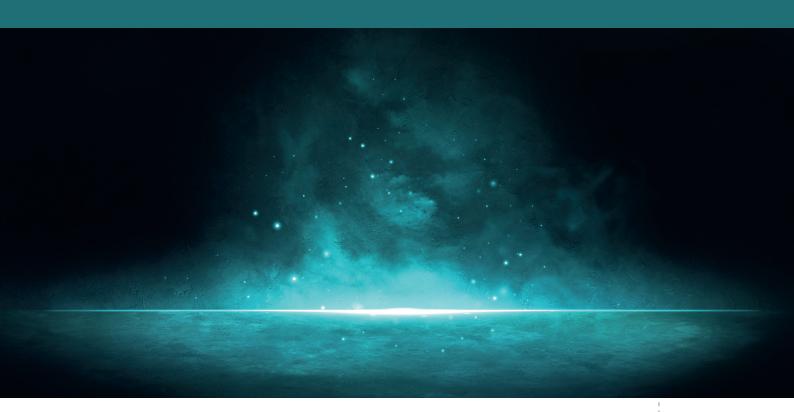# EVALUATION OF THE COUNCIL OF EUROPE'S WORK UNDER THE SUB-PROGRAMME "ACTION AGAINST CRIME AND PROTECTION OF CITIZENS"

Cybercrime and trafficking in human beings

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Contents

List of abbreviations

Budapest Convention	Council of Europe Budapest Convention on Cybercrime #185
C-C	Cybercrime
CM	Committee of Ministers
C-PROC	Cybercrime Programme Office
CSOs	Civil society organisations
DIO	Directorate of Internal Oversight
DPC	Directorate of Programme Co-ordination
DHR	Directorate of Human Resources
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings
ICT	Information and communication technologies
LGBTQ+	Lesbian, gay, bisexual, transgender, queer, and/or questioning
PO	Private Office of the Secretary General and the Deputy Secretary General
T-CY	Cybercrime Convention Committee
THB	Trafficking in human beings
THB Convention	Council of Europe Convention on Action against Trafficking in Human Beings #197
THB-CP	Committee of the Parties of the Convention on Action against THB (CETS 197)
THB-LE	Trafficking in Human Beings for Labour Exploitation
(The) Court	European Court of Human Rights
UN	United Nations

Executive summary

This document is an abridged version of the "Evaluation of the Council of Europe's work under the sub-programme "Action against crime and protection of citizens".

The evaluation purpose was to assess the performance in cybercrime (C-C) and trafficking in human beings (THB) from a learning-oriented and forward-looking perspective. An analysis of accountability was also made. The evaluation team assessed both "what" changes were observed and "why" they have been achieved. The learning from this evaluation is expected to benefit the implementation of new and upcoming conventions.

The geographic scope of the present evaluation is represented by the 46 member states of the Council of Europe; it also considered initiatives undertaken under the two thematic areas beyond the Council of Europe membership.

The key questions that this evaluation aimed to understand pertain to the following.

- ▶ **Effectiveness:** Are the two areas of work achieving their objectives, and under which conditions?
- ▶ **Efficiency:** How well are resources used to achieve objectives? What lessons can be learned for implementing other conventions?
- ▶ **Coherence:** To what extent are the interventions in the two areas coherent with other interventions within and outside the sub-programme, and does co-ordination with other actors exist?

Based on clear and sufficient evidence, the overall assessment of the achievements of the two areas of work, cybercrime and trafficking in human beings under the sub-programme "Action against crime and protection of citizens" is very positive.

The report highlights that there is no evaluation evidence suggesting that the inclusion of the two thematic areas under the same sub-programme, "Action against crime and protection of citizens", constituted an added value to the work of the two thematic divisions. Notably, the legitimacy of the work of the two divisions is based on the relevant conventions; activities would be carried out even in the absence of the sub-programme.

Regarding the sub-programme, we confirm that there is no evidence of its existence at the management level, i.e. no sub-programme planning or management structures exist, and staff at the field project office level seemed unaware of the sub-programme's existence. During the period covered by the present evaluation, the objectives of the sub-programme were not represented in an intervention logic or Theory of Change, while a Theory of Change of two considered areas of work exists.

