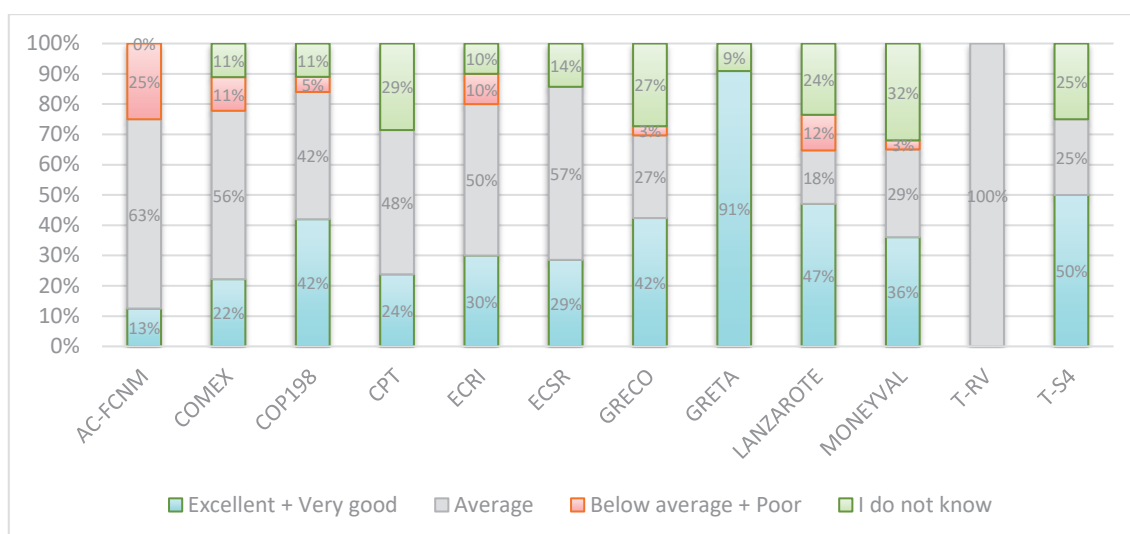
For the majority of the MMs interviewed, the exchange of information and co-ordination between MMs on the content of their mandate can be quite useful, if there are cross-cutting issues between MMs. The analysis showed that there may be many points of convergence and existence of interaction spaces. A number of them were identified by the MMs interviewed. Among these, one can mention: the situation of the detention of migrants or racism in law enforcement, which are of interest to the CPT and ECRI; the situation of children in detention, which is of interest to the Lanzarote Committee and the CPT; hate speech in sport, which is of interest to ECRI and the Saint-Denis Convention. The opportunities for convergence of mandates are indeed vast.

As noted in 3.1.5., exchanges and co-ordination between MMs is not very institutionalised, and most information exchange takes place at the secretariat level on an informal basis, for a variety of reasons: staff work in the same division or corridor, friendly relations have developed between them, one person is in charge of two secretariats (e.g. AC-FCNM and COMEX), there has been mobility of staff between secretariats, or the MMs have been developed on the basis of the same model. These informal exchanges take the form of discussions and exchanges. Many MMs invite other mechanisms or are invited by other mechanisms. GRETA is a model in this respect. GRETA frequently invite members of other MMs to discuss converging thematic issues: for example, they have consulted GRECO for information because the committee wanted to include questions on the questionnaires related to trafficking and corruption; GRETA have consulted GREVIO to gain a better understanding of its standards on criminalisation of perpetrators of forced marriages; they have consulted the Lanzarote Committee because child sexual exploitation is also a strong human trafficking issue; they have also had discussions with ECSR to clarify their analyses in the framework of a recommendation on work-related exploitation; etc. As one stakeholder in this MM said, “we need to be consistent within the Council of Europe, especially on how the standards are interpreted”. These different exchanges explain why GRETA is, of all the MMs, the one whose level of exchange with other MMs is considered the highest by its members (see Figure 3.5 below).

88. Although links between MMs and CM are not strictly about “co-ordination”, this element appeared important to mention.

89. This section solely focuses on the elements of convergence of mandates. For information on learning and sharing of monitoring practices, see section 3.1.5.

Figure 3.5: How would you assess the level of exchange of information between your MM and other MMs of the Council of Europe?⁹⁰



Other MMs also implemented activities with other MMs, but to a slightly lesser extent. For example, there are exchanges of information between AC-FCNM and the Lanzarote Committee when AC-FCNM implements a visit to a country that is under review by the Lanzarote Committee. MONEYVAL and GRECO exchange information on corruption since corruption and money laundering are intertwined. Furthermore, several MMs stakeholders indicated that they analyse documents and reports published by other MMs, to complete their analysis. A stakeholder from ECSR explained: “When we look at moral and physical protection of children, we look at Lanzarote because they work on sexual exploitation. We don’t rely on them, but it supplements our own approach”.

At the MMs members’ level, the practice of institutionalised, but not systematised, exchanges of views enable representatives of MMs to come and present their activities to all the members of another MM. This practice is initiated by the MMs themselves, based on their understanding of the mandates of other MMs. This practice is frequent within the MMs and is particularly appreciated by the members and secretariats interviewed. Beyond exchanges on monitoring practices, they provide MMs with the opportunity to exchange views on the content of their activities and to identify points of convergence, while maintaining their independence. These exchanges of views also make it possible to clarify the limits of the mandates of certain MMs, which may have the same interlocutors, such as ECRI and AC-FCNM. These exchanges of views are nevertheless initiated by the MMs on the basis of what might be of interest to them: they thus require the prior identification of points of convergence and a certain openness on the part of the MMs, which is not always the case.

As a result, according to the interviews conducted, the exchanges have led to an increase in the frequency of references to the work of MMs in the publications of other MMs (the practice of “they cite us, we cite them”), which allows MMs to reinforce each other. But this is not generalised and depends strongly on the mechanisms and views of the stakeholders of these MMs. Several stakeholders point out that these elements should be further developed, while others are less open to them, even within the same MM. At the CPT level, while several stakeholders explain that there are few links between them and other MMs because of the specific nature of the theme and because of confidentiality, others, on the contrary, explain that co-operation should be further developed. One of them stated: “There are systemic issues that could be interesting, with GRECO for instance. Torture and corruption are intertwined, but we are not discussing with them. We have discussed with the Human Rights Commissioner and the Court, but not the [CPT].”

Moreover, these practices require resources in terms of time and staff, which are not readily available (see section 3.3.1.). A MM stakeholder said: “We try to do our best on co-operation, but ... we are underwater in terms of means, resources and staff. It is difficult to get the information we want. We want to strengthen ourselves, we know that there is expertise elsewhere ... Internal co-operation saves time, but it also means losing some of it”; or again, “We have lots of meetings proposed to us between departments, but we don’t have the time.”

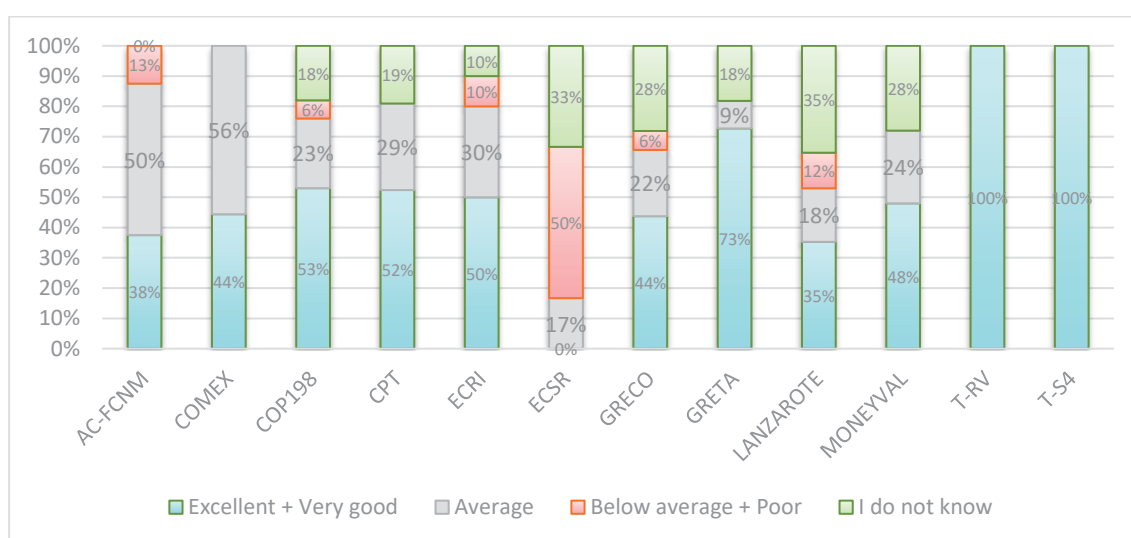
90. N=167.

Finding 12: Co-ordination between MMs is average, with the exception of some mechanisms that have implemented specific activities to exchange with other MMs.

3.2.3.2. Co-ordination within the strategic triangle

As mentioned in section 3.1.5.1., the Council of Europe carried out a reform in 2014 in order to strengthen the links and synergies between dimensions within the same theme. Whereas the directorates were previously divided by the dimensions “monitoring”, “co-operation” and “standard setting”, these directorates became thematic ones. This greatly facilitates the links between the MMs and the dimensions “co-operation” and “standard setting”. The perception of the level of information exchange between the MMs and the other dimensions is nonetheless very different from one MM to another. The perception of information exchange is “excellent” or “very good” for the MMs in the field of sport, GRETA, COP198, the CPT or ECRI, while it is “average” for AC-FCNM or COMEX, and “below average” or “poor” for ECSR.

Figure 3.6: How would you assess the level of exchange of information between your MM and the standard setting and co-operation dimensions within the Council of Europe?⁹¹



For some MMs, the links with the other dimensions of the triangle are much more important than for other MMs. As a stakeholder from the DGI pointed out: “We have to be careful that enhanced co-operation between the MMs can sometimes be artificial if the mechanisms do not work on the same field. It would be more interesting to better integrate the mechanisms in their natural environment, when it is the same issue: standard setting, co-operation.” This is the case with the CPT and standard setting. Links have been particularly strengthened with the CPT on penitentiary issues. MM stakeholders have thus noted the importance of having participated in the exchanges during the drafting of the European Prison Rules: “the results of the MMs have been taken into account in the standard settings for the prison sector”.

For many states, the link between the MMs and the co-operation dimension is fundamental. According to the interviews conducted, the findings or good practices identified in the MMs’ products are often the basis for the development of action plans, carried out in a joint and inclusive manner with the states, which then take the form of technical assistance programmes. In other words, monitoring makes it possible to identify a need, which could be met by co-operation programmes, if funding is available. Such programmes have proven effective in assisting with reforms that have allowed member states to progress in their compliance with the recommendations of the MMs. This is the case, for example, in the field of economic crime as regards MONEYVAL and GRECO.

The example of the Lanzarote Committee is notable here because this committee does not only carry out an analysis of compliance with its related convention, but also identifies good practices that can then be promoted in the framework of technical assistance programmes. This was the case, for example, of the Children Houses⁹² set up in Iceland: once this good practice was identified by the Committee, protocols were put in

91. N=152.

92. The Children’s Houses is a system that aims to support child victims of sexual violence where the victim is heard in an establishment in which all services are available in one place (police, doctor, judge, etc.).

place to extend this system to other countries, notably through co-operation. This has had an impact on the number of cases detected, but also on the increasing number of convictions.

According to the representatives of permanent representations interviewed, co-operation programmes unequivocally contribute to strengthening the links between the states and the Council of Europe institution and to the advancement of rights at national level, especially as they are “demand-driven”. These programmes are sometimes an opportunity to clarify both standards and MMs’ recommendations that may not be well understood by states. The form of the outputs of the MMs, whether reports, assessments or recommendations, is essential to develop this activity (see more on this question in section 3.2.5.). For example, one stakeholder in the co-operation dimension explained that they do not use the Lanzarote reports very much because, as they are not country-specific, they are more difficult to use. Similarly, ECSR reports are considered complicated to use for devising co-operation activities.⁹³ The usability of the outputs is thus one of the reasons why certain mechanisms are less subject to co-operation. Other reasons may include the limited human resources allocated to the link between monitoring and co-operation – which is, for instance, the case of the ECSR⁹⁴ – or the limited funding available. In order to strengthen the links between the dimensions, several methods have been used by the MMs, such as MMs secretariat members having in their objectives the participation in co-operation activities or, in the case of bodies that may be composed of government representatives, the observation or participation in MMs plenary sessions or working group meetings by Council of Europe staff involved in the co-operation dimension (e.g. GRECO, MONEYVAL). However, it should be taken into account that the involvement of MMs secretariat members in co-operation activities may pose difficulties in terms of conflict of interest and workload.⁹⁵ This is done while maintaining MM’s full independence of analysis.

Finding 13: Co-ordination within the strategic triangle is considered to be essential, in particular to build the confidence of states in an area of work through links with co-operation.

Finding 14: Co-ordination within the strategic triangle is considered positively, but it is not considered to be adequate for a few MMs with complicated outputs to monitor or who have insufficient staff.

3.2.3.3. Links between the MMs and the CM

The links between the CM and the MMs cover a wide range of situations, depending on the MMs considered. For some of the MMs, the CM has a major role because it is the body that will adopt the recommendations following the adoption of their reports: this is the case, for example, for COMEX, AC-FCNM or the ECSR. According to the interviews conducted, this passage through the CM, a political body, sometimes weakens the process. This is the case, for instance, because not all findings of non-conformity are the subject of recommendations for political reasons. Moreover, some respondents note that the consideration of recommendations can sometimes take several years before being discussed or be “watered down” so that the recommendations are acceptable. A state representative explains that improving this situation is difficult, as it is induced by the very functioning of the MMs within the Council of Europe: “I do not know if it is solvable. You can improve the monitoring mechanism, make it lighter, better, more flexible, more catered to the needs, but for the results, I am not sure it is a doable task. It is linked to fundamental political issues.” Indeed, the CM’s permeability to the political climate in Europe can be a hindrance to the consideration of recommendations by states. The people interviewed indicated that this situation is particularly problematic for the ECSR. Stakeholders involved in the system indicated that the CM had not made any recommendations to states in the framework of the reporting procedure for several years. However, the CM resumed the practice in 2021, consistently adopting recommendations in cases of collective complaints on gender pay gap where the ECSR found a violation. The CM played an important role: the gender pay gap was the subject of recommendations to the respondent states found in violation of the Charter and also a declaration by the CM.⁹⁶ This demonstrated the existence of a potential to advance social rights through intergovernmental level, which is a positive development for the monitoring mechanisms of the European Social Charter. Permanent representatives interviewed noted the driving force of the Charter on these issues. According to the respondents, the CM’s consideration of this

93. This is only one of the reasons why there are not many co-operation programmes on social rights. Other important reasons are the statutory nature of the project proposals (i.e. promote the ratification of new articles) and the difficulty of funding due to the limited number of donors.

94. See more information on this aspect in section 3.3.1.

95. On this element, see section 3.3.1.2. below.

96. CM (2021), *Declaration by the Committee of Ministers on equal pay and equal opportunities for women and men in employment*, Decl(17/03/2021).

theme gives an important political weight to the gender pay gap, but also strengthens the credibility and importance of the ECSR and of social rights as a whole. In this respect, the respondents consider that the CM should be more involved in the follow-up of the ECSR's conclusions and decisions. Some also consider that the CM should continue to adopt a systematic approach in the follow-up to collective complaints.

For those who are not required to go through the CM to adopt recommendations, the CM still plays a very important role in strengthening the recommendations. For example, for the CPT, which produces its own recommendations, the CM has recently agreed to play a more important role in the mechanism by discussing the CPT's public statements, that is, the situations of countries which repeatedly fail to implement the CPT's recommendations.⁹⁷ Respondents involved in the CPT expressed a high level of satisfaction with the new introduction of discussions on public statements at the level of statutory bodies.⁹⁸ As one CPT stakeholder mentions: "Looking at the last 20 years, the follow-up at the CM has not been very developed ... but nowadays, there is an internal commitment to [follow up the public statements] automatically. It is a major step forward. There was a public statement on Bulgaria. In January [2022] the CM has a special debate on this topic. This is exemplary." Nevertheless, the situation of the CPT is particular. As one Council of Europe stakeholder said, "the problem starts when the implementation of the recommendations of the monitoring mechanisms goes back to the political level". For many of the stakeholders interviewed, the political support given by the CM to the MMs should be strongly reinforced, as it provides political weight to the recommendations.

Finding 15: The link between the MMs and the CM is not considered as optimal, in particular with regard to the follow-up of non-conformity findings.

3.2.4. To what extent are stakeholders in the member states engaged during the monitoring process and supported in the implementation of recommendations?

The analysis reveals that the majority of states feel involved in the monitoring activities. According to the survey of states' contact persons, the large majority consider themselves to be "very much" or "somewhat" involved in the monitoring process when their country is analysed.

Figure 3.7: To what extent do you consider your institution at national level to be involved in the monitoring process when under review?⁹⁹



Even if the involvement of states in the monitoring process is strong, interviews with states representatives revealed that this process can constitute a challenge for states with limited capacities or resources. The obligations arising from the MMs may indeed appear to be burdensome for these states. The interviews show that

97. The CPT has a graduated approach: only if the high-level dialogue does not produce results are public statements issued. This unilateral measure of last resort is not always sufficient, however.

98. At the time of the evaluation, the inclusion of statements was also under discussion at PACE level.

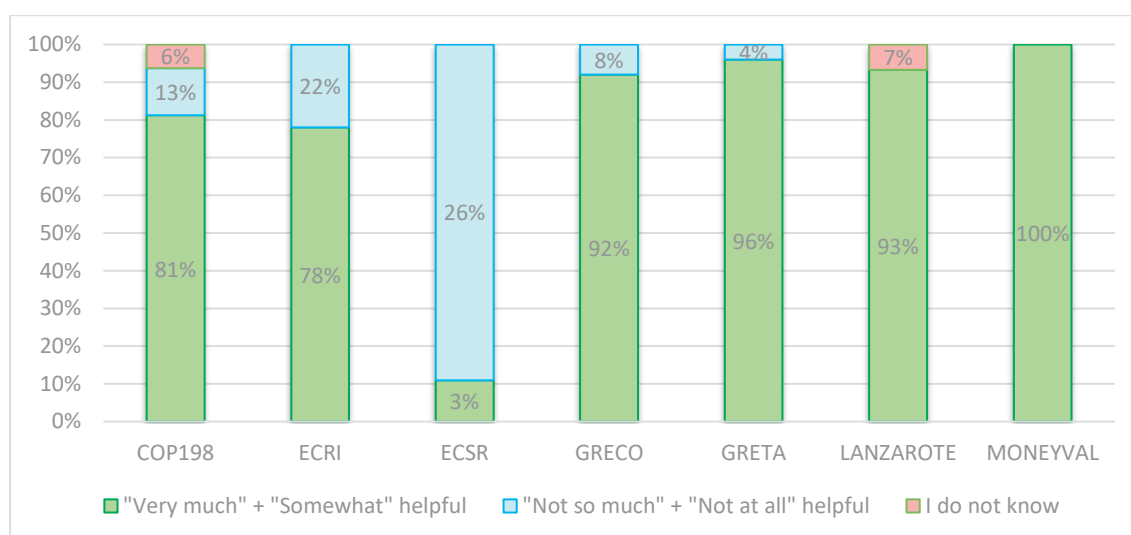
99. N=142. This graph does not include the responses of the AC-FCNM, COMEX, CPT and sport-related contact points. See section 2.2.4.

there is a gap between countries with more capacity and resources to dedicate to monitoring activities and follow-up, and countries with less. As one permanent representative noted: “Obligations are too much. There is a monitoring fatigue. We do not have a lot of people, we do not have a lot of capacity.” This is particularly the case for rapid monitoring processes such as MONEYVAL. This mechanism requires significant preparation from the states. In the preparation phase of the field mission¹⁰⁰ and during the mission, the courts and financial institutions are asked to provide many legislative and regulatory documents and statistics, which can add up to 1 000 pages of documentation. However, at national level, these documents are not systematically centralised, and stakeholders are not always prepared. There are also problems with the reliability of some statistics, depending on the stakeholders concerned, due to the limited archiving of data in some countries. It is, moreover, necessary to request documents from a whole set of stakeholders in a relatively short time. In addition, the states must translate these documents into one of the two languages of the Council of Europe (French or English) within these short deadlines. The MONEYVAL process is one that is considered complicated for states with limited resources. As one permanent representative noted: “We are not as fast as MONEYVAL wants us to be. It is not taken into account. We need more empathy.”

3.2.5. To what extent do Council of Europe MMs support decision making and strategic intervention design by member states, including in terms of gender equality and equity?

The analysis of the questionnaire reveals that the results of the monitoring are considered useful by 74% to 100% of the state contact persons (depending on the MM) in their decision-making process and in the design of strategic decisions, in particular with regard to the implementation of the recommendations. As one permanent representative noted: “It is definitely a learning experience. [The MMs] are a way to put pressure on ourselves and improve legislation and practices”; or another: “It’s a healthy wake-up call when you get a report and it’s always taken seriously. At least we try ... The recommendations are strong, and they have an impact ... When it doesn’t work, the recommendations are there and can be used in the future.” These results are consistent with the responses to the questionnaires sent to the contact points. Only a few consider the findings are not helpful, as shown in the following graph.

Figure 3.8: To what extent do you consider that the results of the monitoring are helpful in the decision making and design of strategic decisions, particularly regarding the implementation of recommendations?¹⁰¹



Regarding gender equality and equity, these themes are specifically considered in the core mandate of some MMs: all of their monitoring products and activities help to strengthen those dimensions. For gender equality, the convention establishing GREVIO is the first to propose a legally binding definition of violence against women as a violation of human rights and a form of discrimination against women. Gender equality is also taken into consideration in several provisions of the European Social Charter. Regarding equity dimensions (marginalised

100. The preparation phase of the field mission lasts on average six to seven months.

101. N=142. This graph does not include the responses of the AC-FCNM, COMEX, CPT and sport-related contact points. For more information, see section 2.2.4.

and/or vulnerable groups), examples include the Lanzarote Committee, whose role is specifically dedicated to the protection of children against sexual exploitation and abuse, or AC-FCNM, COMEX and ECRI regarding the protection of minority groups. However, as mentioned in section 3.1.5., their consideration depends on the MMs. Moreover, within the MMs, the interviews and the analysis of reports reveal that the consideration of those issues in the reports depend on the degree of knowledge and sensitivity of the members who are in charge of the situation to assess. This reveals different levels of awareness of these issues among the MM members. This is, for instance, the case of the CPT: while some reports analyse in depth the situation of women prisoners, including consideration of gender-specific needs and the existence of gender-based violence, others may only lightly consider their specificity.¹⁰² According to some stakeholders, members often look at problems that affect the majority and the analysis does not always take into account what a gender perspective entails (access to appropriate healthcare – physical and mental health; addressing situations of violence prior to incarceration, etc.), illustrating that meetings with women are not enough to really take gender into account. This does not help to strengthen states to take gender sensitivity into account.

According to the interviews with states, several elements are important to enable MMs to support decision making, particularly: the quality of the analysis (particularly country visits and confidential dialogue – on these elements, see section 3.2.2.), the form of the outputs and the type of MMs, as described in the following sections.