The two conventions defining the work of the Council of Europe on cybercrime and trafficking in human beings have a different focus, approach and geographic "ambition" reflected in the Theory of Change of the two areas of work. Furthermore, the two thematic areas differ in governance in terms of modalities for verifying the alignment of the states parties' legislation to the conventions and modalities for implementing the co-operation activities. Moreover, they differ regarding their "placement" within the Council of Europe's organisational structure, localisation of their human resources and in terms of co-operation budget.

This structural and operational difference between the two thematic areas constituted an element of strength of this evaluation, which could examine how and why their different references, structures, philosophies of work and practices are equally valid in their specific context and yield tangible results. Therefore, retrospectively, the selection for evaluation of the two thematic areas of cybercrime and trafficking in human beings was very appropriate.

Evaluation methodology

SOURCES OF EVIDENCE

The evaluators based their work on both primary and secondary sources of evidence. They were:

Data collection tool	Evidence
Secondary data	+300 documents reviewed.
Semi-structured interviews	135 interviews, 48.1% women and 51.9% men, including staff, national partners, international organisations, civil society organisations (CSOs), donors and academics.
Surveys	4 online surveys were conducted for Cybercrime Convention Committee (T-CY) members, Committee of the Parties of the Convention on Action against THB (THB-CP) members, relevant stakeholders and Council of Europe staff working on THB and C-C. 292 responses received, with 37.2% response rate.
Field visits	4 field visits to Austria, Bosnia and Herzegovina, Morocco and Romania.

DATA ANALYSIS AND EVIDENCE AGGREGATION METHODS

The evaluation team used four highly integrated and complementary data analysis and evidence aggregation methods to respond to the mandate. They were:

Data analysis method	Source
Quantitative analysis	Surveys, related demographics and relevant secondary sources.
Qualitative Comparative Analysis	30 countries for THB and 41 for C-C. 10 factors were tested for each area of crime.
Qualitative analysis	Interviews, surveys, secondary data.
Results mapping	Results achieved by the Council of Europe at the outcome level.

Conclusions

Before discussing conclusions under each criterion, it is essential to mention that the Covid-19 crisis impacted about 50% of the period covered by the present evaluation (approximately from March 2020 to the end of 2021). During the evaluation period, organisations worldwide, including the Council of Europe, experienced delays in execution and were faced with the need to adapt their interventions. Therefore, the delivery of some outputs and achievement of results continue to be carried over to the following years. At present, we have no information to identify the number of co-operation activities that have been carried over; however, we observe that the several notable results achieved deserve higher praise than usual, given the adverse effects of the Covid-19 pandemic.

Effectiveness	
Overall	
Conclusion 1	There are spaces for improvement in setting official targets for the thematic areas. These spaces include better linkages of the targets with the Theory of Change of the different areas of work, increased relevance of targets and their clearer formulation. This could be achieved through a higher level of involvement of the relevant management.
Trafficking in human beings	
Conclusion 2	There is unequivocal evidence proving that the initiatives in trafficking in human beings have been highly successful. Monitoring and co-operation projects contributed to states parties increasing their capacity to better comply with the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings (THB Convention) by implementing the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA). Additionally, the initiatives supported and encouraged member states and some non-member states (Kosovo*, Tunisia, Morocco) to change their policies, legislation and practices to prevent and combat the trafficking in human beings.
Conclusion 3	Monitoring activities from late 2016 to 2021 were implemented in 38 countries. They contributed to triggering 46 changes in legislation, 38 at the policy level and 76 in practice. Ten co-operation projects were implemented between 2018 and 2021 in seven countries, as well as one regional project; their overall budget was €5 563 111. They supported four legislative changes, five changes at the policy level and 13 in the working practices of relevant bodies.
Conclusion 4	The analysis of factors that contributed to legislative change confirmed that the monitoring work of GRETA is an integral contributing factor to such change. Five other factors were found to be relevant to support legislative change. These include pressure from other organisations, pressure from civil society, European Union (EU) traction, inclusion in national policies and media pressure. The most promising combination of conditions to support the Council or Europe's efforts in bringing legislative changes are pressure from other organisations and civil society pressure or pressure from other organisations and inclusion in national policies.
Conclusion 5	The Council of Europe's work on the trafficking of human beings for labour exploitation (THB-LE) reveals the acumen of the Council of Europe to identify and respond to emerging threats through an inclusive process and draw attention to pertinent challenges. Notably, the September 2022 Committee of Ministers (CM) recommendation was perceived as essential to prevent and combat labour exploitation in the context of trafficking in human beings.

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* All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Trafficking in human beings	
Conclusion 6	There were several positive unintended changes observed. For example, GRETA monitoring reports were used by the European Court of Human Rights (the Court) in their work and by a UN Agency in the framework of their legal aid to victims. GRETA reports are furthermore used to inform research by at least two EU bodies, the European Parliamentary Research Service and the EU Agency for Fundamental Rights; and by the US Department of State for their annual Trafficking in Persons Report.
Conclusion 7	GRETA monitoring reports pay significant attention to gender equality and to the rights of some of the most vulnerable groups, and the recommendations are context relevant. However, it was found that the attention to gender equality reflects a binary approach to gender and that issues affecting the LGBTQ+ communities are given insufficient attention, which is maybe a consequence of the scarce attention paid to these communities at the national levels.

Cybercrime	
Conclusion 8	There is unequivocal evidence that the initiatives in cybercrime have been highly successful. Notable achievements include drafting the Second Additional Protocol to the Council of Europe Budapest Convention on Cybercrime (Budapest Convention) with 30 signatories gathered in just seven months from its opening for signature.[1] In addition, through extensive advocacy work between 2018 and 2021, there was a 16% increase in the number of countries that ratified the Budapest Convention and a further 13% increase is possible due to the number of countries that have been invited or requested to join the convention during the same period. Finally, we observed a 12% increase in the number of ratifications of the First Additional Protocol.
Conclusion 9	Nine co-operation projects were active during 2018-2021 at different implementation phases at the regional and global levels. Their overall budget was €50 567 277. The activities resulted in 30 changes in legislation, four at the policy level and one in practice.
Conclusion 10	The analysis of factors that contributed to legislative change confirmed that the assessment work and the technical co-operation activities in cybercrime were relevant conditions but insufficient to achieve legislative change. If assessment and co-operation activities are ongoing, media coverage and inclusion in national policies are the most relevant factors to support legislative change. If there are no ongoing assessment and co-operation activities, five factors are necessary to bring legislative change. These include media coverage, inclusion in national policies, pressure from civil society, the private sector and other organisations.
Conclusion 11	There are several notable cases of unintended, positive changes following the Council of Europe's work on cybercrime. These include influencing international law, international advocacy efforts, political dialogue, academic debate and triggering interinstitutional collaboration at national and regional levels.
Conclusion 12	The Cybercrime Division has actively promoted public reflection on the gender dimension of cybercrime and ICT-enabled crimes from the 'victims' perspective. In addition, the Cybercrime Division has, very innovatively, triggered an international debate about the gender dimension in law enforcement and prosecution of information and communication technology (ICT) crimes. Notably, substantial work has been undertaken for child protection in the area of cybercrime.

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1. Opening for signature: May 2022. Updating: 12 January 2023.

Efficiency	
Overall	
Conclusion 13	The primary reason for delays in implementation activities from 2018 to 2021 was the Covid-19 pandemic, which impacted about half of the period covered by the evaluation. In general, the work of the two thematic areas adapted well and rapidly to the challenges brought about by the pandemic.
Conclusion 14	Apart from delays caused by the pandemic, staff reported a negative impact of some lengthy bureaucratic procedures and approval processes in terms of timeline, flexibility and speed of delivery. Field-level office staff expressed a higher degree of dissatisfaction than those based in Strasbourg.
Conclusion 15	Two recent cases revealed that staff at the project offices were paid substantially lower salaries than other organisations in the same countries for positions requiring equivalent qualifications. The lower salaries had repercussions in terms of staff retention and recruitment of new staff. The difficulties in recruiting staff created an increased workload for existing staff, resulting in poor morale among personnel. Staff repeatedly mentioned workload impacting their capacity to maintain a sustainable work-life balance. Furthermore, staff of the project offices reported the absence of standard onboarding procedures. As a result, new hires had to learn on the job, reducing efficiency.
Conclusion 16	Non-state actors contributed to co-financing some Cybercrime Division projects from 2006 to 2014; this was an essential contribution helping establish the Council of Europe as a world leader in cybercrime. A five-step process for accepting and using these funds has been defined, and the process effectively protects the Council of Europe from undue pressure. At the time of the present evaluation, contributions from non-state actors represent a tiny minority of the overall voluntary budget contributions to the Council of Europe.
Conclusion 17	The Heads of the two divisions are publicly recognised as global thinkers and leaders in their respective work areas. They have consolidated personal and professional reputations and garnered the ability to influence political and operational discussions at the regional and global levels. Suitable succession processes at the organisation level should help prevent institutional risks in case of a change in their functions or at the time of their retirement.