3.2.5.1. The form of the outputs

While the interviewees provided particularly positive feedback on the quality of the MMs' outputs, some remarks were made on their form. For a number of respondents, the reports were not always sufficiently strategic, and could instead be "heavy", "dense", or difficult to read, which leads to a problem of popularisation of the standards for non-technical people. Most MM stakeholders agree that the length of the reports should not necessarily be reduced, as this is also explained by the explicitness of the elements of analysis and findings of the MMs: a high level of detail guarantees the quality of the analysis and is very useful for national stakeholders. However, some MM members explain that a reorganisation of the reports could be envisaged: on the one hand by introducing executive summaries of a few pages within the reports (for those who have not yet done so), and on the other hand by reorganising the content of the reports. One example is the ongoing reflections carried out within the CPT's "working group of impact". This MM initiated the practice of executive summaries in 2014. Further reflections are underway on the possibility of making reports even more strategic. In addition, several respondents noted the need to avoid having a single reporting format. One stakeholder noted: "One size does not fit all. Sometimes it is helpful to take full stock of the situation, because it is also a roadmap for the state ... but sometimes not, some issues need a more concrete approach." Thus, in addition to full analysis reports, the CPT has initiated the practice of short reports when visits have been much more focused, either because it is a thematic visit on one particular topic or because the aim is to follow up certain recommendations from a previous report.

According to the interviews, the need to strengthen the strategic aspects does not only concern the analysis but also the recommendations. Faced with a large number of recommendations, states may have difficulty in seeing which element to prioritise. For a contact point stakeholder, "the strength of the recommendation must not be diluted. Recommendations do not have much impact if you adopt a plethora of them". This difficulty has already been noted by several MMs. To respond to this challenge, some of them, such as the ECRI or Lanzarote Committee (in case of urgent situations), have limited the maximum number of recommendations, in order to focus on the most problematic elements. Both mechanisms have limited the maximum number of recommendations to 15. In addition, these mechanisms have set up priority levels, distinguishing between priority or urgent recommendations and non-priority or non-urgent recommendations. But this practice is limited to a few MMs, and many mechanisms continue to issue a large number of recommendations, without prioritisation.

Two special cases should also be noted: MONEYVAL and the Lanzarote Committee. The case of MONEYVAL is unique: MONEYVAL's reports are very precise and are sometimes over 300 pages long, with recommendations for each finding.¹⁰³ It should nevertheless be noted that the reports include executive summaries with a list of "priority actions", but also a list of "key deficiencies" within the reports. In the particular case of MONEYVAL, the degree to which states take into account the recommendations must be placed in the specific context of the very important leverage within its procedure. A non-compliance situation can place a state on a financial

102. See for instance the report on Spain that includes an in-depth gender-specific analysis: CPT (2021), *Report on the visit to Spain carried out from 14 to 28 September 2020*, CPT/Inf (2021) 27, available at: <https://rm.coe.int/1680a47a76> (accessed 5 May 2022), and the report on Greece that analyses the situation of women in much less detail: CPT (2020), *Report on the visit to Greece carried out from 28 March to 9 April 2019*, CPT/Inf (2020) 15.

103. The FATF compliance analysis includes 49 recommendations (40 recommendations and 9 special recommendations) and a series of sub-criteria.

grey or black list: this has a direct impact on the country's economy, which according to interviews can be estimated at up to seven points of GDP, which is considerable. Another particularity of MONEYVAL's work is that it aims at not only identifying the existence of violations of the rights of individuals, like other MMs do, but at analysing the existence of situations that are likely to lead to human rights violations (prevention aspect). MONEYVAL can consider that there is a breach from the moment that a risk is proven. This adds an extra layer of weight and pressure on the states. As one stakeholder explains: "If MONEYVAL blacklists you, you will get sanctions, [the economy] will be frozen."

The situation of the Lanzarote Committee should also be noted: this mechanism does not develop a country report but publishes thematic reports with global recommendations addressed to several countries. The reports of this committee are not country-specific but thematic: the reports give the results of the monitoring of all the states for a given period, and present recommendations to improve the effective implementation of the Convention, classified by theme. In the first round, it was not specified which countries were concerned by which recommendations. Thus, it was not possible to know which recommendations were addressed to a particular country. In the second round, a footnote was added for each recommendation specifying the country or countries concerned. This was an important step forward in the Lanzarote Committee as it clarifies the targeting of recommendations by country and makes it easier to follow them up. However, some states consider that this situation does not yet allow them to take ownership of the findings. One state representative interviewed said: "Lanzarote is very useful but the Convention is difficult to implement because there is no country report. [The report] is for all states". This request was heard, and a pilot project based on a country approach involving a few countries on a voluntary basis will soon be tested.

Furthermore, several state representatives have explained that they perceive that many reports focus exclusively on what is not working at national level. One permanent representative noted: "MMs must provide positive thinking and underline also what is working well." For these respondents, it would be important to point out what is working, as the practices of most MMs do not encourage states to implement the recommendations. The highlighting of problematic elements arises in the reports as well as in the public communication elements put forward by the MMs. The example of the Lanzarote Committee, cited above (see section 3.2.3.), is relevant here as it does not only carry out an analysis of compliance with the treaty, but it also identifies good practices at country level that can then be promoted through technical assistance programmes, such as the Children's House.

Some good practices on the form of the outputs

- Targeted reports, including an executive summary
- Country-specific recommendations
- Short, direct and clear recommendations
- Limited number of recommendations
- Distinction between priority/urgent and less priority/urgent recommendations
- Identification of good practices implemented in countries

3.2.5.2. The type of MMs

Interviews with state stakeholders revealed that the trust relationship with the MMs is fostered by a certain type of MM. According to the interviews, this trust relationship is more natural in intergovernmental committees, whereas it has to be built for independent mechanisms.

Mechanisms can be divided into three categories: mechanisms composed of independent members, mechanisms composed of state representatives, and dual mechanisms.¹⁰⁴ According to the interviews, each type of MM has strengths and risks of weaknesses, as illustrated in the table below. Those characteristics are explained in the following paragraphs.

104. These different types of mechanisms depend on many elements, including the historical period in which they were created (in particular before or after enlargement).

Table 9: Main strengths and risks of weaknesses according to the type of MM

Independent members	State representatives (Intergovernmental and peer review)	Dual mechanism
AC-FCNM, COMEX, CPT, ECRI, Group of Specialists on Access to Official Documents	COP198; GRECO, Committee of the Parties to the MEDICRIME Convention, Lanzarote Committee, MONEYVAL, T-DO, T-MC, T-RV, T-S4	ECSR + T-SG, GRETA + THB-CP, GREVIO + IC-CP
Strengths: – Quality of the independent analysis	Strengths: – Increased trust of states – Peer pressure	Strengths: – Mechanism combining exper- tise and politics – In theory for the European Social Charter: the Governmental Committee has a transmission role between the ECSR and the CM, and filters the recommenda- tions to be analysed by the CM
(Risks of) weaknesses: – Less dialogue with the states – Less ownership by states	(Risks of) weaknesses: – Self-censorship by states on their own difficulties – Unwillingness to blame other states – Polarisation during tensions, permeability to political cli- mate, risks of blockage	(Risks of) weaknesses: – Complex system that requires resources – State representatives not always invested (political role, not taking part in the analysis) – Unwillingness to blame other states

For intergovernmental MMs and peer-review mechanisms, such as the Lanzarote Committee, GRECO or MONEYVAL, the fundamental element is the fact that the analysis and drafting are carried out by state representatives or experts nominated by the states, which reinforces their ownership and acceptability. In the case of the Lanzarote Committee, the persons involved in data collection are specialists in the civil service of the ministries responsible for producing the information requested. According to the interviews, while some experts may tend to downplay the problems faced by their respective countries, the respondents emphasised that in most cases the fact that the members are not independent is not problematic for the analysis of the information and the objectivity of the judgment made. Moreover, the confidential dialogue and the fact that all countries are assessed simultaneously helps to build confidence in the process and ensure their active participation. This creates a climate of goodwill within the Committee, which, according to the respondents, contributes to the objectivity of the analysis provided. A permanent representative explains about MONEYVAL: “you cannot accuse it of not being objective because it is a peer review”. These elements are also confirmed by MM members. For instance, a GRECO stakeholder explained: “it is not only that reports are adopted, but it is that they are examined, scrutinised by the members themselves. There is an evaluation team consisting of GRECO members, or if it is not GRECO members, it is people who are selected by the GRECO members. This is important for trust.” According to several respondents, this system would indeed create a climate of trust between states and promote transparency. However, this analysis is not shared by all respondents. For some, the system has its limits: the self-assessment is confronted with the fact that not all states provide all the information necessary for the analysis and are not “tough enough on themselves”. As a representative of the DGII points out: “This is a weakness, not all of them play the game. There is little parallel information to contrast whether this or that country is telling the truth.”

According to the discussions with the states representatives, if an independent mechanism does not initially have as much trust from states as an intergovernmental mechanism, it is perfectly achievable for the MM to create strong relations with the states, which contribute to taking into account the results of the monitoring. This involves ensuring the confidentiality of information and the intensity of the dialogue with member states. For instance, a high level of trust between states and a MM was particularly mentioned in relation to the CPT,

which is an independent mechanism. This relationship of trust is established in particular through confidential exchanges with states, the credibility of the data and the robustness of the outputs.

The purpose of dual mechanisms, such as the ECSR and the Governmental Committee, is to foster links and dialogue between the independent experts on the one hand, and the state representatives (Governmental Committee for the ECSR, or Committees of the Parties for GRETA and GREVIO) on the other. For the European Social Charter, the Governmental Committee is also supposed to play a transmission role between the independent mechanism and the CM. Contrary to the ECSR, the Governmental Committee's mandate is not to make legal interpretations of the provisions of the Charter, but, *inter alia*, to "prepare the decisions of the Committee of Ministers" and to "select, giving reasons for its choice, on the basis of social, economic and other policy considerations the situations which should, in its view, be the subject of recommendations to each Contracting Party concerned".¹⁰⁵ While it is clear to the interviewees that the role of the Governmental Committee is to facilitate the follow-up of the situations identified by the ECSR, by making a selection of the situations that deserve the attention of the CM, most of them consider that the Governmental Committee does not presently play this role. A stakeholder explains the process before the Governmental Committee: "All non-compliance situations are read out and states are supposed to argue why, or [explain] the measures taken. In reality, states often just read at length from the report provided, or the legal text or the national provisions. This was clearly not constructive ... For me the Governmental Committee is only useful if it clearly reflects both the commitments and wishes of states to improve social rights at domestic level." This vision is shared by members of the MM. Far from achieving a balance between the two mechanisms that make up the monitoring of the Charter, this dual mechanism is considered by some as a weakness of the system: "It is an added layer of complexity. It confuses the discussion with the CM." Some explain that the Governmental Committee was making the system "more bureaucratic, complex, time-consuming". Some stakeholders interviewed explain these challenges to be inherent to its intergovernmental nature. States would be reluctant to blame each other. Another stakeholder noted: "Some states do not want to interfere with other countries or make stronger demands." Others explain it by the selection of Governmental Committee members: apart from a few, the members are not sufficiently active and are not always technical, and there is a high turnover. As a result, few situations were recommended by the Governmental Committee to the CM. There are nonetheless reports that this may be evolving.

It should also be noted that these elements are currently being discussed in GT-CHARTÉ. While this dual set-up is particularly problematic for ECSR, it does not prevent other systems created on the same model, specifically GRETA and GREVIO, from functioning. A DGII staff member explains: "This tandem is mutually reinforcing ... For members, it is very difficult to criticise and question the expertise produced. The Committee of the Parties was very supportive with a few exceptions and supported the recommendations." Yet some respondents note that the members of the Committee of Parties to the Convention against Trafficking in Human Beings, who are diplomats and therefore not necessarily subject matter experts, do not take up opportunities to challenge each other. As one stakeholder from the DGII explained, the members do not prevent the MM from working and are not interfering, but neither do they improve it: "The peer review is good. But they should be speaking more loudly. If a state party's report is due for two years and nothing has been done, the Committee of the Parties should criticise and express its dissatisfaction. This is not happening because they are not ready to be critical of each other." The complexity of this model could also be questioned for MMs with few states parties, as this model requires the mobilisation of both independent experts and state representatives. The implementation of this resource-intensive system may appear complex for new MMs, such as the monitoring system of the Tromsø Convention, which had only 10 states parties at the time of the evaluation.

Finding 16: Although the quality of the analysis was widely emphasised, the MMs' reports are not always considered sufficiently strategic, which leads to a problem of popularisation of the standards for non-technical people and difficulties in following the recommendations.

Finding 17: The trust relationship with the MMs is fostered by certain types of MMs.

Finding 18: The dual nature of some mechanisms does not always add value to the outputs of the MMs and sometimes appears as a constraint.

¹⁰⁵. Article 4, *Protocol amending the European Social Charter*, 1991.

3.2.6. Were there unintended outcomes (positive and negative) produced due to the activities and operating procedures of the MMs?

Several unintended outcomes, both positive and negative, were identified.

3.2.6.1. Positive unintended outcomes

According to some of the MMs staff members, the effects of the country visits go beyond the monitoring mandate. This is for example the case of sport-related MMs. These visits are an opportunity to have a platform for exchange at national level between stakeholders who would not otherwise meet. The participation of stakeholders from different backgrounds, sometimes at odds with each other, creates a dialogue and stimulates an integrated approach within the same area of work in the meetings.

Moreover, according to the interviews conducted, states are sometimes in demand to carry out evaluations, because positive evaluations (which do not present a situation of non-compliance) make it possible to strengthen the credibility of national institutions. This is for example the case of MONEYVAL. This situation contributes to the attractiveness of the MMs.

In addition, the quality of the reports has contributed to making some conventions reference points that extend beyond the Council of Europe. These conventions have attracted the interest of countries on other continents. For instance, T-DO includes all Council of Europe member states, Australia, Belarus, Canada, Morocco and Tunisia. GRECO comprises all Council of Europe member states, Belarus, Kazakhstan and the United States of America; the Lanzarote Committee includes all Council of Europe member states and Tunisia.

3.2.6.2. Negative unintended outcomes

The greatest difficulty noted is the risk of politicisation of the monitoring results at state level. Interviews with the permanent representations revealed a particular concern on the part of some states regarding the use of the monitoring results by opposition parties or civil society, which could, according to them, “challenge the security and destroy a country”. Similar remarks were made by several states representatives. However, it is important to point out that it is not the results or the quality of the monitoring analysis that is problematic. It is the use made of the MMs’ legal analysis by certain national stakeholders that may make it a sensitive political issue. A permanent representative summarised: “for us, the outcome of the missions is very objective. They are evidence-based and stick to the language of the MM. But there is a problem of some who try to politicise the outcome of the monitoring report.” Some issues monitored, such as minorities, are particularly sensitive because they touch on elements related to the unity of the state and the stability of institutions.

A second unintended negative effect is that monitoring procedures have induced in some states a monitoring fatigue. Because the procedures are sometimes burdensome for states, and some have fewer people and less capacity to cope with the demands, one state indicated that it had recently refused to ratify one convention, not because the treaty is not considered a priority, but because the treaty includes a MM that requires the mobilisation of resources for the states concerned. A permanent representative explains: “We signed some conventions, but for example we did not ratify the Istanbul Convention ... There was a debate. The argument was that there is the existence of the monitoring mechanism, and this is burdensome. It is extra work.”

3.3. Efficiency

The efficiency section analyses the mobilisation of resources adequate to produce quality outputs, the usefulness of monitoring practices, quality of products and timing, and the effects of the quality control system.

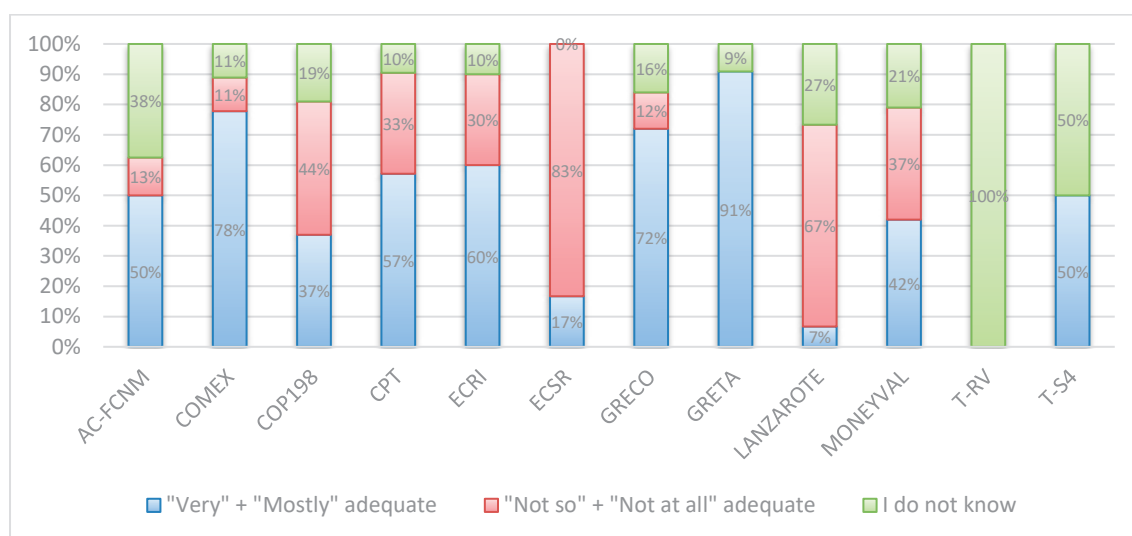
3.3.1. To what extent are the financial, human and material resources of Council of Europe MMs adequate to implement monitoring activities in order to produce quality outputs? To what extent is the mobilisation of resources optimal for the observed outcome?

3.3.1.1. The adequacy of financial resources

The identification of the financial resource needs of the MMs follows a guiding principle, namely the advance planning of each MM over two years. Each mechanism is structured according to a fixed two-year planning, although there may be urgent or ad hoc activities. Over this period, the number of evaluations and monitoring reports is predetermined. The identification of the budget in terms of needs is therefore linked to the

preparation of the MM activity programme. Each mechanism makes proposals and then resources are allocated to the MMs when the CM approves the programme and budget.¹⁰⁶ While several stakeholders consider that all MMs have sufficient financial resources to carry out their activities, the answers of MMs' members vary greatly, as illustrated in the following graph. It is interesting to note that MMs who conduct country visits – such as AC-FCNM, COMEX, CPT, ECRI, GRECO, GRETA or MONEYVAL – consider the financial resources to be more adequate than those who do not conduct visits – such as COP198, ECSR and the Lanzarote Committee. As will be discussed below, this may be explained by the arbitration measures taken.

Figure 3.9: According to the perception of MMs members: “To what extent are financial resources of your MM adequate to implement activities in order to produce quality results?”¹⁰⁷



The interviews revealed that, despite the financial resource needs identified by the MMs, the general principle of the Council of Europe's ordinary budget under which the MMs are placed is the budgetary policy of “zero real growth”. According to this policy, the ordinary budget may not decrease, but also not increase – apart from taking inflation into account.¹⁰⁸ GRECO was created based on a partial and enlarged agreement.¹⁰⁹ As such, GRECO has its own budget, financed through the compulsory contributions of its members.¹¹⁰ Only GRECO was created by such an agreement. This means that it is not dependent on the ordinary budget of the Council of Europe, and that its budget increases when the number of state parties increases. Its budget is nevertheless presented within the confines of the overall budgetary envelope of the Organisation although it cannot benefit from an attribution of funds from the ordinary budget despite being identified as a priority area of action. Its budget is based on that of the previous year and the budgetary policies of “zero nominal growth” or “zero real growth” and technical adjustments applied to the ordinary budget apply to GRECO's budgets. The cumulated impact this has had on its budget, which includes a substantial obligatory contribution from its operational resources to the ordinary budget, has left GRECO in a precarious budgetary situation. For other MMs, voluntary contributions from states may not be used for the ordinary budget of the MMs, in particular for the remuneration of MMs staff. In addition, according to the interviews conducted, while some MMs have asked to mobilise funds from private stakeholders outside the Council of Europe, the institution has not given them permission to do so because of potential conflicts of interest. According to some MMs, this difficulty could be circumvented, for example, by pooled donor funding. This would allow MMs to considerably increase their resources. However, some interviewees expressed reservations that the use of pooled funding could undermine the independence of the mechanisms, their fairness in terms of resource allocation and would not necessarily be sustainable.

In a situation of limited resources, the MMs are naturally placed in a competitive position when the CM decides on the budget,¹¹¹ although they are all officially considered as priorities. It is therefore necessary to prioritise.

^{106.} In the case of GRECO, the Statutory Committee adopts the budget, cf. GRECO Statute Article 18.3.

^{107.} N=140.

^{108.} For the past two years, inflation has been taken into account, whereas previously it was zero nominal growth.

^{109.} Council of Europe (1999), *Agreement establishing the group of states against corruption*.

^{110.} Article 17, *ibid*.

^{111.} In the case of GRECO, the budget is adopted by the Statutory Committee, see above.

This is done at several levels: operational directorates (DGI and DGII), DPB/Secretary General and CM. According to the interviews conducted, several elements are considered. Among them: the country visits, which require more operational budget; the number of states that have ratified a convention or treaty;¹¹² the level of activity of the MM. Therefore, a MM that carries out visits may have a higher operational budget, and a MM that does not carry out a visit and/or has a lower number of states parties (such as the ECSR, with no visits and a low number of states having ratified the protocol) may consider that its financial resources are not sufficient. While country visits are indeed often resource intensive, especially for logistical and expert costs, MMs that do not carry out visits are also resource intensive. Monitoring without visits requires significant research activities in order to collect quality information, and to analyse it, thus a very important office work. Research work is also needed for MMs carrying out visits, both in preparation of the visits and in the preparation of reports.

The inadequacy between existing resources and needs is also noted by MMs with a rapidly growing demand: the question is how the resources allocated are to keep pace with the growth in demand. In the case of the Lanzarote Committee, the number of states parties has increased significantly between the first, second and third monitoring rounds, which is due to start soon. The mechanism has seen a very significant increase, from 26 countries to 48 countries over the cycles. However, the evolution of the budget has only slightly increased despite the increase in activity. For example, in 2016, when the Lanzarote Committee had 39 states parties, its total budget was €1 902K; in 2021, when the Committee had 48 states parties, its total budget was €2 230K. For the ECSR, the evaluation team received reports that no adjustment was made on account of the ratification by two member states in 2021 of the revised Charter, nor on the acceptance of one of them of the collective complaints procedure. The ECSR has already received two collective complaints in respect of one of those countries. The evaluation is not able to provide financial data, since the document Programme and Budget does not differentiate between the different components of the dimension “Social rights”.¹¹³ The following table gives some information on the budgets of the four case studies, based on information provided by the DPB for 2021.

Table 10: 2021 budget by case study

Case study	2021 Budget	Comments
CPT	€4 556 004 dedicated to visits and €283 580 for dialogue	Visits, all members of the Council of Europe
ECSR Social Charter	€2 746 900	No visits, number of states parties depends on the convention/protocol ratified (43 for the 1961 Charter or revised Charter; 16 for the 1995 Protocol), two procedures, increasing number of states parties
Lanzarote Committee	€793 000	No visits, increasing number of states parties (from 26 to 48)
MONEYVAL	€1 868 100	Visits, 33 states parties

The arbitration measures policy also explains why a MM starting out has very few resources. As one staff member explained, “when you create a new mechanism, it starts very small, there are few states parties [and] less work at the beginning. You start with two or three administrators, then when the mechanism demonstrates its credibility and proof of its effectiveness, you see a trend of growth in operational and human resources.” The Committee of the Parties to the MEDICRIME Convention, a new MM with 18 states parties, is facing this situation: it is currently very small with one part-time administrator. But even more, the current financial resources of this MM do not seem to allow for follow-up activities in practice. The overall budget for 2021/2022, to be shared with another mechanism, is €77 000, of which €36 000 are allocated to the plenary session alone. For this committee, the type of activities that were included in its rules of procedures was not decided based on activities that would enable it to fulfil its mandate, but on available resources. This case raises questions within the Council of Europe in the context of the rule imposed by the zero growth of the ordinary budget: how to support the new mechanisms? As this testimony underlines: “there are new monitoring mechanisms, and

112. The number of ratifications depends on the conventions. With the exception of the European Convention on Human Rights, the countries of the Council of Europe are not obliged to ratify all the conventions (even if many of them do).

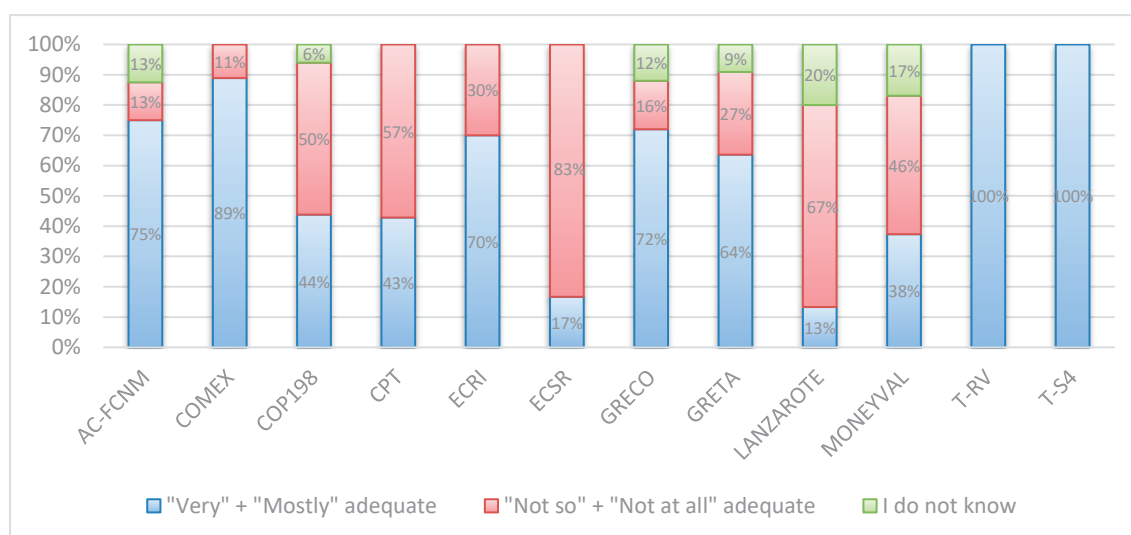
113. The “Social Rights” dimension includes the ECSR, the Governmental Committee and the European Social Cohesion Platform (PECS).

they need to be given money. It is a question of where the Council of Europe puts its money ... the question is: from where should I take resources in a political reality when member states are totally divided?" Another observation voiced is: "The Council of Europe drafts a convention, and afterwards, unless someone wants to develop it, there is no continuity." The consequence of the zero real growth policy is more work for the MMs, without any significant increase in resources. Therefore, the main challenge is to ensure an adequate budget for future mechanisms. Indeed, as one staff member of the DGI stated: "Monitoring bodies were created with structures that were not necessarily the lightest, with two committees for example. It happened like that, without any problems, and then budgetary means had to be made available to operate. We have accumulated mechanisms that need to be financed and for the last 10 years, the means have not increased."

Finding 19: The "zero growth" budget policy has an impact on the availability of resources for the MMs, as all of them, except GRECO, cannot rely on extra-budgetary resources.

3.3.1.2. The adequacy of human resources

Figure 3.10: According to the perception of MMs members: "To what extent are human resources of your MM adequate to implement activities in order to produce quality results?"¹¹⁴



The survey question on human resources reveals similar discrepancies as the question on financial resources. It is important to clarify that the analysis here is not only about the financial allocation for human resources, but also about the allocation of human resources within the MMs, which is different. In the latter case, financial resources may be available for some MMs, but it is the presence of sufficient human resources within the secretariats that is questioned, as will be explained below.

For the Lanzarote Committee, the limited increase in human resources does not make it possible to absorb the additional workload due to the rapidly growing number of states parties, which leads in practice to more time being needed to produce reports. According to the document Programme and Budget, in 2016, with 39 states parties, the secretariat had nine posts (5.5A, 3.5B) and one position (1B) staff; in 2021, with 48 states parties, the secretariat had 11 posts (6.5A, 4.5B) including one additional position (1A).¹¹⁵ Moreover, these data include the entire children's rights sector, not just monitoring activities: in reality, fewer resources are allocated to monitoring. For the ECSR, the main difficulty is also the lack of human resources due to the shortage of financial resources. The ECSR has seen its workload increase significantly over the last few years but as discussed in section 3.3.1.1., the budget allocated to it is limited in relation to its mandate. While in 2016, the social rights component (which includes the ECSR, the Government Committee and the European Social Cohesion Platform¹¹⁶) had 22 posts (14A, 8B) and one position (1A), in 2021, the human resources did not particularly evolve, since there were 23 posts (16A, 7B), while the number of collective complaints considerably

114. N=140.

115. Council of Europe, *Programme and Budget 2016-2017*, p. 43; Council of Europe, *Draft Programme and Budget 2022-2025*, p. 57.

116. The European Social Cohesion Platform was upgraded in 2016 to the European Committee for Social Cohesion.

increased in the same period. In February 2022, 36 collective complaints were pending, the oldest dating back to July 2017.¹¹⁷ As one stakeholder in the mechanism pointed out: “the main obstacle to fulfil our role is that we have an immense amount of work and not enough resources in terms of human resources, financial resources and time”; or another one: “We are time poor, human resources poor.” As a result, staff are often overwhelmed by tasks of various kinds. For example, the person in charge of reporting on non-implemented Charter provisions and on monitoring of those provisions also manages the co-operation programmes at the ECSR and the standard setting. Several stakeholders noted that the monitoring and co-operation dimensions require very different skills: specific and in-depth legal expertise for monitoring, project management for co-operation. As one stakeholder put it, “You can’t put the same person in charge of co-operation, it’s a question of competence and time.” As only one person is in charge of both dimensions and is overloaded, this person does not have the time to fully implement both activities. This partly explains the fact that the co-operation of this system is overlooked, as was seen in section 3.2.3.

This difficulty goes beyond the human resources of the secretariat: MM members are also concerned by the lack of time allocated to the implementation of their monitoring activities. In fact, according to the interviews conducted, the time needed for monitoring work is much higher than a part-time commitment. Many question the relevance of making the ECSR a body with permanent members, to cope with the demand. As a result, the budget is not spent in its entirety due to a lack of absorption capacity. As one staff member stated: “States have looked at the ratio between staff and activities. You can’t spend too much on staff and too little on activities. So, there are financial resources that are not used. But if you don’t use the financial resources, then you reduce the [operational] budgets.” Indeed, there is pressure to rebalance the staff–activity ratio which would involve reducing staff. This policy seems to contribute to reducing the efficiency of the system. It also particularly affects MMs which do not carry out country visits, as most of their activity is related to research and analysis work, which requires more staff than activity, unlike MMs which carry out country visits.

For some other MMs, the main difficulty is the lack of human resources, due to the human resource policy. One MM stakeholder explains: “We sometimes have teams with very good budgets that have vacant posts, it’s not a question of resources, it’s a question of posts”; or again: “The major problem is the human resources given to the secretariat. Especially in the sense of the number of people working there. Not quality or competence.” In fact, some posts are not filled because of a lack of candidates at internal level. Indeed, in accordance with the human resources policy, the posts that are vacant need first to be filled internally. If human resources are not available internally, external recruitment has to be carried out, but the process is very long and cumbersome. This is for instance the case with the CPT. According to the interviews, several posts remain vacant because no candidates with relevant technical expertise could be identified internally or on the existing reserve lists. However, it must be noted that some additional resources could be allocated under some specific conditions: under the previous contractual policy, which has recently been amended, a temporary staff member could be recruited for a maximum period of nine months, renewable after a three-month break. In order to meet their human resource needs in a timely manner, several MMs hire such temporary staff for positions that should be permanent positions. This method generates a discontinuity in the work over the year and requires a reorganisation of tasks to minimise the impact related to staff absence for a period of three months. It also requires increased supervision of temporary positions. This system is not considered to be efficient. In practice, these difficulties clearly have a negative impact on MMs. Some visits may be cancelled or postponed, even though there is a budget available. According to an interview with a CPT stakeholder, another implication is that the secretariat is currently not able to systematically prepare briefing notes for delegation members before visits.

The situation is similar for MONEYVAL, for whom the recruitment of temporary positions resulting in the lack of internal candidates for permanent recruitment positions is a problem. The current staffing level is 12 persons on a permanent contract, while a minimum of 19 permanents are required to implement the current work plan. For this MM, the capacity to carry out evaluations is limited by the human resources available. According to one stakeholder, the recruitment should ensure continuity of work: “The staff must be permanent. The third person we will hire will be a temporary staff, but it is important to have experienced staff ... The temporary staff cannot do the required function.”

It is nonetheless important to note that the new contractual policy stopped the possibility of nine-month temporary contracts: under the new policy, individual people may be hired for a period of 12 months, without possibility of renewal. The evaluation team cannot comment on the effects of this new policy but notes that MMs need to be provided with permanent human resources to carry out their activities.

117. According to the ECSR website: www.coe.int/en/web/european-social-charter/pending-complaints (accessed 5 May 2022).

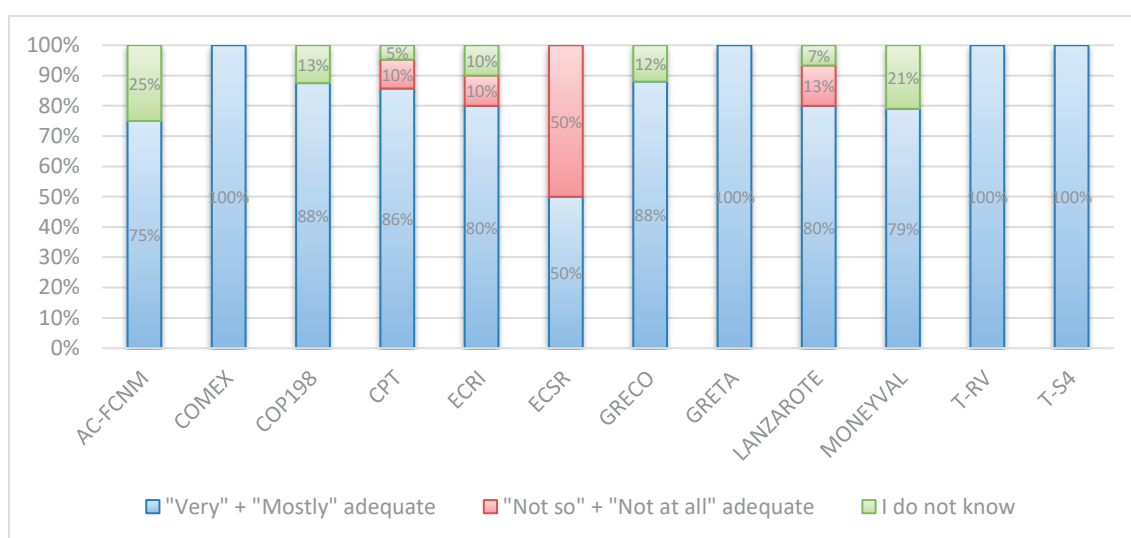
Finding 20: Some MMs have human resource constraints, whether due to low financial resources or to vacancies that are not filled, or positions that are filled by temporary staff, because of the long and cumbersome external recruitment process.

Finding 21: Although the level of motivation expressed is high, the human resource constraints have an impact on the work of the MMs.

3.3.1.3. The adequacy of material resources

The survey did not reveal any major difficulties in terms of material resources for MMs, as shown in the following figure. Nonetheless, two elements need to be highlighted: the use of new technologies on the one hand, and the issues of access and visibility of MMs' products on the other.

Figure 3.11: According to the perception of MMs members: "To what extent are material resources of your MM adequate to implement activities in order to produce quality results?"¹¹⁸



Firstly, the use of new technologies is not always optimal. According to the interviews conducted, each MM has its own method of data collection and many of them collect data by e-mail or data in paper format. This was until recently the case for the Lanzarote Committee, which used to collect questionnaires from the states in paper form. This is still the case for MONEYVAL, which collects legislative and regulatory documents and statistics from multiple jurisdictions and financial institutions. As mentioned above (section 3.2.4.), these documents can add up to 1 000 pages of documentation. In the face of these multiple data collection methods, different MMs may ask countries identical questions, including on national legislation or regulations. Answering these duplicated questions takes time from the states and the MMs. Stakeholders in the MMs indicate that it would be very useful to have a tool that would allow for common answers, while leaving the interpretation to each MM. As one staff member noted, "There are things that everyone is asking for. We could pool certain factual answers and interpret them in different ways. And we could avoid translating legal texts that have already been requested by another mechanism." Some MMs have reviewed their working methods, in particular by using videoconferencing and digital technology for meetings or introducing online data collection mechanisms to speed up exchanges with states, such as online questionnaires via secure platforms. Thus, the Lanzarote Committee has set up a new online tool to collect information from the states. MONEYVAL is in the process of developing its own database to collect reliable information from certain jurisdictions during evaluations. However, these initiatives are not co-ordinated.

Secondly, several MMs reported that it takes a lot of time to access the products of other MMs, which provide insight into the national human rights situation. Access to this information is not considered to be fast, structured or intuitive. According to the interviewees, the Council of Europe's website is not easy to master, and information on monitoring is scattered: the structure of the website requires going to the web page of each MM and searching for information, which means knowing exactly where to look for the information requested.

118. N=140.

This is not easy to identify either, as the pages of each MM are not structured in the same way from one MM to another. Although some products are accessible on the HUDOC database, this is also considered very difficult to understand for non-lawyers. Yet, access to the MMs products provides very valuable information on the precise situations of the countries analysed by the MMs, which sometimes work on convergent themes. According to the MMs interviewed, access to this information is particularly useful before a country visit or before a periodic evaluation, and contributes to the effective preparation of country analyses – and thus to the quality of the outputs. As one DGII stakeholder noted: “At the moment, for someone who does not know the Council of Europe, to find information on the website, you have to know what you are looking for. Otherwise, it can be difficult, the different mechanisms are fragmented under the three pillars”; or again: “Here everything is dispersed ... If you want to enter, you will be lost.” The interviews revealed that a mechanism used to exist at internal level, allowing a country-by-country reading of MMs’ products. However, this mechanism no longer exists, and according to the interviews, did not necessarily meet the needs. Indeed, beyond the MMs, access to this information is also very important for external stakeholders, in particular other institutions or civil society, as well as for dissemination of information to a wider public.

This is more broadly related to the visibility of the outputs of the MMs, which is not considered to be very effective and is seen as an important area for improvement. One example is the use of social media to disseminate information on the monitoring activities of the MMs to a wide audience. According to the interviews, there is no specific policy on the use of social media, and it has constraints, as mentioned by a stakeholder from the DGII: “We are not allowed to tweet until it is approved ... instead of being the original source, we need to retweet something from others”. This limits MMs’ ability to react on social networks, which is an important vector for the visibility of their actions.

Some good practices on the material resources

- Use of online questionnaires via secure platforms to collect data from states, in each MM
- Use of videoconferencing and digital technology for meetings with states and CSOs

Finding 22: The use of new technologies could be enhanced and co-ordinated to facilitate the reception of data, and the visibility of MMs’ products could be improved (website, social media).

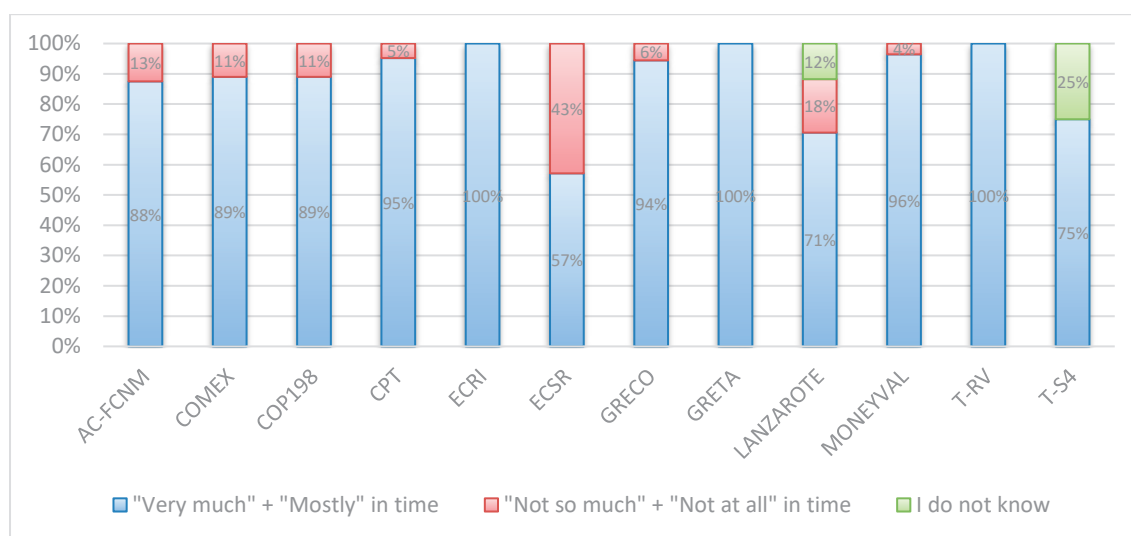
3.3.2. To what extent are the monitoring practices, the quality and the timing useful, including in the context of Covid-19?

This section analyses the timeliness of production of outputs (3.3.2.1.), the time frames for analysis of national situations (3.3.2.2.), and the impact of the pandemic on the activities of the MMs (3.3.2.3.).

3.3.2.1. Timeliness of production of outputs

A large majority of MMs members indicated that the outputs of their MMs were delivered “very much” or “mostly” in time to meet the needs. However, there are differences according to the MMs, as illustrated in the following graph.

Figure 3.12: To what extent do you consider that your MM's products are delivered in time, according to the context of the country under review, to meet the needs (%)?¹¹⁹



For most MMs, the publication of reports and recommendations takes place less than a year after the situation analysis. However, publication can take longer. This is the case for the ECSR: 43% of respondents considered that the MM's products are not delivered in time to meet the need. As one MM stakeholder stated: "the system is cumbersome and slow. Even with reforms, the reporting system is long ... The system is broken." As a result, findings of non-compliance sometimes echo situations that states have already remedied, as the time between analysis and publication can be two years. This is due to several factors: complexity of the procedure, high number of provisions to be analysed, but also lack of resources (see section 3.3.1.). This reduces the relevance of the work done and is considered problematic by all interviewees. Respondents spoke of discouragement for the states under review regarding the reporting procedure.¹²⁰ As one permanent representative noted: "No one is questioning the validity of the decisions in the Charter. But there are questions about the usefulness of the procedure." The same is true for collective claims: "The time needed to examine and adopt decisions has increased. Until 2017, decisions on admissibility were six or seven months, now it is more than a year. On the merits, from the submission of the claim, it was one and a half years, and now it's two and a half, and sometimes three and a half. It's difficult to change because of human resource shortages."

This is also the case with the Lanzarote Committee, but to a lesser extent. The delays are long as all reports are reread and commented on by the states. However, between the analysis and the rereading phase, states often take appropriate measures, which may render certain recommendations obsolete. In order to take into account the observations made by states, the analyses and recommendations may be revised before the report is published, which contributes to extending the publication deadline. This revision process is all the more cumbersome as the number of members increases, widening the imbalance between the increase in demand for monitoring and the resources available. The first monitoring round lasted four years (26 state parties); the second monitoring round lasted 10 years (42 state parties).

In the context of the analysis of the reports, ECRI has put in place a mechanism which allows for greater efficiency. Instead of analysing reports paragraph by paragraph, there is a semi-written procedure for adopting reports: reports are sent out in advance, and members are asked to indicate in advance what they wish to amend and why. This allows plenary meetings to focus exclusively on amendments, which, according to respondents, saves considerable time. GRECO follows the same practice for the adoption of its evaluation and compliance reports.

Good practice on the timeliness of production of outputs

- Semi-written procedure for adopting reports

119. N=161.

120. While reporting conclusions refer to the historic situations, the outcome of collective complaints seeks to reflect the situation at the time of the decision.

3.3.2.2. Time frames for analysis of national situations

The time frame for starting the compliance analysis of certain situations is very different from one MM to another. While most MMs have periodic cycles of four to six years, some situations may be analysed in very long time frames. The reporting procedure of the ECSR, for example, is not considered very efficient. Indeed, some social rights are only analysed every eight years in cases where countries have accepted collective complaints procedures. Also, cases are sometimes not discussed during the cycle in question, and are referred to the next cycle, four years later. As one MM stakeholder indicated: “it takes sometimes eight years before there is a decent discussion for the first time on some topics”. According to some respondents, the reforms that have taken place over the last 10 years have not simplified the system but have contributed to reducing the coherence of the system, since states do not have the same reporting obligations, depending on whether they have ratified the 1995 Protocol (relating to the collective complaints procedure) or not. At the time of the evaluation, these elements were under consideration.

In order to increase their relevance, many MMs have initiated rapid reaction mechanisms that help to strengthen the capacity of the periodic review mechanism. This is in response to an impetus given by the previous Secretary General of the Council of Europe, who said that the principle of the MMs was to react as closely as possible to current problems, “where things are happening”. Some of these rapid reaction mechanisms are very effective, while others could still be strengthened or created. For example, many years ago, the CPT developed the capacity to carry out an ad hoc visit to a country at very short notice (i.e. within a few days) and to produce a report on such a visit within a few weeks. One actor in the system noted: “we need to respond on the spot. If we are to be a preventive body, we need to be where there is a human rights crisis when it erupts.” This capacity was used in 2020 in Greece in relation to the detention of migrants. Several other MMs, including ECRI, GRECO, GRETA, GREVIO or the Lanzarote Committee, may also initiate visits outside the periodic monitoring cycle. However, not all MMs have this mechanism, for example the ECSR does not. In view of the particular situation of social rights during the Covid-19 pandemic, the Committee inserted pandemic-specific questions into the questionnaire for the reference period. However, no conclusions could be drawn from these data as they were collected outside the reference period. The collective complaints procedure could be used for serious or grave situations, but cannot cope with the urgency of a situation, given the processing timelines.

Some good practices in situations of grave concern or emergency

- Adoption of internal rules or policies or other frameworks to respond appropriately to situations of grave concern or emergency
- Identification of problematic situations through close links with civil society actors or national human rights institutions
- Close co-operation and co-ordination with other MMs or institutions that are better suited to react rapidly or may also react (e.g. Commissioner for Human Rights)

Finding 23: The timeliness of reporting and the time frame for analysis of national situations is generally good, but is too long in some MMs.

3.3.2.3. The impact of the Covid-19 pandemic on the activities of the MMs

The period under evaluation was characterised by the pandemic situation, which created challenges for the activities of the MMs, in particular the country visits and the organisation of committees’ plenary meetings. The literature review and interviews revealed that the Council of Europe has been able to adapt to the pandemic in various ways.

Firstly, most MMs have carried out the visits, despite the health crisis and travel restrictions. According to the information available as of 15 October 2021, 91 country visits were conducted during the period 2020-2021, but 60 were still to be carried out. These visits have not been cancelled but have been postponed. The Secretary General has set up a special account to carry over unused funds to allow for visits to be carried out outside the original schedule. Thus, for example, eight CPT visits were postponed (four to 2022-2023, and four later), 10 ECRI visits (four to 2022-2023, and six later), eight GRETA visits (five to 2022-2023, and three later), etc. It should be noted that this possibility does not concern all MMs, but only those who had to postpone their visits: the amounts allocated are not transferable to other MMs. MONEYVAL has developed an approach based on the concept of hybrid visits (a system is in place to allow the mission to continue even if a person tests positive for Covid-19, through a combination of an on-site team and the rest of the team working remotely). MONEYVAL was the first of all regional FATF groups to implement these types of visits. In order to ensure that its monitoring

work did not contribute to the transmission of the virus (“do no harm” principle), the CPT implemented specific protective measures: use of protective equipment (masks, gowns, etc.), physical distancing, interviews only in ventilated rooms, etc. A first visit during the pandemic was conducted by the CPT in July 2020 to France (Alsace) which, at that time, was particularly affected by Covid-19. This visit was also an opportunity to test the medical protocol and demonstrate the feasibility of field visits to various types of establishments (police, prison, immigration detention centre, psychiatric hospital). In view of the importance of visits to places of deprivation of liberty during the Covid period in the prevention of ill-treatment, this adaptation of the CPT is to be welcomed, especially as some national bodies had suspended their visits.

Apart from country visits, although some meetings were cancelled, MMs have set up new methods and tools in order to continue the activities: for most MMs, meetings and plenary sessions were held remotely; online questionnaires were developed for the monitoring (e.g. Lanzarote Committee), where previously it did not exist: the questionnaires were sent in paper form (see section 3.3.1.). The ECSR continued its reporting activities, including with the use of short online part-sessions. However, ECSR stakeholders note that the collective complaints procedure has been impacted, as it is considered a lower priority, since there is no specific timetable to follow, unlike the reporting procedure. Faced with travel restrictions, GRECO took advantage of this period to work in particular on drafting compliance reports, which did not require visits: 42 compliance reports were adopted in 2021. For the Lanzarote Committee, holding meetings and plenary sessions remotely has had a positive effect because it has facilitated the participation of certain actors, such as civil society actors, who must usually cover their own travel expenses to Strasbourg. However, the facilitation of such meetings is quite specific, and requires different facilitation skills to ensure that everyone participates, which is not always easy. As one stakeholder noted: “We don’t know if the texts have been read and if people are in front of their computers.”

Finally, the MMs have been able to address the situations generated by the health crisis and have issued various statements regarding the protection of human rights in times of Covid, including: statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease pandemic (CPT); statement on the impact of the Covid-19 pandemic and related government responses on groups of concern to ECRI; statements on Covid and social rights (ECSR); MONEYVAL’s report on money laundering and terrorism financing trends in jurisdictions during the Covid-19 crisis; the President of GRECO’s guidelines on “Corruption risks and useful legal references in the context of Covid-19”; etc.

Some practices implemented in the context of the Covid-19 pandemic demonstrating MMs’ adaptability

- Hybrid visits
- Initiation of online questionnaires to collect data from states
- Remote meetings and plenary sessions to face the challenge of travel restrictions
- Focusing on activities that do not require visits
- Publication of opinions, statements, reports on the impact of the Covid-19 pandemic on MMs’ issues

Finding 24: Most of the MMs have adapted their methods as a result of Covid-19, to ensure continuity in their work.

3.3.3. To what extent does the quality control system result in positive change of practices and procedures?

At the level of each MM there is a system of quality control, which is carried out in various ways. Quality control refers to the consistency of the analysis delivered as part of the MMs’ monitoring process. As mentioned in the previous sections, this quality depends on many elements, including the country visits, the cross-referencing of data, the profiles of the experts or the confidential dialogue. Once the data is collected, checking the coherence of the assessment of the findings and the related recommendations is performed by the members and experts of these mechanisms and the secretariats. Their tasks include ensuring that similar situations from one country to another are assessed and recommended in a similar way, that the positions are coherent with previous reports (while allowing these positions to evolve), and that there is linguistic coherence between the French and English versions. Although the experts and members of the MMs are specialists in the issues raised, this system can pose challenges. For example, several MMs representatives interviewed said that the resources allocated to the secretariats do not allow them to carry out their tasks in an optimal manner, as the work of ensuring consistency involves reading all the reports before each session to ensure that there are no

contradictions, while resources to do this are limited.¹²¹ Within the CPT, all draft reports are subjected to a quality check by a senior member of staff as well as to an editorial check by a designated staff member. However, due to the human resources difficulties mentioned above, the secretariat does not currently have the capacity to ensure that all reports are double-checked by the same person in terms of assessment and recommendations, which would greatly facilitate overall consistency of draft reports. That said, possible inconsistencies are usually identified when the reports are discussed during the plenary meetings. Although it may appear late, as it is at the last stage of validation, this nonetheless ensures coherence and identifies potential difficulties before reports are adopted. This system ensures that the report does not contain errors and is consistent with the jurisprudence of the committee.¹²² Consequently, this mechanism illustrates positive changes in processes.

At the ECSR level, several methods are in place. Firstly, the draft documents are presented in one of the two sub-committees: they are first validated there before being analysed again in a plenary session. In addition, each member of the committee is responsible for certain provisions of the Charter: each year, this member presents their views on the provisions for which they are responsible. Moreover, a rapporteur general has been appointed with the task of analysing all the reports of each session. He ensures consistency with the assistance of the secretariat. It is also interesting to note the existence of the document “Digest of the case law of the European Committee of Social Rights”, which has been developed with the aim of presenting the ECSR’s interpretation, article by article, of the Charter.¹²³ The document was last updated in 2018, but an external consultant was recruited with the aim of updating it. The continued involvement of senior members of the secretariat was considered an important element in ensuring consistency, since they have considerable accumulated knowledge. This results in stability within the Committee.

MONEYVAL’s mechanism is notable: on the one hand, the experts are specifically trained in the use of FATF standards, with very precise methodological guides¹²⁴ and rankings for each situation; on the other hand, the evaluation reports they write are reviewed by several stakeholders, in particular the FATF teams themselves, but also the World Bank and the IMF. These successive reviews ensure the consistency of the findings.

Some good practices in quality control

- Introduction of tools and/or working methods to ensure consistency of analysis before validation of results (focal point for reviews, plenary reviews, ranking matrix, etc.)
- Members of the MMs experts in the fields of intervention

Finding 25: The quality control system in place to ensure the consistency of MMs results varies from one MM to another and is operational.

3.4. Added value

This section aims at assessing the extent to which the MMs are providing added value. In particular, this section analyses member states’ perceptions of the contribution of the MMs in their decision making and strategic intervention design, in comparison to other mechanisms, and the extent to which the complementarity is enhanced with external mechanisms and leads to increased results in the same sector.

3.4.1. In comparison to other international mechanisms, what is the perception of member states of the contribution of Council of Europe MMs in their decision making and strategic intervention design?

Interviews with permanent representatives reveal that states consider that the Council of Europe MMs have, overall, a significant added value compared to other mechanisms, in particular compared to UN mechanisms working on the same issue. According to the interviews conducted, this situation is the result of several combined factors. Indeed, the UN committees and the evaluation carried out in the framework of the Universal

121. For more information on resources, see section 3.3.1.

122. It should be noted that a “jurisprudence working group” has been set up by the CPT. The main task of this group is to analyse visit reports with a view to identifying any new trends and developments and updating an internal compilation of its existing jurisprudence.

123. Council of Europe, *Digest of the case law of the European Committee of Social Rights*, <https://rm.coe.int/digest-2018-parts-i-ii-iii-iv-en/1680939f80> (accessed 5 May 2022).

124. See FATF standards on the Council of Europe’s website: www.coe.int/en/web/moneyval/implementation/aml-cft-standards (accessed 5 May 2022).

Periodic Review (UPR) are based exclusively on the analysis of documentation produced by states and other stakeholders who wish to send additional information (NGOs, UN institutions or national human rights institutions). Compared to UN committees, the MMs of the Council of Europe carry out many other activities to develop their analysis, including for many MMs field visits. As indicated in section 3.2.2., these country visits significantly enhance the understanding of national situations and issues. Other monitoring modalities considerably enhance the relevance of the recommendations and the impact of the MMs' products. This is the case, for example, for follow-up methods that strengthen monitoring as a whole. As a state representative pointed out: "If we compare to the UN for instance, there you have a report, that's it. Here there is a direct impact, especially with the intermediary follow-up." It must also be noted that although the recommendations may sometimes be perceived as not very precise, they are considered to be much less vague than those of other mechanisms, such as the UN committees. In addition, mechanisms composed of state representatives enhance the acceptance of recommendations. As noted in section 3.2.5., this can be seen as a weakness but also an advantage.

Furthermore, geographical proximity and a limited number of countries encourage a dialogue that does not necessarily exist in other institutions. As one permanent representation noted: "The global level makes it difficult to have leverage at the national level. It is difficult to take these reports seriously. [These reports are] in the world of foreign ministries, they don't have the same power [as Council of Europe' MMs reports]."

A last factor is the existence of other structures within the Council of Europe that reinforces the relevance and attractiveness of the MMs. Thus, according to the interviews conducted, the MMs gain in visibility and legitimacy due to the exposure of the Court. The Court has a very high profile and when it delivers a judgment on themes covered by a MM, the latter benefit directly from its visibility and effectiveness. According to the interviews conducted, the outputs of the mechanisms are more and more frequently mentioned in the Court's judgments. This concerns specifically the MMs that have themes within the Court's field. Examples include: regarding the CPT, the case of *Muršić v. Croatia* in 2016 (dealing with the lack of space in detention facilities); regarding ECRI, *Beizaras and Levickas v. Lithuania* in 2020 (dealing with hate speech); regarding GRECO, *Advance Pharma SP. Z O.O v. Poland* (dealing with judicial independence); regarding GRETA, *S.M. v. Croatia* in 2020 (dealing with forced prostitution); or regarding GREVIO, *Tërshana v. Albania* in 2020 (dealing with the failure to effectively investigate a case of gender-based violence).¹²⁵ This reinforces the consideration of themes handled by these mechanisms, including those involved in gender equality and equity.

In the same way, the existence of co-operation programmes, including a representation of the Council of Europe in certain countries, to assist states in the implementation of recommendations, is likely to create relations of trust with the institution as a whole. Some respondents also speak about a climate of goodwill. However, this does not always prevent the existence of tensions.

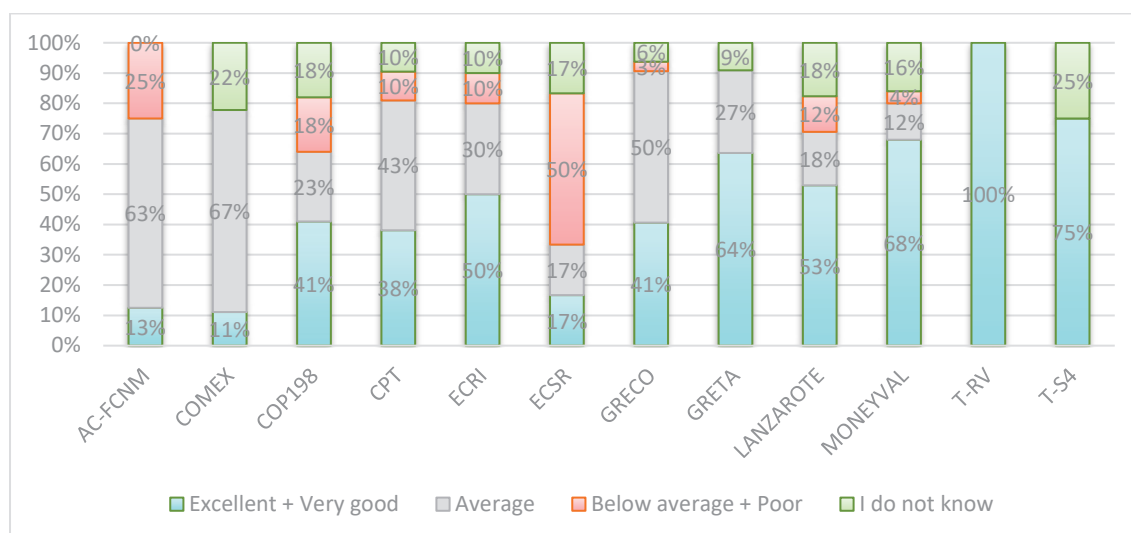
3.4.2. To what extent is complementarity enhanced between MMs and external institutions?¹²⁶ To what extent has the complementarity with mechanisms working on the same issues outside the Council of Europe led to increased results in the same sector?

The relationship between MMs and institutions external to the Council of Europe is perceived in very different ways depending on the MM considered, as shown in the figure below. The practices of the MMs are indeed diverse: according to MM members, some have a close relationship with external mechanisms, others much less so.

125. See the case of *Muršić v. Croatia* on HUDOC: [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-167483%22\]](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-167483%22]); *S.M. v. Croatia*: [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-203503%22\]](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-203503%22]); *Tërshana v. Albania*: [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-203825%22\]](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-203825%22]); *Advance Pharma SP. Z O.O v. Poland*: [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22002-13549%22\]](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22002-13549%22]). ILGA Europe, *Beizaras and Levickas v. Lithuania*: ILGA-Europe's work on a landmark European hate speech judgement: <https://www.ilga-europe.org/blog/beizaras-and-levickas-v-lithuania-ilga-europes-work-landmark-european-hate-speech-judgement> (all accessed 5 May 2022).

126. This section does not deal with the relationship with CSOs, which is briefly discussed in section 3.2.2.1.

Figure 3.13: How would you assess the level of exchange of information between your MM and mechanisms outside the Council of Europe?¹²⁷



The very specific situation of MONEYVAL, which operates within the framework of the Council of Europe while being part of a global network supported by the FATF, a mechanism external to the Council of Europe, is presented in the box.

The particular case of MONEYVAL

MONEYVAL is part of the global network supported by the FATF, which includes eight other bodies, located in the following regions: Asia/Pacific, Caribbean, Eurasia, Eastern and Southern Africa, Central Africa, Latin America, West Africa, and the Middle East and North Africa. In the framework of their monitoring activities, they use the same FATF standards, which results in a complementarity at international level. All FATF activities are accessible to MONEYVAL members (meetings, plenary sessions, training, etc.). Expert training for mutual evaluations is organised at FATF as well as training on standards for in-country officers of financial institutions and jurisdictions. MONEYVAL members also participate in joint working groups on common issues, such as standards that may raise questions. For example, in 2020, following MONEYVAL's referral on the development of standards for the evaluation of financial "gatekeepers" (such as lawyers and accountants) to the president of the FATF, a working group was created on this issue. In addition, MONEYVAL has exchanges with other institutions, such as the IMF, OECD, the World Bank and the Egmont Group.

3.4.5.1. Complementarity on monitoring practices

In the context of MMs conducting visits, it may happen that Council of Europe MMs conduct visits at the same time as other mechanisms outside the Council of Europe. Aware of the difficulty this poses for states, some MMs have strengthened their ties with external mechanisms. For example, the anti-doping MM T-DO co-ordinates its visits with the World Anti-Doping Agency (WADA) and has set up a cross-participation system: committee members participate in T-DO visits, while WADA has an observer role during theirs. The CPT, for its part, has a "focal point" for the SPT, which is a UN body that carries out visits to places of deprivation of liberty all over the world (thus also in Europe). While there have not been any bilateral agreements between the CPT and the SPT, two concurring unilateral decisions were adopted by both bodies in 2018 in order to "reinforce complementarity and subsidiarity to reflect their respective strengths and added values".¹²⁸ Nonetheless, according to the interviews, co-ordination has not always been optimal in practice. For example, in 2019, the increased exchanges only just prevented the two bodies from being in the same country during almost the same period, although discussions had been held regarding this specific country to avoid this situation. Thus, while the co-ordination's objectives are to avoid duplication of visits, or even launch of joint actions with the authorities of another body, it is not possible to state at this time that these goals have been fully achieved.

127. N=152.

128. Council of Europe (2018), *United Nations and Council of Europe torture prevention bodies to strengthen cooperation*, available at: www.coe.int/en/web/cpt/-/united-nations-and-council-of-europe-torture-prevention-bodies-to-strengthen-cooperation (accessed 5 May 2022).

While the dialogue on principles has passed an important stage, the modalities of this co-operation have yet to be defined. Discussions between the two bodies are underway to learn from past experience.

3.4.5.2. Complementarity on the content of their mandates

The level of information exchange and co-operation depends strongly on the MMs. Some MMs have developed a relatively strong co-operation with mechanisms working on the same theme. One of them is GRECO, which has an institutionalised exchange framework with several institutions that includes UNODC, OECD and OAS. A framework document has been formalised, and regular meetings have been set up, three times a year, to discuss joint events and possibly to issue joint messages to enhance the visibility and impact of their area of work. Similarly, the creation of the Independent Expert Mechanisms on the Elimination of Discrimination and Violence against Women (EDVAW), of which GREVIO is a member,¹²⁹ along with six other regional and international (UN) bodies, is following a similar approach. This platform allows these bodies to exchange on situations but also to produce documents and joint statements, which reinforces the consideration of violence against women as a whole.

Other less institutionalised modes of co-operation have also been developed with several institutions. For instance, the CPT maintains regular contacts with the OSCE, UNHCR, UNODC, ICRC and various EU institutions, such as the European Commission, FRA and FRONTEX. Among other things, the CPT was involved in the drafting of a FRA manual for the creation of an independent border monitoring system and FRONTEX codes of conduct for border control and return operations. The Lanzarote Committee has established exchanges with the UN Special Rapporteur on the Sale and Sexual Exploitation of Children and the Committee on the Rights of the Child, and shares information with these bodies. For example, the Lanzarote secretariat produces a note for the UN Special Rapporteur in advance of this body's country visits.¹³⁰ This note is based on published findings (compliant or not-compliant) for each country. The Lanzarote Committee also contributed to the UN Special Rapporteur's report "Looking back, looking forward". These contributions are considered very useful and are part of a regular practice. Exchanges of information also exist within other MMs, for instance the ECRI, which has important links with the European Commission since the establishment of the European Commission's anti-racism action plan, and uses FRA information to complement their analyses. ECRI also exchanges information with CERD (e.g. exchange of views in 2021).

According to the questionnaire survey, 50% of ECSR members consider that the level of exchange of information between the MM and mechanisms outside the Council of Europe is below average or poor. Links with external institutions are not particularly developed. While the Social Charter states that "the International Labour Organization shall be invited to nominate a representative to participate in a consultative capacity in the deliberations of the [ECSR]"; this practice is not implemented. According to the interviews, discussions are underway to revitalise the relationship between the ECSR and the ILO, which has a focal point at the level of the Governmental Committee but works mainly on the subject of the European Code of Social Security. It should also be noted that the ECSR has initiated links with other bodies, particularly the UN committees, but as some actors in the system pointed out, these exchanges remain ad hoc and do not have any real added value. One respondent remarked: "At the UN, the exchange of views is two hours. What can you do in two hours?"

It should be noted that in the context of non-institutionalised exchanges, relations with these institutions depend very much on the interpersonal relations of MM members, notably because of their profession outside the MM (many members are academics or representatives of civil society), or on relations created by members of the secretariats. Several members of the MMs consider that an institutionalisation of exchanges could bring greater stability and impact.

Some good practices on MMs' interaction with external mechanisms

- Participation in institutionalised exchange platforms
- Appointment of one or several MM focal points in charge of links with external institutions
- Contribution to the dissemination of information for institutions outside the Council of Europe
- Exchange of views with other institutions
- Exchange of information in preparation of visits
- Contribution to the production of country situation analyses

129. Since 1 February 2022, the GREVIO president is presiding the platform.

130. To this end, the UN Special Rapporteur presents its provisional schedule to the Lanzarote Committee.

Finding 26: Attempts to strengthen links with external institutions have not always been successful, although there seems to be an increased willingness to work towards this.

3.4.5.3. The added value of complementarity with external institutions

The added value of exchanges with external institutions is considered to be very important to all MMs, even though complementarity is not necessarily operational in all mechanisms, as was analysed above. According to the respondents, links with those institutions are important because, while maintaining independence, these exchanges help to strengthen understanding of the standards of other bodies and to maintain a certain consistency on human rights that often overlap. In this respect, the fact that the conclusions of the MMs are considered of high quality allows other mechanisms, such as the UN, to refer to them in their reports. For example, the UN Rapporteur on minority issues referred to an ECRI recommendation in his 2021 Report.¹³¹ The UN Special Rapporteur on the sale and sexual exploitation of children makes several references to the Lanzarote Committee in her 2020 report.¹³² However, consistency should not mean that the analyses have to be identical. For example, EU standards on social rights do not necessarily overlap with those of the ECSR. Exchanging information does not imply appropriating the standards of other mechanisms. As some stakeholders pointed out, the independence of the MMs should not be undermined by external exchanges.

The issue of co-operation with the European institutions was specifically raised by several respondents. Indeed, the MMs' products may be used by the European institutions to encourage states that are not yet members of the EU but wish to join the institution to implement reforms or take measures to protect human rights. In this sense, the products of the MMs are sometimes used as indicators to analyse the degree of coherence between European standards and the realities within the states. In this way, they also contribute to strengthening human rights and democracy within the European continent. In some MMs, notably GRECO, the EU has been granted observer status by the CM.

Finding 27: The outputs of MMs are used at external level by international and regional institutions.

131. United Nations Human Rights Council, *Report of the Special Rapporteur on minority issues*, 3 March 2021, A/HRC/46/57, p. 14.

132. United Nations Human Rights Council, *Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 21 January 2020, A/HRC/43/40, pp. 5, 14, 16-17.



4. CONCLUSION AND RECOMMENDATIONS

Based on a literature review, discussions with stakeholders and questionnaire surveys, this report shows that the MMs fully contribute to the objectives of the Council of Europe. Their level of expertise is generally considered very strong and they are references both for the countries and for international organisations and the EU. The functioning of the MMs is very relevant and generally effective, although the activities of several MMs can be improved, and the efficiency of the MMs can be enhanced. They undoubtedly fulfil their mandates. The degree of achievement of these results is nonetheless highly dependent on the MM in question. The evaluation team considers that, while MMs are currently fulfilling their mandate, several aspects may be improved or modified to increase their effectiveness and efficiency. This report could be a useful tool to guide some changes.

The evaluation team considers that many MMs have implemented good practices that could be adapted to other MMs. Based on this analysis, the evaluation team recommends that several MMs assess the relevance and feasibility of adapting their working methods, without necessarily modifying their founding documents or subsequent treaties or conventions, in order to avoid a long and complicated process. To this end, the evaluation team considers it essential that discussions on these methods be inclusive and take place at the level of MMs members and MMs secretariats. Given the diversity of MMs, these methods can only be relevant and appropriate if they are discussed with and by the people who may implement these methods in the performance of their tasks.¹³³ The recommendations are classified according to their level of priority, indicating to whom they are primarily directed. Several recommendations echo the proposals of the Secretary General and the CM to strengthen the functioning of the MMs.

Conclusion 1. While most of the work done by MMs is meant to guide states in taking legislative, policy and other measures in compliance with European and international standards, there are several areas where changes could be made in order to increase the effectiveness of MMs. In this respect, follow-up action given by the authorities to implement key recommendations made by the MMs is regarded as essential by stakeholders.

Conclusion 2. The CM's and PACE's political support is seen as a key factor in facilitating the consideration and implementation of MMs' recommendations. In particular, the CM and PACE may engage further with an MM when it emerges that a specific country fails to improve a situation of grave concern in the light of the MM's key recommendations or in the absence of co-operation of the national authorities with an MM.

Recommendation 1 (high importance) (addressing conclusions 1 and 2): Facilitate follow-up given to MMs' recommendations by the CM and states, and particularly:

To the Organisation (including with the Parliamentary Assembly of the Council of Europe):

- **Explore further ways and means of facilitating effective follow-up to MM key recommendations addressed to member states**, in particular when a specific member state fails to improve a situation of grave concern in the light of the MM recommendations and/or in the absence of co-operation of one member state with the MM on one or more issues.

To MMs secretariats, in consultation with MMs members:

- **Ensure that MMs have an effective system for following up on recommendations and institutionalise the follow-up as an integral part of the monitoring process**, between monitoring cycles or evaluations, in accordance with their legal framework.

Conclusion 3. The zero real growth budget policy and the resulting arbitrage measures do not allow MMs to operate at their optimal level or adapt to increasing demands. For a few MMs, financial resources (operational budget) are deemed insufficient. This is especially problematic in a context of an increasing number of states parties in some MMs and in a context of the creation of new MMs. The analysis also showed that some MMs are not fully effective due to human resource policies that are not adapted to needs. The evaluation team considers that in several MMs, the secretariat staff and MM members, although highly motivated, are heavily overloaded. Considering that the activities of the MMs are essential for the Council of Europe, the MMs need more resources if they are to provide quality and relevant findings, conclusions and recommendations.

¹³³ The report has been presented and discussed during a Reference Group meeting on 23 March 2022.

Recommendation 2 (high importance): Provide all MMs with the resources needed to deliver quality and relevant products, and particularly:

To the Secretary General, in consultation with the CM:

- ▶ **Ensure that MMs have the necessary funds to implement their activities efficiently and effectively.** In particular, ensure that budgetary proposals take into account any potential increase in workload resulting from major decisions in respect of their functioning and ensure the consequences of a zero real growth approach, if maintained, are highlighted.
- ▶ **Analyse the feasibility of financing certain MM activities by external stakeholders.** For instance, consider the possibility of pooled (non-earmarked) funding, while examining the criteria and procedures that would need to be put in place to ensure the independence of MMs.

To the DGI and DGII, in co-operation with the Direction of Human Resources:

- ▶ **Address the need for all MMs to have sufficient permanent human resources to fulfil their mandate:** this includes both the need for MMs to have sufficient financial resources for staff and the need to fill posts rapidly and with qualified staff within the secretariats.

Conclusion 4. This report can be a guiding tool to inform the Secretary General in her wish to strengthen cohesion and synergies among and between the Council of Europe's MMs. Several good practices have been identified in this evaluation that could be useful in the framework of the ongoing discussions. While the relevance of MMs' products is considered to be generally high, data collection in some MMs could be completed with other methods and the speed of production of reports or analysis of states' situations is not always optimal. A list of good practices could be made available to all monitoring mechanisms, so that they can consider the elements that seem relevant to implement.

Recommendation 3 (high importance): Ensure there is a forum within the Secretariat for discussing good practices and working methods, and particularly:

To the Secretary General:

- ▶ **Facilitate the setting-up of a task force composed of DGI-DGII and MMs staff in charge of the dissemination of good practices and development of working methods, without prejudice to the independence of the MMs concerned.** The primary task of such a body should include sharing the list of good practices presented in the present evaluation report in Appendix 10, as part of the reform efforts and establishing a forum/community which can provide mutual support and advice on how best to implement good practices drawing on experience from across all MMs.

Conclusion 5. Dialogue with states is seen as one of the key elements for governments in order to take into account the reports and recommendations. While a high-quality dialogue exists in many MMs, this is not the case in all of them. Possibilities for high-quality dialogue should be further explored when reports and recommendations are drawn up or shortly after publication.

Recommendation 4 (high importance): Increase the direct dialogue between MMs and states, and particularly:

To MMs secretariats, in consultation with MMs members:

- ▶ **Ensure that a dialogue is maintained before the finalisation of the monitoring reports,** for instance, by presenting to the authorities preliminary observations (including any requests for immediate action or specific additional information); where appropriate, present draft reports to the authorities prior to the adoption (to prevent factual errors and to take into account new developments); after the adoption of the report, present the recommendations to the states, to ensure that their content is understood (e.g. by organising high-level talks with the authorities or round tables with relevant stakeholders).

Conclusion 6. The results of the evaluation showed that co-operation and co-ordination between the MMs could be increased. The activities implemented by some MMs contribute to increasing the impact of other MMs, through exchanges on analyses, cross-references in their outputs, etc. By doing so, they also increase the relevance and coherence of the Council of Europe MMs system as a whole. Moreover, learning among the MMs could be improved. The evaluation team considers that this could be achieved in particular through a human resources policy that encourages more mobility of staff between the different MMs. Such an approach would have an important impact on internal learning between the mechanisms, while ensuring a certain

institutional memory. In addition, the evaluation team, while acknowledging the importance of an annual meeting between the Secretary General, the MMs and the advisory bodies, believes that the format of this meeting could be reviewed to enhance its effectiveness and impact.

Conclusion 7. Agility allows MM members and secretariats to ensure that they adapt their practices and improve their methods in the light of their experience and expertise. In a number of instances, the bureaux of MMs regularly review the practices of their respective MMs and make proposals for changes where necessary. Some MMs have set up working groups or commissions tasked with reviewing the MM effectiveness, but some have not. These exchange groups do not necessarily include all the relevant participants, particularly in the secretariats. The evaluation team considers that inclusive meetings should be implemented to discuss internal practices.

Recommendation 5 (high importance) (addressing conclusions 6 and 7): Increase the co-operation and co-ordination between MMs, and particularly:

To the Secretary General:

- ▶ **Revise the format of the annual meeting with the MMs, in order to foster co-operation and exchange between them.** In addition to a discussion, this could be done for instance by also setting up small learning groups between MMs sharing similar modalities or some similar areas of concern, followed by an in-depth discussion between the working groups and the Secretary General. To be fully relevant, it is important that all MMs, including the newest ones, participate in this exercise.

To DGI and DGII:

- ▶ **Encourage mobility of human resources between MMs.** This could consist of an exchange of staff for a period of time (at least two years) or a mobility of staff, as envisaged in the Council of Europe People Strategy 2019-2023.

To MMs secretariats, in consultation with MMs members:

- ▶ **Reinforce the exchanges of information between MMs:** organise as much as possible discussions and/or exchanges of views with other MMs when issues of converging mandate arise or are discussed, and establish one or several focal points within each MM secretariat responsible for the relationship with other MMs within the Council of Europe. Ensure that sufficient resources are provided to make sure that these tasks are implemented in a meaningful way.
- ▶ **Ensure that there is a mechanism within the MM (be it a working group, a committee, the Bureau, etc.) to review their practices.** To be effective and impactful, these meetings should also include members of the MMs and also members of the secretariats working on the topics discussed.

Conclusion 8. The evaluation team considers that gender mainstreaming and, to a lesser extent, consideration of equity has become an important issue within the MMs – and the Council of Europe as a whole. However, while gender mainstreaming is strong in some MMs, it remains relatively weak in others. Efforts have been initiated, but they do not necessarily translate into concrete and significant measures.

Recommendation 6 (high importance): Further strengthen gender mainstreaming and consideration of equity in MMs, and particularly:

To MMs secretariats, in consultation with MMs members, Gender Equality Rapporteurs and the Gender Equality Division:

- ▶ **Develop a brief gender and equity policy paper for each MM,** detailing in concrete terms how gender and equity are to be taken into account in preparation, data collection and analysis, e.g. gender-specific questions and questions considering equity (consideration of gender, of children, of minority groups, of marginalised populations, etc.) in all questionnaires and visits, disaggregation of data by gender and taking equity into consideration (for all questions where possible), data collection methods (including in terms of country visits), etc. Ensure that each MM has a Gender Equality Rapporteur. Based on the policy paper, organise compulsory training on gender equality and mainstreaming for all members of the MMs in close co-operation with the Council of Europe's Gender Equality Division.

Conclusion 9. Although there are important links between the dimensions of the strategic triangle, notably through the thematic division of the directorates, thematic areas of some MMs are only marginally covered by co-operation programmes. However, the analysis shows that co-operation programmes contribute to the

implementation of the recommendations, while at the same time strengthening trust between countries and the Council of Europe.

Recommendation 7 (high importance): Reinforce the links between the monitoring and co-operation dimensions of the strategic triangle, and particularly:

To the MM secretariats and the Office of the Directorate General of Programmes:

- **Facilitate interaction between MM staff drawing up reports and staff dealing with co-operation activities**, where appropriate, by organising dedicated meetings or exchanges, by allowing staff in charge of co-operation to report to MMs about recent activities of relevance to them and/or by setting objectives to staff aimed at enhancing interaction between monitoring and co-operation in order to maximise the implementation of the recommendations. Consider the feasibility of seeking additional funding for MMs less covered by co-operation activities.

Conclusion 10. The methods and systems to collect questionnaires and information on legislative, policy and other texts that are in principle publicly available from the states vary from one MM to another. Some have developed online tools, others receive responses through e-mail or paper document. However, it is not rare for MMs to seek information that may already be available in one official language of the Council of Europe in other MM secretariats or services (e.g. co-operation divisions or units).

Recommendation 8 (medium importance): Establish secure online data collection tools to make public resources and other non-confidential information available to all MMs and other stakeholders, and particularly:

To the Secretary General:

- Implement a specific study to define business requirements and identify the technical aspects of the most appropriate software and technologies. Based on the results of the study, **consider establishing a user-friendly tool that allows the pooling of publicly available resources, such as relevant legislation**, from member states that are at the disposal of MM secretariats and other stakeholders, and train the member states on the use of the tool. This tool should be centralised and should be able to streamline certain questions between MMs, particularly those relating to legislation. Appoint the body mentioned in Recommendation 3 to co-ordinate the development and use of this new tool.

Conclusion 11. The limited visibility and accessibility to MMs' products are challenges that were shared by many MMs and also by the co-operation actors. In order to increase the visibility and accessibility of products both internally (among MMs and with the co-operation dimension) and externally (to states, institutions, civil society and the general public), several aspects could be improved. Currently MMs and their work are not easy to find on the Council of Europe's main portal. Social networks are not frequently used by MMs, even though they present a platform for outreach that is particularly relevant to the audience.

Recommendation 9 (medium importance): Increase the accessibility and the visibility of MMs' products, and particularly:

To the Directorate of Communication in consultation with the Directorate of Information Technology:

- **Ensure that all MMs are clearly identifiable and their websites easily accessible from the main Council of Europe portal. Develop a web page easily accessible from the main Council of Europe website**, which can be identified by internal and external search engines, where it is possible to find all public products of all MMs (reports and recommendations), with a possibility to filter data – e.g. by member states and by MMs.

To the Deputy Secretary General:

- **In the framework of the ongoing reform of the social media policy, consider ways to secure appropriate visibility to MMs' results and achievements.**

To MMs secretariats:

- **Appoint one focal point in each MM in charge of relations with the Directorate of Communication.**

The following table presents the rationale for recommendations.

134. One of the recommendations of the deputies in the report endorsed during the 2021 Hamburg session was to consider creating a portal on the Council of Europe website that functions as a "one-stop shop" to facilitate access. See section 1.1. CM (2021), *Report on Council of Europe monitoring – strengthening cohesion and synergies*.

Table 11: Links between findings,¹³⁵ conclusions and recommendations

Findings	Conclusions	Recommendations
<p>15. The link between the MMs and the CM is not considered as optimal, in particular with regard to the follow-up of non-conformity findings.</p> <p>17. The trust relationship with the MMs is fostered by certain types of MMs.</p> <p>18. The dual nature of some mechanisms does not always add value to the outputs of the MMs and sometimes appears as a constraint.</p>	<p>Improve the political support towards MMs' outputs.</p>	<p>1. Facilitate follow-up given to MMs' recommendations by the CM and states.</p> <p>4. Increase the direct dialogue between MMs and states.</p>
<p>19. The "zero growth" budget policy has an impact on the availability of resources for the MMs, as all of them, except GRECO, cannot rely on extra-budgetary resources.</p> <p>20. Some MMs have human resource constraints, whether due to low financial resources or to vacancies that are not filled, or positions that are filled by temporary staff, because of the long and cumbersome external recruitment process.</p> <p>21. Although the level of motivation expressed is high, the human resource constraints have an impact on the work of the MMs.</p> <p>25. The quality control system in place to ensure the consistency of MMs' results varies from one MM to another, and is operational.</p>	<p>Increase MMs' resources.</p>	<p>2. Provide all MMs with the resources needed to deliver quality and relevant products.</p>
<p>9. Most MMs are successfully fulfilling their mandate, although they could modify their activities to be even more effective; while a few MMs have difficulties in fulfilling their tasks.</p> <p>16. Although the quality of the analysis was widely emphasised, the MMs' reports are not always considered sufficiently strategic, which leads to a problem of popularisation of the standards for non-technical people and difficulties in following the recommendations.</p> <p>22. The use of new technologies could be enhanced and coordinated to facilitate the reception of data, and the visibility of MMs' products could be improved (website, social media).</p> <p>23. The timeliness of reporting and the time frame for analysis of national situations is generally good, but is too long in some MMs.</p>	<p>Improve MMs' working methods, their outputs and the accessibility and visibility of their products.</p>	<p>3. Ensure there is a forum for discussing good practices and working methods (in relation to internal practices).</p> <p>8. Establish secure online data collection tools to make public resources and other non-confidential information available to all MMs and other stakeholders.</p> <p>9. Increase the accessibility and the visibility of MMs' products.</p>

135. Not all findings are listed here. Only findings that are the subject of recommendations are presented. Findings that present situations that do not require recommendations are not presented.

Findings	Conclusions	Recommendations
<p>6. Good practices are circulating within the Council of Europe's MMs, due to a mostly informal horizontal process of exchange between mechanisms, but this system tends to exclude new or less connected members of the secretariat, and depends on the willingness of secretariats to exchange externally.</p> <p>10. The mandate of MMs is subject to differing interpretations within the Council of Europe.</p> <p>12. Co-ordination between MMs is average, with the exception of some mechanisms that have implemented specific activities to exchange with other MMs.</p> <p>14. Co-ordination within the strategic triangle is considered positively, but it is not considered to be adequate for a few MMs with complicated outputs to monitor or who have insufficient staff.</p> <p>26. Attempts to strengthen links with external institutions have not always been successful, although there seems to be an increased willingness to work towards this.</p>	<p>Reinforce links and exchanges among the bodies of the Council of Europe and with institutions outside the Council of Europe.</p>	<p>3. Ensure there is a forum for discussing good practices and working methods (in relation to external co-operation).</p> <p>5. Increase the co-operation and co-ordination between MMs.</p> <p>7. Reinforce the links between the monitoring and co-operation dimensions of the strategic triangle.</p>
<p>7. Gender equality and, to a lesser extent, equity are increasingly considered in the activities of the MMs, but this consideration depends on the MMs.</p>	<p>Improve the consideration of gender equality and equity.</p>	<p>6. Further strengthen gender mainstreaming and consideration of equity in MMs.</p>



5. LESSONS LEARNED

The evaluation team identified four main lessons learned.

- The variety of MMs suggests that the development and implementation of a single “MM model” would not be relevant or appropriate.

The analysis showed that MMs are very different from each other. They are different in terms of activity, working methods, composition, products, etc. For example, some MMs are composed of state representatives, others of independent experts, some include both; some MMs need visits to ensure a good quality of expertise, others do not; etc. Therefore, any potential change in practice has to be considered in the specific context of each MM without attempting a “one size fits all” solution.

- Adequate resources are essential for the functioning of MMs.

The quality of the products depends on adequate resources, especially in the context of some MMs characterised by an increase in demand. If the gap between resources available and the needs is too important, this will affect the quality of the analysis delivered by MMs and thus the quality of reports. This could have an impact on the implementation of the recommendations, with the risk that parties lose interest in the MMs concerned. A balance between resources mobilised and needs for quality products is therefore essential to sustain the activities of MMs. One of the lessons learned from the evaluation is that, before creating any new MM, the resources that will be needed to implement it and their availability must be analysed. The implementation of new dual mechanisms should be avoided, given the complexity and costs of such mechanisms. The possibility (where appropriate) of developing partial agreements for some future MMs to ensure flexibility in their budget must be considered.

- Improving MMs’ methods requires sharing good practices.

The analysis showed that MMs implement many good practices (during country visits, implementation of online data collection, follow-up procedure, reports analysis, etc.), which are not necessarily shared among them. The evaluation team considers that there is a real potential for capitalisation between MMs which is still not fully exploited.

- The technological solutions implemented in the context of adaptation to the Covid-19 pandemic have their limits.

While remote activities have allowed the continuity of the functioning of MMs and, for some of them, facilitated the participation of certain stakeholders in the committee sessions, face-to-face dialogue remains essential and cannot be replaced by a 100% virtual solution in the medium and long term. The evaluation team considers that a balance must be struck between the use of new technologies and the effectiveness of the MMs.

Appendix 1 – Terms of reference

Link to the document: <https://rm.coe.int/evaluation-of-monitoring-mechanisms-tor/1680a7c7ed>.

Appendix 2 – Council of Europe monitoring mechanisms synthetic presentation

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
Monitoring by organs of the Council of Europe					
CM	Created by the 1994 Declaration Thematic monitoring set up in 1996	Monitoring the implementation of commitments in the fields of democracy, human rights and the rule of law, including specific post-accession monitoring for certain member states	Ministers for foreign affairs of the Council of Europe member states	Several monitoring procedures: 1. Thematic monitoring (ad hoc system): Debate on thematic reports; Follow-up action, including giving mandate or inviting Council of Europe mechanisms to work on these areas. 2. Country-specific monitoring (1994 Declaration, but not currently used): Seizure by member states, Secretary General or PACE; Analysis of information; Debate; Specific action, ¹³⁶ readjustment of co-operation programmes and/or readjustment of intergovernmental work. 3. Specific post-accession monitoring: Analysis of reports; Set up of working groups, or appointment of experts or rapporteurs; Oral reports; Publication of progress reports; Publication of opinions; Country visits; Confidential dialogue. 4. Review by various intergovernmental committees upon CM request	Reform: During the 131st session of the CM in May 2021, the CM considered that its country-specific monitoring procedures should be ended. Regarding thematic monitoring: between 1996 and 2007, the CM produced one report per year, focusing on specific themes. In 2007, it became an ad hoc procedure. The revised procedure has never been implemented. A complementary procedure between the CM and the PACE was adopted in 2020 to address the most serious violations of fundamental principles and values enshrined in the Council of Europe Statute.

136. Specific action is either: request the Secretary General to make contacts, collect information or furnish advice, issue an opinion or recommendation, forward a communication to PACE, take any other decision within its statutory powers.

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
PACE's Monitoring Committee	Established in 1997 by the PACE	Monitoring the fulfilment of obligations under the terms of the Statute of the Council of Europe, the European Convention on Human Rights and all other Council of Europe conventions to which they are parties, and the honouring of commitments entered into upon accession to the Council of Europe	92 members of the PACE (deputies from the parliaments of all the member states)	Several monitoring procedures: 1. Full monitoring procedure, with regular country visits by rapporteurs and occasional plenary debates 2. Post-monitoring dialogue when progress has been made, but some issues remain 3. Periodic review: regular reports for member states that are not covered by procedures 1 and 2 4. Report on the Functioning of Democratic Institutions	Situation in September 2021: ¹³⁷ Full monitoring procedure applies to 11 member states. ¹³⁸ Post-monitoring dialogue applies to three member states. ¹³⁹ Periodic reviews: since 2019, countries are selected on substantive grounds based on findings by the PACE and other MMs as well as "questions raised by members of the committee, international and national civil society and the media"; 16 reports have been prepared since 2015. ¹⁴⁰ As of September 2021, six reports were under preparation. ¹⁴¹
Congress of Local and Regional Authorities (Congress)' Monitoring Committee		Monitoring the implementation of the European Charter of Local Self-Government and its additional Protocol Assessing compliance of local and regional elections with European electoral standards and good practices	Representatives of local and regional elected representatives	Monitoring procedure: 1. Country visits and fact-finding missions 2. Publication of recommendations 3. Post-monitoring or post-electoral political dialogue 4. Adoption of roadmaps 5. Observation of local and regional elections upon invitation	

137. PACE's Committee on the Honouring of Obligations and Commitments by member states of the Council of Europe, *Monitoring Committee: Work overview*, 29 September 2021, AS/Mon/Inf (2021) 16.

138. Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Poland, Russian Federation, Serbia, Türkiye and Ukraine.

139. Bulgaria, Montenegro and North Macedonia.

140. Andorra (2015), Austria (2017), Belgium (2015), Croatia (2015), Cyprus (2015), Czech Republic (2017), Denmark (2017), Estonia (2018), Finland (2017), France (2017), Germany (2017), Greece (2018), Hungary (2018), Iceland (2019), Ireland (2018), Italy (2019).

141. France, Hungary, Malta, the Netherlands, Romania and San Marino.

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
Monitoring by convention-based mechanisms					
AC-FCNM	Entry into force of the Convention in 1998 (39 states parties)	Evaluating the implementation of the Framework Convention in states parties and advising the Committee of Ministers	18 independent members	<p>Evaluation procedure</p> <ol style="list-style-type: none"> 1. Examination of states' reports and possible questionnaires 2. Country visits in co-operation with "contact person" 3. Confidential dialogue 4. Publication of opinions 5. Follow-up <p>Rapid response/ad hoc procedure:</p> <ol style="list-style-type: none"> 1. Urgent request for information 2. Country visit 3. Publication of findings and conclusions 4. Follow-up 	<p>Reform: A 2019 reform introduced a confidential dialogue phase between parties and the Advisory Committee, faster publication of reports, and a rapid reaction procedure when a situation warrants urgent examination. The reform has been implemented since January 2020.</p> <p>Special link with COMEX: periodical reports are aligned, and secretariats have been pooled into one division.</p> <p>Links with other institutions: findings of the Advisory Committee are regularly referred to in EU accession documents.</p>
COMEX	Entry into force of the Charter in 1998 (25 states parties)	Evaluating the state party's compliance with the European Charter for Regional or Minority Languages	25 Independent experts (one per state party)	<p>Reporting procedure:</p> <ol style="list-style-type: none"> 1. Examination of states' reports and additional information when necessary 2. Country visits 3. Adoption of an evaluation report <p>Rapid response/ad hoc procedure:</p> <ol style="list-style-type: none"> 1. Adoption of opinions, statements, appointment of rapporteurs 2. Analysis of replies to questionnaires and publication 	<p>Reform: A 2019 reform introduced longer reporting cycles (five years instead of three), and a shorter reporting period for follow-up of recommendations for immediate actions (two and a half years). The reform introduced the possibility of confidential dialogue, faster publication of reports and new means to address delays. It is envisaged including regular follow-up meetings/implementation round tables as an integral part of the monitoring process.</p> <p>Special link with AC-FCNM: periodical reports are aligned, and secretariats have been pooled into one division.</p> <p>Additional information: Once the report is addressed to the CM, the CM may decide to make recommendations or organise a follow-up meeting.</p>

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
Committee of the Parties to the MEDICRIME Convention	Entry into force of the Convention in 2016 (18 states parties)	Monitoring the compliance of the Convention on the counterfeiting of medical products and similar crimes involving threats to public health	18 members	<ol style="list-style-type: none"> Proposals to facilitate or improve the effective use and implementation of the Convention Publication of opinions on questions concerning the application of the Convention Publication of recommendations 	Additional information: The Committee of the Parties was set up in December 2019. At the time of the evaluation the Committee of the Parties had only implemented remote plenary meetings.
COP198	<p>Entry into force of the Convention in 2008 (37 states parties)</p> <p>Thematic monitoring introduced in 2018</p>	Monitoring the compliance of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	5 representatives of states parties	<p>Horizontal review:</p> <ol style="list-style-type: none"> Examination of states' responses to a questionnaire and information Potential country visit Publication of reports <p>Follow-up:</p> <ol style="list-style-type: none"> Examination of states' information Publication of follow-up reports <p>Thematic monitoring:</p> <ol style="list-style-type: none"> Publication of thematic reports 	<p>Reform: In 2017, the COP198 adopted amendments to the rules of procedure establishing a transversal thematic monitoring system, which puts a stronger focus on its added value in reference to the international AML/CFT standards and improves the involvement of all states parties on a regular basis. It was introduced for an initial period of two years and extended in 2019 for another five years.</p> <p>Links with other institutions: COP198 has a strong communication and co-operation with MONEYVAL.</p>
CPT	Entry into force of European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1989 (46 states parties)	Assisting countries to ensure that no person deprived of his/her liberty is subjected to torture or inhuman or degrading treatment	44 independent experts	<p>Periodic procedure:</p> <ol style="list-style-type: none"> Request for information Visits to places of detention Transmission of confidential reports to the states Confidential dialogue Follow-up visits <p>Ad hoc procedure if required by circumstances:</p> <ol style="list-style-type: none"> Rapid reaction visits Follow-up visits 	<p>Links with other institutions: The CPT and the UN Subcommittee on Prevention of Torture (SPT) have agreed to co-operate and consult each other to avoid duplication and to enhancing the effectiveness of their work. The SPT has special responsibilities with regard to national preventive mechanisms, while the primary task of the CPT is to carry out field visits.</p> <p>Additional information: Every year, the CPT submits to the CM a general report on its activities which shall be transmitted to the PACE and to any non-member state of the Council of Europe which is a party to the Convention and made public.</p>

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
ECSR T-SG	Entry into force of the Charter in 1961 (42 states parties to the 1961 Charter or the Revised Charter; 16 states parties to the 1995 Protocol)	Monitoring the compliance with the rights and obligations set out in the European Social Charter	ECSR: 15 independent members	<p>ECSR</p> <p>Reporting system:</p> <ol style="list-style-type: none"> 1. Examination of states' reports and other information (different modalities) 2. Publication of conclusions <p>Collective complaints procedure (under the 1995 Protocol)</p> <ol style="list-style-type: none"> 1. Examination of collective complaints 2. Adoption of decisions 3. Immediate measures, if necessary to avoid irreparable injury or harm <p>T-SG</p> <ol style="list-style-type: none"> 1. Preparation of CM's decisions 	<p>Reform: the ECSR has taken steps to streamline some aspects of its procedures and to make reporting more targeted and strategic. Since 2019, several Council of Europe bodies (including CDDH) have made proposals to improve the implementation of social rights. In May 2021, the CM indicated that the importance of the reform should be given priority in the coming year. A GT-CHARTÉ working group has been implemented to improve the effectiveness and efficiency of the ECSR.</p> <p>Additional information: The follow-up of the conclusions or decisions is ensured by the CM: a recommendation, if a non-conformity or a violation of the provisions of the Charter call for such a strong measure, or a resolution in other cases.</p>
GRETA and THB-CP	Entry into force of the Convention in 2008 (48 states parties ¹⁴²)	Monitoring the compliance with the Convention against Trafficking in Human Beings	GRETA: 10-15 independent members	<p>GRETA</p> <p>Reporting procedure:</p> <ol style="list-style-type: none"> 1. Analysis of written replies to a questionnaire and other information 2. Country visits in co-operation with "contact person" 3. Confidential dialogue 4. Publication of reports and conclusions <p>If immediate attention is required:</p> <ol style="list-style-type: none"> 1. Urgent request for information 2. Designation of rapporteur 3. Country visits 4. Publication of findings and conclusions <p>Committee of parties</p> <ol style="list-style-type: none"> 1. Examination of GRETA's reports 2. Publication of recommendations 	<p>Reform: GRETA has initiated the practice of "high-level dialogue" bilaterally with the state concerned in order to facilitate implementation. The internal rules of procedure were revised to include an urgent procedure. The rules for the election of GRETA members were also revised.</p>

¹⁴². European states and Israel, since 2021.

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
GREVIO and IC-CP	Entry into force of the Convention in 2014	Monitoring the implementation of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)	GREVIO: 10-15 independent members	<p>GREVIO</p> <p>Country-by-country evaluation procedure:</p> <ol style="list-style-type: none"> 1. Examination of states' reports and other information 2. Country visits 3. Confidential dialogue 4. Publication of reports and guidance notes <p>Special inquiry procedure in case of serious, massive or persistent violence:</p> <ol style="list-style-type: none"> 1. Designation of members to conduct an inquiry, which may include country visits 2. Transmission of findings, with comments and recommendations <p>Committee of parties</p> <ol style="list-style-type: none"> 1. Examination of GREVIO's report 2. Publication of recommendations 	<p>Additional information: An evaluation of the Council of Europe Sub-programme on violence against women was underway at the time of the evaluation. A report will be published shortly.</p>
Group of Specialists on Access to Official Documents	Entry into force of the Convention in 2020 (10 states parties)	Monitoring the Convention on Access to Official Documents (Tromsø Convention – CETS 205)	10 – 15 independent members	<p>Monitoring procedure:</p> <ol style="list-style-type: none"> 1. Examination of states' reports 2. Potential request for information and opinion of civil society 3. Publication of reports, opinions, proposals 	<p>Additional information: the rules on the election procedure of the members of the MM were adopted in March 2021.</p> <p>The reports, opinions and proposals of the MM are considered by the consultation of the parties to the Convention, which shall make propositions and recommendations to the parties.</p>

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
Lanzarote Committee	Entry into force of the Convention in 2010 (48 states parties ¹⁴³)	Monitoring the implementation of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Representatives of states parties	<p>Monitoring procedure:</p> <ol style="list-style-type: none"> 1. Examination of states' responses to a General Overview Questionnaire (sent to all parties at the same time) or a Thematic Questionnaire, and other information 2. Potential country visit 3. Publication of thematic implementation reports (the publication of country evaluation reports is also possible) 4. Follow-up (compliance reports) <p>If immediate attention is required:</p> <ol style="list-style-type: none"> 1. Request the urgent submission of a special report 2. Designation of rapporteur 3. Country visits 4. Publication of findings and conclusions 	<p>Reform: The MM's workload has increased. Causes are 1) rapid increase in ratifications; 2) increase of awareness of sexual violence against children; 3) fighting this scourge has become a priority for most member states. The length of the cycles has increased because of changes introduced to take account of civil society and the growing number of states signatories to the convention: the 1st regular monitoring cycle involved 26 states parties; the 2nd cycle 43 parties; the planned 3rd cycle will involve all 48 states. In June 2021, publication of a reflection paper "Suggestions to maintain and strengthen the effectiveness of the MM and procedure in the short and medium term".</p> <p>Links with other institutions: The Court has started referring to the convention. Since 2021, the link with the UN Special Rapporteur has been formalised: the UN Special Rapporteur may participate in all plenary meetings and shares visits' calendar.</p>
Standing Committee of the Bern Convention	Entry into force of the Convention in 1982 (50 ratifications ¹⁴⁴)	Monitoring of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)	Representatives of states parties	<p>Reporting system:</p> <ol style="list-style-type: none"> 1. Examination of states' biennial reports 2. Examination of states' general reports (every 4 years) 3. Follow-up <p>Case-file system</p> <ol style="list-style-type: none"> 1. Mechanism based on complaints of NGOs or private citizens 2. If necessary: on-the-spot visits 3. Follow-up 	<p>Additional information: The Standing Committee is the only monitoring system of the democracy pillar, apart from the Congress. The case-file system is unusual as it is not based on any provisions of the Convention.</p>

143. European states and Tunisia.

144. European states, Belarus, Burkina Faso, Morocco, Senegal, Tunisia.

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
T-DO	Entry into force of the Convention in 1990 (52 parties ¹⁴⁵) and additional protocol in 2004 (29 parties ¹⁴⁶)	Monitoring of the Anti-Doping Convention and its protocol	Representatives of states parties	Monitoring procedure: 1. Examination of states' reports 2. Country visits 3. Publication of reports	Links with other institutions: Its activities involve working with the World Anti-Doping Agency and international sports federations.
T-MC	Entry into force of the Convention in 2019 (ratified by 7 states, signed by 30 other states)	Monitoring of the Convention on the Manipulation of Sports Competitions (Macolin Convention)	Representatives of states parties	Follow-up procedure: 1. Examination of reports 2. Country visits 3. Meetings of experts 4. Publication of recommendations 5. Preparation of opinions	Additional information: The first meeting of the Follow-up committee took place in November 2020. The opinions are prepared for the attention of the CM.
T-RV	Entry into force of the Convention in 1985 (22 states parties ¹⁴⁷)	Monitoring of the European Convention on Spectator Violence and Misbehaviour at Sports Events in particular at Football Matches	Representatives of states parties	Monitoring procedure: 1. Examination of states' reports 2. Country visits 3. Publication of reports and recommendations	Additional information: the Saint-Denis Convention (whose MM is T-S4) was adopted with a view to progressively replacing the Spectator Violence Convention (whose MM is the T-RV's Standing Committee). T-RV's Standing Committee has carried out the monitoring comprising both conventions between 2016 and 2019. T-S4's monitoring guidelines are under discussion and should be adopted in June 2022. The T-RV Committee's activities have been suspended since November 2021 in order to focus on the work of the T-S4 Committee.
T-S4	Entry into force of the Convention in 2016	Monitoring of the Saint- Denis Convention	Representatives of states parties	Monitoring procedure under discussion at the time of the evaluation (see "Additional information")	

145. European states, Australia, Belarus, Canada, Morocco, Tunisia.

146. 27 European states, Belarus, Tunisia.

147. 21 European states and Morocco.

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
Monitoring by resolution/declaration-based mechanisms					
GRECO	Created by Resolution (99)5 in 1999	Monitoring the compliance with the Council of Europe anti-corruption standards ¹⁴⁸	All European states, Kazakhstan, United States. The EU has observer status	<p>Evaluation procedure:</p> <ol style="list-style-type: none"> 1. Analysis of written replies to a questionnaire and of information 2. Country visits 3. Publication of confidential reports <p>Compliance procedure after 18 months: analysis of "situation report", publication of (confidential) compliance report, declaration of non-compliance</p> <p>Ad hoc procedure allowing for urgent reactions:</p> <ol style="list-style-type: none"> 1. Ad hoc request for information 2. Designation of rapporteurs and, if necessary, country visits 3. Publication of confidential ad hoc reports and conclusions 	<p>Reform: GRECO has initiated high-level visits to provide additional pressure when compliance with recommendations is lacking.</p> <p>Links with other institutions: In 2018, GRECO adopted a document on "Enhancing synergies amongst the international anti-corruption bodies (GRECO, OAS, OECD, UNODC)" to highlight the complementarity of other bodies and emphasise the specificity and unique added value of GRECO. GRECO also works closely with the OSCE/ODIHR (regular meetings, co-ordination of meetings and evaluation dates, exchange of information, organisation of joint events).</p>

148. The Criminal Law Convention on Corruption, the Twenty Guiding Principles for the Fight against Corruption, and the Recommendations on Codes of Conduct for Public Officials, and on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns.

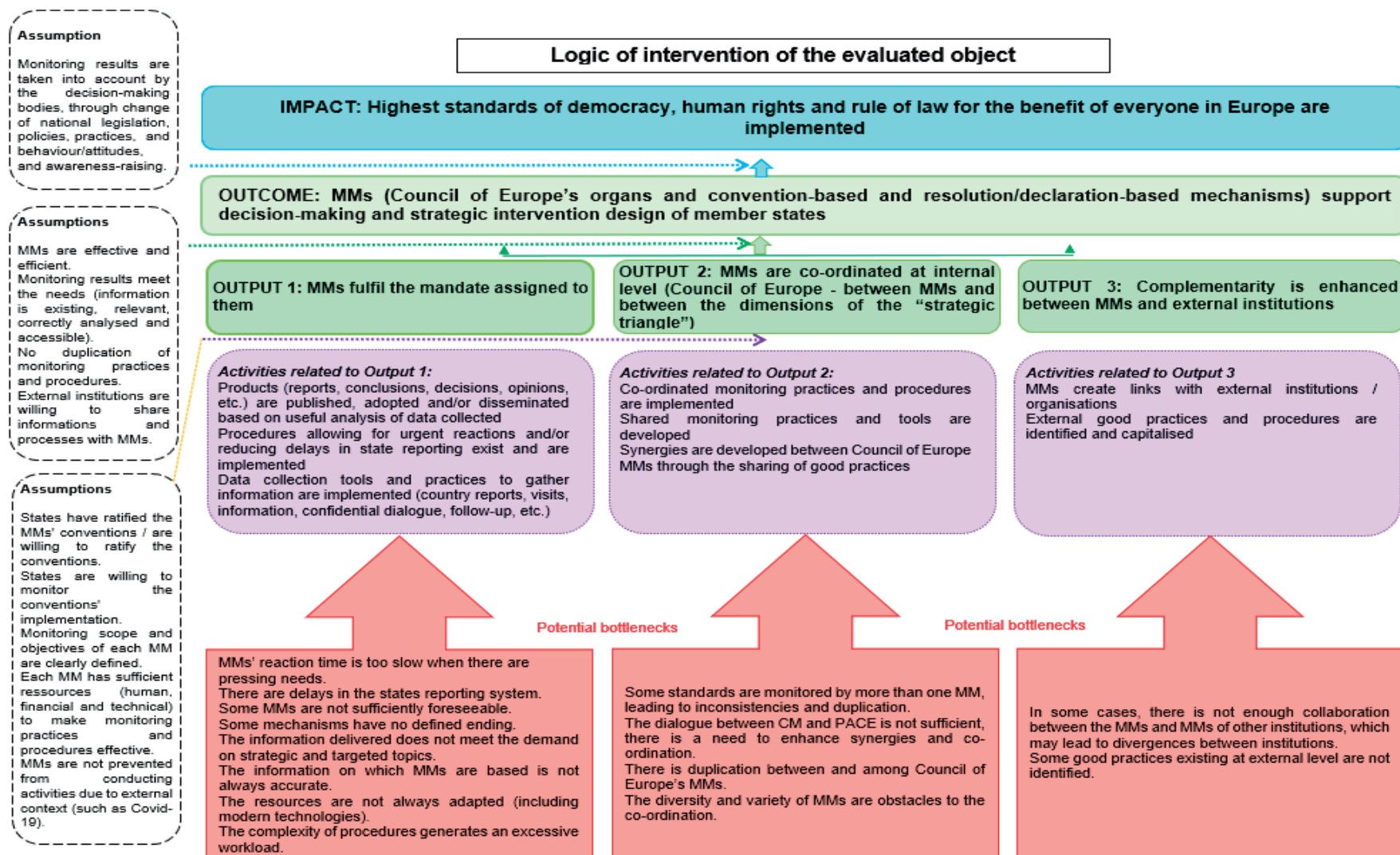
Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
MONEYVAL	Created in 1997. Since 2011: Independent body	Monitoring the compliance with international standards on anti-money laundering and combating the financing of terrorism	Three representatives per delegation, designated by parties; 33 states/territories ¹⁴⁹	<p>Evaluation procedure:</p> <ol style="list-style-type: none"> 1. Examination of states' responses to a questionnaire 2. On-site country visits 3. Face-to-face meetings 4. Publication of (confidential) mutual evaluation reports 5. Regular or enhanced follow-up <p>In case of serious noncompliance: Compliance enhancing process</p> <ol style="list-style-type: none"> 1. Letter to the state 2. High-level mission 3. Publication of a public statement 4. Referral 	<p>Links with other institutions: MONEYVAL is a member of the Financial Action Task Force (FATF) and is required to strictly apply the FATF standards, procedures and assessment methodology. The monitoring procedures and standards are established by the FATF. The FATF is an independent structure of the OECD that reports to the G20. The FATF is a global network with nine regional bodies (Africa, Asia and Pacific, etc.). MONEYVAL is the network's branch for the European region.¹⁵⁰</p> <p>Additional information: in 2006, MONEYVAL revised its general publication and monitoring policy; its new rules of procedure provide for the automatic publication of mutual evaluation reports within three months of their adoption, as well as third-cycle progress reports, other updates, and related follow-up reports. A fifth round of mutual evaluations began in 2015. The assessment procedure differs from that used in the fourth round. Each site visit lasts at least two weeks, and the mutual evaluation reports include a substantial section on effectiveness, as well as an annex on technical compliance. All these evaluations are conducted in accordance with the overall methodology agreed with the FATF, the IMF and the World Bank.</p>

149. 28 European states and Israel, the Holy See (including Vatican City State), the UK Crown Dependencies (Guernsey, Jersey and the Isle of Man), Gibraltar.

150. However, the State of Israel is part of the MONEYVAL network for political reasons.

Entity	Date	Monitoring scope	Composition	Monitoring practices and modalities	Observations
ECRI	Established in 1994 (1993 Vienna Declaration), autonomous statute in 2002	Monitoring racism and intolerance	One independent member per member state	<p>Country monitoring work:</p> <ol style="list-style-type: none"> 1. Country visits 2. Confidential dialogue 3. Adoption and publication of final reports 4. Interim follow-up mechanism (IFU) – Adoption of conclusions <p>Thematic work/general monitoring standards:</p> <ol style="list-style-type: none"> 1. Drawing up of General Policy Recommendations <p>Ad hoc responses:</p> <ol style="list-style-type: none"> 1. Adoption of extraordinary statements on issues of concern across Europe 2. Drawing up of an urgent report based on a visit 	<p>Reform: interim follow-up mechanism has been introduced.</p> <p>Links with other institutions: Special relations are maintained with international organisations (EU, UN, OSCE). ECRI has intensified its co-operation with other MMs, including AC-FCNM.</p> <p>Additional information: in 2019, an impact assessment took place analysing 25 years of ECRI's intervention. In 2019, a "Roadmap to effective equality" was published. The Roadmap was implemented in early 2020. In 2020, a new practice was initiated: the adoption of extraordinary statements on issues of concern across Europe.</p>

Appendix 3 – Logic of intervention



Appendix 4 – Evaluation matrix

The following evaluation matrix presents data sources, indicators and data collection methods for the evaluation. A few indicators related to effectiveness, listed in the inception report, were removed from this matrix because they dealt with impact and were beyond the scope of the analysis. Deleted indicators are footnoted in the corresponding KEQ.

Key Evaluation Question	Indicators	Desk review	Interviews	Focus group discussions	Surveys	Case studies	Observation
Relevance							
To what extent do the Council of Europe's bodies (Secretary General, CM and PACE) consider the monitored areas as a priority?	Existence of Council of Europe's statutory bodies documents (minutes of meetings, notes, etc.) mentioning the monitored areas as a priority	X	X				
Are the thematic areas of work of the Council of Europe covered by the scope of the monitoring of the MMs (for instance, existence of gaps in monitoring)?	Evidence of gaps in monitoring Identification of thematic areas of work not covered by the MMs Mapping of Council of Europe thematic areas of work against areas covered by MMs	X	X				
How appropriate are the MMs' activities and outputs for the achievement of their specific objectives (potentially useful activities missing and/or conducted activities not appropriate)?	% of MMs respondents considering that there is an adequacy between activities and expected results Identification of missing activities or activities not appropriate	X	X		X		
To what extent are Council of Europe MMs' activities aligned with needs of member states?	Scoring scale of level of alignment of MMs' activities according to the perception of member states' ministries Degree of satisfaction of national stakeholders		X		X	X	
To what extent are MMs' scopes clearly identified in their founding documents and amendments and do not duplicate other Council of Europe MMs?	% of MMs respondents indicating that there are no overlap or duplication between their MMs and other MMs Evidence of MMs' scopes clearly identified in their founding documents and amendments Identification of overlaps of scopes between MMs	X	X		X	X	

Key Evaluation Question	Indicators	Desk review	Interviews	Focus group discussions	Surveys	Case studies	Observation
If a monitoring and evaluation system exists in the MMs: How relevant is the MMs quality control (such as internal monitoring and evaluation system) to the MMs' needs?	Evidence of clearly identified practices and procedures related to a quality control mechanism Scoring scale of level of appropriateness of quality control mechanism to the needs of MMs	X	X		X	X	
To what extent do MMs identify lessons learned from internal and external monitoring practices, tools and procedures?	Evidence of lessons learned from internal and external monitoring practices, tools and procedures % of MMs respondents stating that they integrated the practices implemented in other MMs to strengthen their functioning	X	X	X	X	X	
To what extent have the MMs' activities integrated gender equality and equity into their design?	Existence in documents of gender equality and equity related to MMs activities Evidence of consideration to gender equality and equity in the design of monitoring activities	X	X			X	
Effectiveness							
To what extent do MMs fulfil the mandate assigned to them?	Identification of monitoring activities implemented Evidence of existence of rapid reactions procedures when there are pressing needs Identification of outputs produced Scoring scale of MMs respondents considering that their products (reports, notes, briefs, etc.) are delivered in time according to the context of the country under review, in order to meet the needs % of member states' respondents indicating that the outputs of the monitoring is available in time in order to plan decisions Scoring scale of the degree of perceived quality of MMs' reports/ recommendations by member states' respondents Perception of quality of MMs' reports/ recommendations by civil society		X		X	X	X

Key Evaluation Question	Indicators	Desk review	Interviews	Focus group discussions	Surveys	Case studies	Observation
To what extent are MMs co-ordinated at internal level (within Council of Europe)?	<p>Scoring scale of level of perceived added value of co-ordination mechanism to the needs of MMs</p> <p>Existence of shared monitoring practices and tools of MMs working on the similar subjects/themes</p> <p>Evidence of complementarity in the sharing of information</p> <p>Evidence of exchange of information between MMs and co-operation and standard setting dimensions of the Council of Europe</p> <p>Scoring scale of the level of exchange of information between MMs and other dimensions of Council of Europe</p>	X	X	X	X	X	
To what extent is complementarity enhanced between MMs and external institutions?	<p>Existence of links between Council of Europe MMs and other institutions outside MMs related to monitoring practices and tools</p> <p>Existence of joint activities between institutions outside Council of Europe and Council of Europe MMs</p> <p>Existence of joint tools</p> <p>Evidence of good practices and procedures of other mechanisms identified in the Council of Europe</p> <p>Scoring scale of the level of exchange of information between MMs and institutions outside the Council of Europe</p>	X	X	X	X	X	

Key Evaluation Question	Indicators	Desk review	Interviews	Focus group discussions	Surveys	Case studies	Observation
To what extent do MMs (Council of Europe's organs and convention-based and resolution/declaration-based mechanisms) support decision-making and strategic intervention design of member states ¹⁵¹ ?	% of member states' respondents considering that the recommendations are sufficiently precise % of member states' respondents considering that the recommendations are realistic enough % of member states' respondents considering that the recommendations respond to the issue Scoring scale of the extent to which the results of the monitoring help the member states to make decisions and design their strategic intervention Perception of civil society on the usefulness of MMs at national level	X	X		X	X	
Were there unintended outcomes (positive and negative) produced due to the activities and operating procedures of the MMs?	Identification of positive or/and negative unintended results		X			X	
Efficiency							
To what extent are the financial, human and material resources of Council of Europe MMs adequate to implement monitoring activities in order to produce quality outputs (particularly technological systems for data collection, discussions between MMs' members, visibility of reports, etc.)?	Perception of gaps regarding human, financial and material resources (technology) Scoring scales (financial, technical and human resources) of the level of adequacy of resources of MMs to produce quality results, according to the MMs' respondents		X		X	X	
To what extent are stakeholders in the member states engaged during the monitoring process and supported in the implementation of recommendations?	Evidence of involvement of member states during the monitoring process Evidence of MMs supporting activities to facilitate the implementation of recommendations at member states' level		X	X		X	

151. Two indicators were removed: 1) Evidence of monitoring products in the member states decision-making documents and strategic intervention design; 2) Reference material cited related to gender equality and equity in the decision-making documents and strategic intervention design.

Key Evaluation Question	Indicators	Desk review	Interviews	Focus group discussions	Surveys	Case studies	Observation
To what extent is the mobilisation of resources optimal for the observed outcome (evidence of greater results or better quality of MMs interventions for actions that have mobilised the most resources)?	Evolution of resources allocated to MMs in accordance with the evolution with needs If relevant, comparison between actions that have mobilized the most resources and results achieved	X	X			X	
To what extent are the monitoring practices (country visits, online meetings, etc.), the quality and the timing (products delivered on time and response to potential delays, for instance in the contexts of Covid-19) useful?	Perception by MMs of the need to strengthen or modify activities or operating procedures to better fulfil their mandate Comparison between planned and implemented activities Analysis of reasons for potential time extension Analysis of responses to potential delays Existence of adaptation methods of data collection during the health crisis		X		X	X	
If a quality control mechanism (internal monitoring and evaluation) exists in the MMs: to what extent does the system result in positive change of practices and procedures?	Evidence of modifications of monitoring practices, tools and procedures due to internal quality control mechanism % of MMs respondents answering that the mechanism allows them to assess procedures on a regular basis and to change practices if necessary		X		X	X	
Added value							
In comparison to other international MMs, what is the perception of member states of the contribution of Council of Europe MMs in their decision-making and strategic intervention design?	Level of perception by member states respondents of Council of Europe MMs contribution in their decision making and strategic intervention design Level of perception of contribution in terms of gender equality and equity		X			X	
To what extent has the complementarity with mechanisms working on same issues outside the Council of Europe led to increased results in the same sector?	% of MMs respondents which perceive usefulness of the complementarity between them and non-Council of Europe MMs in their sector Perception of increased results by Council of Europe MMs, by other mechanisms and by civil society		X	X	X	X	

Appendix 5 – Data collection tools

Appendix 5.1. Interview guides

a) Interviews with MMs representatives (case studies + CM + PACE) – secretariats and members

Estimated length: 90 minutes

Could you please briefly explain your monitoring process?

Are there activities and operating procedures that you consider to be good practices implemented by your mechanism?

Are there activities and operating procedures that your monitoring mechanism does not implement but that you think would be useful to fulfil your mandate?

Are there subjects/themes that are covered by your MM and also other MMs that led to duplication or overlaps?

Are there subjects/themes that are not monitored (gaps in monitoring)?

To which extent have your activities included gender equality and equity in their design (in terms of specific consideration in reports, country visits, dialogue, etc.)? Do you have examples?

According to you, do the activities and operating procedures in place allow your monitoring mechanism to perform / fulfil its mandate? How?

If the MM includes a quality control (such as internal monitoring and evaluation system): Have your procedures evolved as a result of the quality control (such as monitoring and evaluation mechanism)? If so, how?

Has your monitoring mechanism co-ordinated in any way (such as shared activities, practices and tools) with other MMs working in the Council of Europe on related topics (including CM and PACE, if relevant)? If so, how?

In your opinion, how adequate is the co-operation between your monitoring mechanism and the standard setting and co-operation dimensions of the Council of Europe? Do you have examples?

If the MM implements joint activities with mechanism outside the Council of Europe working on related topics: To which extent do you consider that activities carried out in complementarity with other mechanisms outside the Council of Europe (joint meetings, joint visits, exchange of information) are useful in your sector? How?

Has your activities and operating procedures ever produced unintended results, whether positive or negative? Do you have examples?

Depending on the result of the survey: To what extent are the resources adequate to implement the activities in order to produce quality outputs (financial, human and material)? Have your resources evolved in accordance with your needs? How?

What have been the consequences of the health crisis on your activities? To what extent have you adapted your methods during the health crisis?

What are your mechanism's responses if a concerning situation arises in a country? If a country does not fulfil its obligation in time? Has this situation even occurred?

What are your suggestions to improve and strengthen the functioning of your monitoring mechanism?

Are there other elements that we have not discussed that you would like to add?

We are interested in discussing with organisations outside the Council of Europe with which you have co-operation. Could you please give us a list of people you think would be relevant to interview and their contacts?

b) Interviews with other Council of Europe representatives (including members of the GT-MON)

Estimated length: 60 minutes

Do you consider that all monitored areas are a priority for the organization?

To your knowledge, are there areas of work that are covered by several MMs?

According to you, are there areas of work that are not monitored (gaps in monitoring)?

What would you define as a good practice in terms of monitoring?

According to you, what are the main challenges in the functioning of the MMs?

To which extent do you consider that the co-ordination between MMs of the Council of Europe is sufficient (including between the monitoring activities between the CM and the PACE)? Do you consider it could be improved? If so, how?

In your opinion, how adequate is the co-operation between the monitoring mechanisms and the standard setting and co-operation dimensions?

What are your views regarding the co-operation between the MMs of the Council of Europe and mechanisms outside the Council of Europe?

What are your suggestions to improve and strengthen the functioning of the monitoring mechanism of the Council of Europe?

Are there other elements that we have not discussed that you would like to add?

c) Interviews with other mechanisms/institutions outside the Council of Europe

Estimated length: 30 minutes

How would you assess the level of exchange of information between ... (depending on the monitoring mechanism) and your mechanism/institution?

Have you implemented activities in complementarity with ... (depending on the monitoring mechanism)? Which activities?

Do you consider that activities carried out in complementarity with ... (depending on the monitoring mechanism) are useful in your area of work? If so, how? Why?

What is according to you the specific added value of the ... (depending on the monitoring mechanism) compared to other mechanisms of the same area of work?

Do you have any suggestion to improve and strengthen the functioning of the monitoring mechanism of the Council of Europe?

Are there other elements that we have not discussed that you would like to add?

d) Interviews with Permanent Representations

Estimated length: 30 minutes

Overall, how do you perceive the activities implemented by the Council of Europe MMs? Why?

From your perspective, what do you consider to be good practices in the operation of monitoring mechanisms?

Which activities implemented by the MMs help, in your view, to make decisions / design strategic interventions implement the recommendations of the MMs in your country?

What are your views on the confidential dialogue implemented in some MMs?

Have the activities of the MMs ever produced unintended effects (positive or negative) in your country?

Globally, in comparison to other monitoring mechanisms at regional or international level, what is your perception of the contribution of the monitoring mechanisms of the Council of Europe in your decision-making process and strategic intervention design?

What is according to you the specific added value of the Council of Europe MMs compared to other mechanisms of the same sector at international level, if any?

Do you have any suggestion to improve and strengthen the functioning of the monitoring mechanism of the Council of Europe?

Are there other elements that we have not discussed that you would like to add?

e) Interviews with civil society representatives

Estimated length: 30-45 minutes

Overall, how do you perceive the activities implemented by the Council of Europe MMs? Why?

Do you consider to be sufficiently involved in the activities implemented by the Council of Europe MMs?

Do you consider that the reports of MMs take into account the information you provide? To which extent do you consider the information in the reports to be accurate?

What are your perceptions on the quality of the reports of MMs? On the quality of recommendations?

Do you consider that gender equality and equity is sufficiently taken into consideration by MMs in their reports / recommendations?

Which activities implemented by the MMs help states, in your view, to make decisions / design strategic interventions / implement the recommendations of the MMs? In the last 5 years, have the results of the MMs led to such a change in some countries? Do you have examples?

Have the activities of the MMs ever produced unintended effects (positive or negative)?

Globally, in comparison to other monitoring mechanisms at regional or international level, what is your perception of the contribution of the monitoring mechanisms of the Council of Europe in the decision-making process and strategic intervention design at national level?

What is according to you the specific added value of the Council of Europe MMs compared to other mechanisms of the same sector at international level, if any?

Do you have any suggestion to improve and strengthen the functioning of the monitoring mechanism of the Council of Europe?

Are there other elements that we have not discussed that you would like to add?

f) Focus Group with MMs secretariats (not selected for the case studies)

Estimated length: 45-60 minutes

What would you define as a good practice in terms of monitoring?

Depending on the results of the survey: Do you consider that ... good practice (*depending on the analysis of the evaluation team*) could be adaptable to your monitoring mechanism? Why and how?

Are there activities and operating procedures that your monitoring mechanism does not implement but that you think would be useful to fulfil your mandate?

According to you, what are the main challenges in the functioning of the MMs?

To which extent do you consider that the co-ordination between MMs of the Council of Europe is sufficient (including between the monitoring activities between the CM and the PACE)? Do you consider it could be improved? If so, how?

In your opinion, how adequate is the co-operation between the monitoring mechanisms and the standard setting and co-operation dimensions?

What are your views regarding the co-operation between the MMs of the Council of Europe and mechanisms outside the Council of Europe?

What are your suggestions to improve and strengthen the functioning of the monitoring mechanism of the Council of Europe?

Are there other elements that we have not discussed that you would like to add?

Appendix 5.2. Surveys

The number of lines in the open-ended questions is indicative. There was one survey for each group of people, but all questions were available in both languages.

a) MMs composed of independent experts

1) What mechanism do you belong to?:

- ☐ AC-FCNM
- ☐ COMEX
- ☐ CPT
- ☐ ECRI
- ☐ ECSR
- ☐ GRETA
- ☐ GREVIO
- ☐ Group of Specialists on Access to Official Documents
- ☐ Other: please specify

Activities and operating procedures of your monitoring mechanism

2) In your opinion, do the activities and operating procedures implemented allow your monitoring mechanism to fulfil its assigned mandate?

- ☐ Yes
- ☐ No
- ☐ I do not know

3) To which extent do you consider that your monitoring mechanism's products (reports, notes, briefs, etc.) are delivered in time according to the context of the country under review, in order to meet the needs?

- ☐ Very much in time
- ☐ Mostly in time
- ☐ Not so much in time
- ☐ Not at all in time
- ☐ I do not know

4) Of all the activities and operating procedures your monitoring mechanism implement, are there any that you think could be strengthened to better fulfil your mandate (please tick maximum three)?

- ☐ No changes are needed
- ☐ Analysis of documents
- ☐ Country visits
- ☐ Publication of reports
- ☐ Interim procedures

- ☐ Follow-up procedures
- ☐ Rapid reaction procedures
- ☐ Confidential dialogue with States
- ☐ Discussions with civil society organizations
- ☐ Co-operation with other monitoring mechanisms within the Council of Europe
- ☐ Interactions with standard-setting and co-operation dimensions within the Council of Europe
- ☐ Co-operation with institutions outside the Council of Europe
- ☐ Other: please specify
- ☐ I do not know

5) *If one or more activities and operating procedures are ticked above: Can you specify in what way (open question)*

Monitoring and evaluation system of your monitoring mechanism

6) Is there a quality control (such as internal monitoring and evaluation system) within your monitoring mechanism?

- ☐ Yes
- ☐ No
- ☐ I do not know

7) If yes: does this quality control (such as internal monitoring and evaluation system) allow you to assess your procedures on a regular basis and to change your practices if necessary?

- ☐ Yes
- ☐ No
- ☐ I do not know

Relationship with other monitoring mechanisms of the Council of Europe

(In this framework, the other monitoring mechanisms of the Council of Europe are: AC-FCNM, COMEX, Committee of Parties to the MEDICRIME Convention, COP198, CPT, ECRI, ECSR, GRECO, GRETA, GREVIO, Group of Specialists on Access to Official Documents, IC-CP, Lanzarote Committee, MONEYVAL, T-DO, T-MC, T-RV, T-SG, T-S4, THB-CP, the CM and the PACE)

8) How would you assess the level of exchange of information between your monitoring mechanism and other monitoring mechanisms of the Council of Europe?

- ☐ Excellent
- ☐ Very good
- ☐ Average
- ☐ Below average
- ☐ Poor
- ☐ I do not know

9) Has your monitoring mechanism ever integrated the practices, tools or operating procedures of other monitoring mechanisms of the Council of Europe to strengthen its functioning?

- ☐ Yes

- ☐ No
- ☐ I do not know

10) If yes, which practices, tools or operating procedures?

(Open question)

11) Do you consider that the scope of your monitoring mechanism as identified in the founding documents and amendments overlaps or duplicates the scope of other monitoring mechanisms of the Council of Europe?

- ☐ Yes
- ☐ No
- ☐ I do not know

12) If yes: with what mechanism, and on which similar subject/theme?

(Open question)

13) Is there a co-ordination mechanism between monitoring mechanisms of the Council of Europe?

- ☐ Yes
- ☐ No
- ☐ I do not know

14) If yes: according to you, to which extent does this co-ordination mechanism bring added value to your needs?

- ☐ Very much
- ☐ Somewhat
- ☐ Not so much
- ☐ Not at all
- ☐ I do not know

Relationship with other dimensions of the Council of Europe

15) How would you assess the level of exchange of information between your monitoring mechanism and the standard setting and co-operation dimensions within the Council of Europe?

- ☐ Excellent
- ☐ Very good
- ☐ Average
- ☐ Below average
- ☐ Poor
- ☐ I do not know

Relationship with mechanisms outside the Council of Europe

16) How would you assess the level of exchange of information between your monitoring mechanism and mechanisms outside the Council of Europe?

- ☐ Excellent
- ☐ Very good
- ☐ Average
- ☐ Below average
- ☐ Poor
- ☐ I do not know

17) Do you consider that activities carried out in complementarity with mechanisms outside the Council of Europe (joint meetings, joint visits, exchange of information) are useful in your area of work?

- ☐ Yes
- ☐ No
- ☐ I do not know

18) If yes: which activity carried out in complementarity with mechanisms outside the Council of Europe is the most useful (please indicate only one activity)?

(Open question)

Resources of your monitoring mechanism

19) To what extent are resources of your monitoring mechanism adequate to implement activities in order to produce quality results?

– Financial resources (budget)

- ☐ Very adequate
- ☐ Mostly adequate
- ☐ Not so adequate
- ☐ Not at all adequate
- ☐ I do not know

– Human resources

- ☐ Very adequate
- ☐ Somewhat adequate
- ☐ Not so adequate
- ☐ Not at all adequate
- ☐ I do not know

– Material resources (equipment, modern technologies, etc.)

- ☐ Very adequate
- ☐ Somewhat adequate
- ☐ Not so adequate
- ☐ Not at all adequate

☐ I do not know

Potential obstacles

20) What are the main obstacles faced by your mechanism that influence the achievement of its objectives, if any?

Recommendations

21) What are your suggestions to improve and strengthen the functioning of your monitoring mechanisms? (Open question)

22) Are you:

- ☐ A member of the monitoring mechanism
- ☐ A member of the secretariat of the monitoring mechanism / Council of Europe staff
- ☐ Other: please specify
- ☐ I do not wish to answer

Thank you!

b MMs composed of State representatives

1) What mechanism do you belong to?

- ☐ Committee of Parties to the MEDICRIME Convention
- ☐ COP198
- ☐ GRECO
- ☐ GRETA
- ☐ IC-CP
- ☐ Lanzarote Committee
- ☐ MONEYVAL
- ☐ T-DO
- ☐ T-MC
- ☐ T-RV
- ☐ T-SG
- ☐ T-S4
- ☐ THB-CP
- ☐ Other: please specify

Activities and operating procedures of your monitoring mechanism

2) In your opinion, do the activities and operating procedures implemented allow your monitoring mechanism to fulfil its assigned mandate?

- ☐ Yes
- ☐ No
- ☐ I do not know

3) To which extent do you consider that your monitoring mechanism's products (reports, notes, briefs, etc.) are delivered in time according to the context of the country under review, in order to meet the needs?

- ☐ Very much in time
- ☐ Mostly in time
- ☐ Not so much in time
- ☐ Not at all in time
- ☐ I do not know

4) Of all the activities and operating procedures your monitoring mechanism implement, are there any that you think could be strengthened to better fulfil your mandate (please tick maximum three)?

- ☐ No changes are needed
- ☐ Analysis of documents
- ☐ Country visits
- ☐ Publication of reports
- ☐ Interim procedures
- ☐ Follow-up procedures
- ☐ Rapid reaction procedures
- ☐ Confidential dialogue with States
- ☐ Discussions with civil society organizations
- ☐ Co-operation with other monitoring mechanisms within the Council of Europe
- ☐ Interactions with standard-setting and co-operation dimensions within the Council of Europe
- ☐ Co-operation with institutions outside the Council of Europe
- ☐ Other: please specify
- ☐ I do not know

5) *If one or more activities and operating procedures are ticked above: Can you specify in what way (open question)*

Monitoring and evaluation system of your monitoring mechanism

6) Is there a quality control (such as internal monitoring and evaluation system) within your monitoring mechanism?

- ☐ Yes
- ☐ No
- ☐ I do not know

7) If yes: does this quality control (such as internal monitoring and evaluation system) allow you to assess your procedures on a regular basis and to change your practices if necessary?

☐ Yes

☐ No

☐ I do not know

Relationship with other monitoring mechanisms of the Council of Europe

(In this framework, the other monitoring mechanisms of the Council of Europe are: AC-FCNM, COMEX, Committee of Parties to the MEDICRIME Convention, COP198, CPT, ECRI, ECSR, GRECO, GRETA, GREVIO, Group of Specialists on Access to Official Documents, IC-CP, Lanzarote Committee, MONEYVAL, T-DO, T-MC, T-RV, T-SG, T-S4, THB-CP, the CM and the PACE)

8) How would you assess the level of exchange of information between your monitoring mechanism and other monitoring mechanisms of the Council of Europe?

☐ Excellent

☐ Very good

☐ Average

☐ Below average

☐ Poor

☐ I do not know

9) Has your monitoring mechanism ever integrated the practices, tools or operating procedures of other monitoring mechanisms of the Council of Europe to strengthen its functioning?

☐ Yes

☐ No

☐ I do not know

10) If yes, which practices, tools or operating procedures?

(Open question)

11) Do you consider that the scope of your monitoring mechanism as identified in the founding documents and amendments overlaps or duplicates the scope of other monitoring mechanisms of the Council of Europe?

☐ Yes

☐ No

☐ I do not know

12) If yes: with what mechanism, and on which similar subject/theme?

(Open question)

13) Is there a co-ordination mechanism between monitoring mechanisms of the Council of Europe?

- ☐ Yes
- ☐ No
- ☐ I do not know

14) If yes: according to you, to which extent does this co-ordination mechanism bring added value to your needs?

- ☐ Very much
- ☐ Somewhat
- ☐ Not so much
- ☐ Not at all
- ☐ I do not know

Relationship with other dimensions of the Council of Europe

15) How would you assess the level of exchange of information between your monitoring mechanism and the standard setting and co-operation dimensions within the Council of Europe?

- ☐ Excellent
- ☐ Very good
- ☐ Average
- ☐ Below average
- ☐ Poor
- ☐ I do not know

Relationship with mechanisms outside the Council of Europe

16) How would you assess the level of exchange of information between your monitoring mechanism and mechanisms outside the Council of Europe?

- ☐ Excellent
- ☐ Very good
- ☐ Average
- ☐ Below average
- ☐ Poor
- ☐ I do not know

17) Do you consider that activities carried out in complementarity with mechanisms outside the Council of Europe (joint meetings, joint visits, exchange of information) are useful in your area of work?

- ☐ Yes
- ☐ No
- ☐ I do not know

18) If yes: which activity carried out in complementarity with mechanisms outside the Council of Europe is the most useful (please indicate only one activity)?

(Open question)

Resources of your monitoring mechanism

19) To what extent are resources of your monitoring mechanism adequate to implement activities in order to produce quality results?

– Financial resources (budget)

☐ Very adequate

☐ Mostly adequate

☐ Not so adequate

☐ Not at all adequate

☐ I do not know

– Human resources

☐ Very adequate

☐ Somewhat adequate

☐ Not so adequate

☐ Not at all adequate

☐ I do not know

– Material resources (equipment, modern technologies, etc.)

☐ Very adequate

☐ Somewhat adequate

☐ Not so adequate

☐ Not at all adequate

☐ I do not know

Potential obstacles

20) What are the main obstacles faced by your mechanism that influence the achievement of its objectives, if any?

Your opinion as a state representative

21) When your state is under review, to what extent are the activities of the monitoring mechanisms of the Council of Europe (organization of country visits, agenda, follow-up, etc.) aligned with your needs?

☐ Very aligned

☐ Mostly aligned

☐ Not so aligned

☐ Not at all aligned

☐ I do not know

22) To what extent do you consider your institution to be involved in the monitoring process when under review?

☐ Very much

☐ Somewhat

☐ Not so much

- ☐ Not at all
- ☐ I do not know

23) From your experience, which working processes of the monitoring mechanisms facilitate the implementation of the recommendations at national level?

(Open question)

24) Overall, how do you consider the recommendations issued by the MMs (tick the relevant boxes - several answers possible):

- ☐ Sufficiently precise
- ☐ Realistic enough (adapted to the context)
- ☐ Respond to the issue raised
- ☐ None of the three
- ☐ I do not know

25) To which extent do you consider that the results of the monitoring are helpful in the decision-making and the design of strategic decision, particularly regarding the implementation of recommendations?

- ☐ Very much
- ☐ Somewhat
- ☐ Not so much
- ☐ Not at all
- ☐ I do not know

26) From your perspective, what is the added value of the monitoring mechanisms of the Council of Europe compared to the monitoring mechanisms of other institutions?

(Open question)

Recommendations

27) What are your suggestions to improve and strengthen the functioning of your monitoring mechanisms?
(Open question)

28) What is your country?

☐ I do not wish to answer

29) Are you:

☐ A member of the monitoring mechanism

☐ A member of the secretariat of the monitoring mechanism / Council of Europe Council of Europe staff

☐ Other: please specify

☐ I do not wish to answer

Thank you!

c) MMs' contact persons at national level (only for MMs composed of independent experts)

1) What mechanism(s) are you in contact within the Council of Europe (several responses possible)?

☐ Advisory Committee on the Framework Convention for the Protection of National Minorities (AC-FCNM)

☐ Committee of Experts of the European Charter for Regional or Minority Languages (COMEX)

☐ Committee for the Prevention of Torture (CPT)

☐ Committee of Parties to the MEDICRIME Convention

☐ Conference of the Parties to the Convention on Laundering, Search; Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (COP198)

☐ European Commission against Racism and Intolerance (ECRI)

☐ European Committee of Social Rights (ECSR)

☐ Group of states against Corruption (GRECO)

☐ Group of Experts against Trafficking in Human Beings (GRETA)

☐ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)

☐ Committee of the Parties of the Council of Europe Convention on prevention and combatting violence against women and domestic violence (IC-CP)

☐ Lanzarote Committee

☐ Committee of Experts on the Evaluation of Anti-Money Laundering (MONEYVAL)

☐ Monitoring Group under the Anti-Doping Convention (T-DO)

☐ Follow-up Committee of the Council of Europe Convention on the Manipulation of Sports Competitions (T-MC)

☐ Standing Committee of the Saint-Denis Convention (T-RV)

☐ Governmental Committee of the European Social Charter and the European Code of Social Security (T-SG)

☐ Committee on Safety and Security at Sports Events (T-S4)

☐ Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings (THB-CP)

2) When your state is under review, to what extent are the activities of the monitoring mechanisms of the Council of Europe (organization of country visits, agenda, follow-up, etc.) aligned with your needs?

☐ Very aligned

☐ Mostly aligned

☐ Not so aligned

☐ Not at all aligned

☐ I do not know

3) To what extent do you consider your institution to be involved in the monitoring process when under review?

- ☐ Very much
- ☐ Somewhat
- ☐ Not so much
- ☐ Not at all
- ☐ I do not know

4) From your experience, which working processes of the monitoring mechanisms facilitate the implementation of the recommendations at national level?

(Open question)

5) Overall, how do you consider the recommendations issued by the MMs (tick the relevant boxes - several answers possible):

- ☐ Sufficiently precise
- ☐ Realistic enough (adapted to the context)
- ☐ Respond to the issue raised
- ☐ None of the three
- ☐ I do not know

6) From your perspective, what is the added value of the monitoring mechanisms of the Council of Europe compared to the monitoring mechanisms of other institutions?

(Open question)

7) What are your suggestions to improve and strengthen the functioning of the monitoring mechanisms of the Council of Europe?

(Open question)

8) What is your ministry?

- ☐ I do not wish to answer

9) What is your country?

- ☐ I do not wish to answer

Thank you!

Appendix 6 – Ethical principles

The evaluation team strictly follows Council of Europe and UNEG’s evaluation standards. Due to the nature of the evaluation, consent forms have not been developed. Nonetheless, several conditions were met before all interviews. Prior to the discussions:

- ▶ The purpose and scope of the evaluation were explained to all respondents. The evaluation team highlighted the fact that the evaluation team is not part of the Council of Europe, and that the evaluation aims at identifying lessons learned from past experience and good practices and at making recommendation to improve the MMs;
- ▶ The confidentiality and data protection process were explained to all respondents: they have been informed that they will not be quoted in the evaluation report in their name but that their name and title will appear in the appendix to the report containing the list of interviewees, unless they indicated that they do not wish to be mentioned. Thus, the quotes in this report do not include the names of the interviewees, for reasons of confidentiality.

The interviews were not recorded. Detailed notes were taken for all the interviews and transcribed to facilitate data sorting and analysis. The data were used exclusively for the purpose of the evaluation and stored in accordance with Council of Europe data protection rules. The data will be deleted five years after the completion of the evaluation or any time sooner at request of interviewees.

The evaluation team paid particular attention to the principle “Do Not Harm”. The evaluation team paid particular attention to the **independence of all the MMs, the central role that these mechanisms play in the protection of human rights in Europe, as well as their specificity**. The evaluation team has ensured that the analysis does not undermine the independence of the MMs, nor contribute to weakening these mechanisms. This concern is reflected throughout the evaluation, from the working methodology employed to the recommendations made.

The evaluation team is composed of two complementary team members: one international human rights consultant with a strong experience in evaluating programs and projects and one international consultant with a strong background in complex public policy evaluation. The team has signed a conflict of interest declaration confirming that no team member was involved in the design or implementation of the evaluated MMs. The evaluation team members are experienced in the field of research and have strictly applied ethical standards in previous missions. Both consultants have endeavoured to ensure that data is reported accurately, fairly and without discrimination or misrepresentation.

The usefulness of every evaluation relies on ownership by the institutions involved. Particular attention was therefore paid to the **involvement of Council of Europe** throughout the evaluation. Observations were shared with the DIO at each phase of the consultancy. A Reference Group, set up by the DIO, validated the inception report and the methodology before the start of the data collection phase. The evaluation team will take into account all comments from the Reference Group before finalising the report.

The consultants adopted a **participatory approach during all the evaluation process**, involving the stakeholders of the MMs (MM members and MM secretariats), other Council of Europe staff members, member states representatives (Permanent Representations and representatives of the member states at national level), international organisations and civil society representatives in the data collection.

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ECSR, *Activity Report 2019*

ECSR, *Activity Report 2018*

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ECSR, *Position paper on follow-up to the report and proposals of the Steering Committee for Human Rights (CDDH)*, 21 October 2020

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FATF, *Progress report on the implementation of individual FSRB roadmaps*, 22 June 2021

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GRECO, *Bureau Reports 2019 - 2021*

GRECO, *Communication of 27 March 2020 on the special session of the UN General Assembly on corruption (UNGASS 2021)*

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GRECO, *Guidance on Corruption risks and useful legal references in the context of Covid-19*, April 2020

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LANZAROTE COMMITTEE, *Thematic Questionnaire for the 2nd monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)*, 2017

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Appendix 8 – Criteria used for the sampling of case studies

Four (4) case studies were selected based on the following criteria:

- The selected MMs are of various types.

MMs according to their type (non-statutory bodies), by alphabetical order

Peer-review MMs	Independent MMs ¹⁵³	Intergovernmental MMs ¹⁵⁴
GRECO; MONEYVAL	CPT; ECRI; Group of Specialists on Access to Official Documents; AC-FCNM ¹⁵⁵ ; COMEX ¹⁵⁶	COP198; Committee of the Parties to the MEDICRIME Convention; Lanzarote Committee; T-DO; T-MC; T-RV; T-S4
	MMs with a dual independent and intergovernmental system	
	ECSR + T-SG; GRETA + THB-CP; GREVIO + IC-CP	

- The selected MMs have strong links with other mechanisms;
- The monitoring process of the selected MMs has been recently reformed or is undergoing reform (amendments of documents and/or changes in operating procedures that do not require to amend documents);
- There is evidence of a recent increase of demand related to monitoring in the selected MM;
- The selected MMs have not been the subject of recent evaluations;
- The selected MMs include a representation of older, medium-term and more recent MMs (that have at least 10 years of practice to allow the evaluation team to analyse their methods);
- The selected MMs present a diversity of monitoring methods (in particular: country visits or no country visits);
- The selected MMs include a representation of MMs under DGI and DGII;
- The selected MMs include representation of MMs that monitor all member states of the Council of Europe and others that monitor a more limited number of states.

The criteria were not necessarily cumulative and have been applied to all convention-based and resolution/declaration-based MMs identified in Table 1.

The following MMs have not been selected: ECRI (recently evaluated), GRECO (Council of Europe support to the fight against corruption recently assessed), Committee of the Parties to the MEDICRIME Convention; (recent), T-MC (recent), T-S4 (recent), Group of Specialists on Access to Official Documents (recent). For the others, the evaluation team sought a balance between the different criteria mentioned. The following table crosses the sampling criteria of MMs' cases studies:

152. In the framework of the evaluation, are considered dual mechanisms MMs that include an independent mechanism and a Committee of the Parties whose role is to make an initial assessment of the MM outputs before the CM.
153. Such committees are composed of independent experts elected by the CM. These experts sit in their individual capacity. See Council of Europe Committees with a mandate based on a Council of Europe Convention or a Resolution of the Committee of Ministers, including partial and enlarged agreements. State of play on 1 May 2021, 2021.
154. Such committees represent the parties to a given treaty or represent all the Council of Europe member states. *Ibid.*
155. This MM was initially considered a simple mechanism, then, following the scoping interviews, it was placed in the dual mechanisms. However, it does not meet the definition of dual mechanisms and has therefore been placed in the simple mechanisms.
156. This MM was initially considered a simple mechanism, then, following the scoping interviews, it was placed in the dual mechanisms. However, it does not meet the definition of dual mechanisms and has therefore been placed in the simple mechanisms.

Crossing of sampling criteria of selected MMs

MM	CPT	ECSR	Lanzarote Committee	MONEYVAL
Type	Independent	Dual system	Intergovernmental	Peer-review
Strong external links	X		X	X
Recent reform or reform in process		X	X	X
Recent increase of demand			X	
No recent evaluation	X	X	X	X
DG	DGI	DGI	DGII	DGI
# of states monitored	All states of the Council of Europe	42 states parties to the Charter ¹⁵⁷ and 16 states parties to the protocol	All states of the Council of Europe and Tunisia	28 (32) ¹⁵⁸
Year of establishment	1989	1961 ¹⁵⁹	2010	1997
Monitoring method	Country visits	No country visit	Potential country visits ¹⁶⁰	Country visits

157. There were 43 states parties before the exit of the Russian Federation in 2022.

158. 28 Council of Europe member states and four other states/territories.

159. 1961 for the Charter, 1995 for the collective complaints procedure, 1996 for the revised Charter.

160. Only in urgent situations.

Appendix 9 – List of persons interviewed (in alphabetical order for each entity)

Body / Directorate	Name	Position	Gender	
			Female	Male
COUNCIL OF EUROPE				
Secretariat of the Committee of Ministers				
SecCM	Ulrika Flodin-Janson	Deputy to the Secretary to the Committee of Ministers	X	
SecCM	Zoltan Taubner	Secretary to the Committee of Ministers		X
DGI: Directorate General of Human Rights and Rule of Law				
DGI	Oscar Alarcon	Secretariat Committee of Parties to the MEDICRIME Convention		X
DGI	Régis Brillat	Executive Secretary, Secretariat of the CPT		X
DGI	Mustafa Ferati	Head of Division, Economic crime		X
DGI	Christos Giakoumopoulos	Director General of Human Rights and Rule of Law		X
DGI	Hanne Juncher	Head of Department, Action against Crime Department; Executive Secretary GRECO	X	
DGI	Jan Kleijssen	Director, Information Society and Action against crime Directorate		X
DGI	Lado Lalicic	Deputy Executive Secretary – COP 198 / Head of Unit		X
DGI	Jan Malinowski	Head of Department, Social Rights Department		X
DGI	David Milner	Head of the Human Rights Intergovernmental Co-operation Division; Human Rights (CDDH)		X
DGI	Igor Nebyvaev	Head of Division/Executive Secretary MONEYVAL		X
DGI	Michael Neurauter	Deputy Executive Secretary, Head of Division, CPT		X
DGI	Christophe Poirel	Director, Human Rights Directorate		X
DGI	Tanja Rakusic-Hadzic	Head of Unit, Criminal Law Cooperation	X	
DGI	Tatiana Termacic	Head of Division, Coordination and international co-operation	X	
DGI	Elvana Thaci	CDDH, Tromsø convention	X	

Body / Directorate	Name	Position	Gender	
			Female	Male
DGII: Directorate General of Democracy				
DGII	Julien Attuïl	Secretary T-DO		X
DGII	Elise Cornu	Head of division, FCNM and ECRML	X	
DGII	Johan Friestedt	Executive Secretary - Head of Division ECRI		X
DGII	Paulo Gomes	Secretary T-RV and T-S4		X
DGII	Hallvard Gorseth	Head of Department, Anti-discrimination Department		X
DGII	Regina Jensdottir	Head of Division and Programme co-ordinator, Children's Rights	X	
DGII	Liene Kozlovska	Co-Secretary T-DO	X	
DGII	Claudia Luciani	Director, Directorate of Human Dignity, Equality and Governance	X	
DGII	Elena Malagoni	Secretariat ECRI	X	
DGII	Elda Moreno	Head of department, Children's Rights and Sport Values Department	X	
DGII	Johanna Nelles	Head of Division and Executive Secretary of the Istanbul Convention monitoring mechanism	X	
DGII	Petya Nestorova	Executive Secretary of GRETA	X	
DGII	Vilano Qiriazzi	Special Co-ordinator		X
DGII	Gioia Scappucci	Head of Unit, Sexual exploitation and sexual abuse of children (Lanzarote Committee)	X	
DGII	Jeroen Schokkenbroek	Director, Directorate of Anti-discrimination		X
Directorate of Internal Oversight				
DIO	Colin Wall	Director of Internal Oversight		X
DIO	Maria Goldman	Head of Evaluation division a.i.	X	
DIO	Cristina Matei	Evaluation assistant	X	
Directorate of Political Affairs and External Relations				
DPAER	Alexandre Guessel	Director of Political Affairs and External Relations		X
Directorate of Programme and Budget				
DPB	Catherine Du Bernard Rochy	Head of Division, Directorate of Programme and Budget	X	
DPB	Jean-Etienne Kautzmann	Staff member		X
DPB	Alison Sidebottom	Director of Programme and Budget	X	

Body / Directorate	Name	Position	Gender	
			Female	Male
Office of the Directorate General of Programmes				
ODGP	Delphine Freymann	Head of Department ad interim, Programming Department	X	
ODGP	Verena Taylor	Director of the Office of the Directorate General of Programmes	X	
Parliamentary Assembly of the Council of Europe				
PACE	Despina Chatzivassiliou	Secretary General, Secretariat of the Parliamentary Assembly	X	
PACE	Artemy Karpenko	Head of Department, Political & Legal Advice, Coordination and Communication Department		X
PACE	Agnieszka Nachilo	Head of Secretariat, Committee on the Honouring of Obligations and Commitments by MS of the Council of Europe (Monitoring Committee)	X	
Private Office of the Secretary General and the Deputy Secretary General				
PO	Matthew Barr	Deputy Director of PO		X
PO	Frederic Dolt	Adviser of the PO		X
PO	Gianluca Esposito	Deputy Director of the PO		X
PO	Irene Kitsou-Milonas	Adviser of the PO	X	
PO	Miroslav Papa	Director of the PO		X
MONITORING MECHANISMS MEMBERS				
CPT				
CPT	Mykola Gnatovsky	Former CPT member, former CPT President		X
CPT	Alan Mitchell	CPT President		X
CPT	Thérèse Rytter	CPT member	X	
CPT	Hans Wolff	CPT member		X
ECSR				
ECSR	Barbara Kresal	ECSR member	X	
ECSR	Karin Lukas	ECSR President	X	
ECSR	Aoife Nolan	ECSR Vice-President	X	
ECSR	Giuseppe Palmisano	ECSR General Rapporteur		X
ECSR	Carmen Salcedo	ECSR Consultant	X	
Governmental Committee	Julie Gomis	Member of the Governmental Committee of the European Social Charter and the European Code of Social Security	X	

Body / Directorate	Name	Position	Gender	
			Female	Male
Lanzarote Committee				
Lanzarote	George Nikolaidis	Lanzarote Former Chair		X
Lanzarote	Christel de Craim	Lanzarote Chair	X	
Lanzarote	Maria José Castello-Branco	Lanzarote current Vice Chair	X	
Lanzarote	Bertille Dourthe	Lanzarote current Member of the Bureau	X	
MONEYVAL				
Moneyval	Ladislav Majernik	Moneyval current Member of the Bureau		X
Moneyval	Nicola Muccioli	Moneyval Co Chair		X
Moneyval	Francesco Positano	Moneyval evaluation specialist, con- tact point of Moneyval at the FATF		X
Moneyval	John Ringguth	Moneyval Co Chair		X
PERMANENT REPRESENTATIONS				
PR	Roeland Böcker	Ambassador Extraordinary and Plenipotentiary Permanent Representative, Netherlands		X
PR	Corina Călugăru	Ambassador Permanent Representative, Republic of Moldova	X	
PR	Mårten Ehnberg	Ambassador Extraordinary and Plenipotentiary Permanent Representative, Sweden		X
PR	Radoslav Kusenda	Deputy Permanent Representative, Slovak Republic		X
PR	Fakhraddin Ismayilov	Ambassador Permanent Representative, Azerbaijan		X
PR	Jan MacLean	Deputy to the Permanent Representative, Germany		X
PR	Christian Meuwly	Ambassador Extraordinary and Plenipotentiary Permanent Representative, Switzerland		X
PR	Sandy Moss	Ambassador Extraordinary and Plenipotentiary Permanent Representative, United Kingdom		X
PR	Nina Nordström	Ambassador Extraordinary and Plenipotentiary Permanent Representative, Finland	X	
PR	Maria Spassova	Ambassador Permanent Representative, Bulgaria	X	
PR	Petr Válek	Ambassador Extraordinary and Plenipotentiary Permanent Representative, Czech Republic		X

Body / Directorate	Name	Position	Gender	
			Female	Male
OBSERVERS AND CIVIL SOCIETY ORGANISATIONS				
ETUC	Stefan Clauwaert	Legal and Human Rights Advisor at European Trade Unions Confederation, Observer of the Governmental Committee of the European Social Charter and the European Code of Social Security		X
FIACAT	Marie Salphati	FIACAT Representative to the UN	X	
ILO	Emmanuelle St-Pierre Guilbault	Social Protection Department, Focal point of the Council of Europe Code of Social Security	X	
PENAL REFORM INTERNATIONAL	Triona Lenihan	Policy and International Advocacy Manager	X	
UN SPT	Daniel Fink	Expert in the UN-Subcommittee on Prevention of Torture		
UNHCHR	Marina Narvaez	Human Rights Officer. Special Procedures Branch / Office of the United Nations High Commissioner for Human Rights	X	
			39	44

Appendix 10 – Summary of identified good practices related to tools and working methods

Given the diversity of MMs, the following list of good practices is not intended to be implemented by all MMs. Each MM should analyse the relevance of the good practices it wishes to implement. Before possible implementation, the following methods should be discussed with and by the persons likely to implement them in the exercise of their tasks.

Country visits	<ul style="list-style-type: none"> – Discussions with civil society stakeholders to cross-check information from the states with other sources (e.g. CPT and GRECO) – Meeting with the authorities at the end of the mission, to start a confidential dialogue on the findings (in-person or online) (e.g. AC-FCNM) – Initiation of a drafting of a report on the site to collect possible additional information (MONEYVAL)
Links developed with civil society	<ul style="list-style-type: none"> – Information sharing by civil society: submission of reports, exchanges during visits, etc. – Participation of CSOs as observers in meetings
Follow-up procedures	<ul style="list-style-type: none"> – Continuous dialogue between cycles for the follow-up of recommendations between the MM and states (e.g. GRECO, T-DO) – Interim follow-up procedure for priority recommendations (e.g. ECRI, for two priority recommendations, two years after publication of the report)
Interaction with external mechanisms	<ul style="list-style-type: none"> – Participation in institutionalised exchange platforms – Appointment of one or several MM focal points in charge of links with external institutions – Contribution to the dissemination of information for institutions outside the Council of Europe – Exchange of views with other institutions – Exchange of information in preparation of visits – Contribution to the production of country situation analyses
Form of the outputs	<ul style="list-style-type: none"> – Targeted reports, including an executive summary – Country-specific recommendations – Short, direct and clear recommendations – Limited number of recommendations – Distinction between priority/urgent and less priority/urgent recommendations – Identification of good practices implemented in countries
Material resources/IT	<ul style="list-style-type: none"> – Use of online questionnaires via secure platforms to collect data from states, in each MM – Use of videoconferencing and digital technology for meetings with states and CSOs
Timeliness of production of outputs	<ul style="list-style-type: none"> – Semi-written procedure for adopting reports

Situations of grave concern or emergency	<ul style="list-style-type: none"> – Adoption of internal rules or policies or other frameworks to respond appropriately to situations of grave concern or emergency – Identification of problematic situations through close links with civil society actors or national human rights institutions – Close co-operation and co-ordination with other MMs or institutions that are better suited to react rapidly or may also react (e.g. Commissioner for Human Rights)
Adaptability to the Covid-19 pandemic	<ul style="list-style-type: none"> – Hybrid visits – Initiation of online questionnaires to collect data from states – Remote meetings and plenary sessions to face the challenge of travel restrictions – Focusing on activities that do not require visits – Publication of opinions, statements, reports on the impact of the Covid-19 pandemic on MMs' issues
Quality control	<ul style="list-style-type: none"> – Introduction of tools and/or working methods to ensure consistency of analysis before validation of results (focal point for reviews, plenary reviews, ranking matrix, etc.) – Members of the MMs experts in the fields of intervention

Appendix 11 – Activities and operational procedures that MMs believe need to be strengthened

	Of all the activities and operating procedures your monitoring mechanism implement, are there any that you think could be strengthened to better fulfil your mandate (please tick maximum three)?											
	No changes are needed	Analysis of documents	Country visits	Publication of reports	Follow-up procedures	Rapid reaction procedures	Confidential dialogue with states	Discussions with CSOs	Co-operation with other MMs of the Council of Europe	Interactions with other dimensions within the Council of Europe	Co-operation with institutions outside the Council of Europe	Other
AC-FCNM	0%	50%	13%	13%	63%	25%	38%	38%	0%	13%	13%	0%
COMEX	11%	11%	22%	11%	22%	11%	22%	11%	33%	11%	11%	11%
COP198	11%	32%	37%	0%	21%	16%	26%	11%	32%	5%	37%	0%
CPT	24%	10%	19%	10%	33%	24%	14%	14%	10%	14%	24%	10%
ECRI	30%	10%	0%	10%	10%	50%	0%	10%	30%	10%	40%	10%
ECSR	0%	14%	14%	29%	57%	29%	14%	29%	29%	14%	0%	0%
GRECO	28%	17%	25%	6%	3%	8%	22%	17%	19%	11%	28%	0%
GRETA	64%	18%	18%	0%	0%	9%	0%	9%	18%	0%	18%	0%
LANZAROTE	24%	12%	41%	6%	41%	24%	18%	0%	6%	0%	6%	24%
MONEYVAL	43%	25%	11%	0%	11%	11%	21%	14%	21%	4%	21%	4%
T-RV	0%	0%	100%	100%	100%	0%	0%	0%	0%	0%	0%	0%
T-S4	25%	0%	25%	25%	50%	25%	0%	0%	25%	0%	0%	0%

This report presents the results of the evaluation of the Council of Europe monitoring mechanisms that have been set up and implemented by organs of the Council of Europe and by its conventions, resolutions and declarations. The report aims to draw lessons learned and good practices, identify potential gaps, obstacles and areas of improvement, and to guide future interventions. The evaluation found that while monitoring mechanisms are very relevant, generally effective, efficient and high in added value, several aspects could be improved to further increase their effectiveness and efficiency. Therefore, it is recommended to further strengthen follow-up given to recommendations of monitoring mechanisms and direct dialogue with member states, ensure there is a forum for discussing good practices and working methods and further strengthen gender mainstreaming and consideration of equity. Other areas to be explored are to increase the co-operation and co-ordination, including links between the monitoring and co-operation dimensions, increase the accessibility and the visibility of monitoring mechanisms' products and ensure that necessary resources are provided to them.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all 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.