Trafficking in human beings	
Conclusion 18	The Covid crisis had an important and justified impact in terms of the number of on-site monitoring visits, which were substantially lower than those planned in 2020, only three of the 11 planned visits could be conducted.) To compensate for this, the Council of Europe tested the possibility of conducting GRETA monitoring online. However, the test was discontinued as it was found that in-person interaction with interested parties during field visits was vital. Plans have been developed for a return to the original schedule, which will not be possible at least until 2024.
Conclusion 19	The Council of Europe's co-operation projects for the trafficking in human beings sector are financed by budgets that are 45% smaller than those allocated by other organisations for similar projects. A low budget has significant consequences for what the Council of Europe can realistically achieve in the co-operation sector in this thematic area.
Conclusion 20	The limited absorption capacity of partner institutions, changes in national priorities, staff turnover and bureaucracy are additional causes of delays in co-operation in this area. Moreover, it was noted that restrictive migration policies sometimes counteract the protective measure for victims of trafficking.

	Cybercrime
Conclusion 21	The combined effort of advocacy and co-operation and the co-ordination between the T-CY and the Cybercrime Division helped increase the number of states parties to the Budapest Convention. In addition, the global scope of some projects was a further contributing factor to success. Furthermore, peer pressure from neighbouring countries had a catalysing effect that helped attract other countries from within the same regions.
Conclusion 22	Robust planning and involvement of key stakeholders were vital to the success of a complex international negotiation for standard-setting, such as the process leading to the issuing of the Second Additional Protocol to the Budapest Convention. The process benefited in terms on inclusivity by moving online of some parts of the negotiations. However, relevant CSOs active in the digital rights space claim their voices were unheard during the process.
Conclusion 23	The Bucharest-based Cybercrime Programme Office (C-PROC) is a unique model in the Council of Europe that supports the efficient and effective delivery of co-operation activities. The office is viewed as a centre of excellence with highly skilled staff, allowing for substantial cost savings. However, the "distance" between the C-PROC and the local project offices and (to a lesser extent) from the headquarters is perceivable and mitigation measures are reportedly underway.
Conclusion 24	The Cybercrime Division conducts an impressive number of activities. However, staff report overplanning with consequences in terms of increasing workload and pressure to deliver within tight deadlines.

Coherence and added value
Overall

Conclusion 25	The evaluation allowed the team to understand that the sub-programme did not add value to the two thematic areas or other parts of the Organisation. The two divisions conduct work to respond to their respective conventions. Interaction with other thematic areas was driven by need and their interconnectedness. The results would have been attained irrespective of the existence of the sub-programme. Some staff, particularly at the local project office level, were unaware of the presence of the sub-programme, and others expressed frustration about its rationale.
Conclusion 26	Co-operation and co-ordination of the two thematic areas with other organisations are praised both at the institutional and operational levels.
Conclusion 27	The Council of Europe's dynamic triangle that includes standard setting, monitoring/assessment and co-operation is seen as its most significant and distinctive added value in the two thematic areas of cybercrime and trafficking in human beings. Importantly, it was seen that the Council of Europe takes a long-term view and not a short-term mentality when engaging with partners. The long-term commitment facilitates engaging with institutional partners to motivate the adaptation to the relevant conventions. The Court judgments were an additional and distinctive element of the Council of Europe's added value. The Court provides critical resources for interpretation by the international community and a guide to the most advanced thinking on nuances related to different crimes. Finally, the Parliamentary Assembly of the Council of Europe was mentioned as a further element of its added value as a unique mechanism to exert peer pressure to national parliaments.

Trafficking in human beings	
Conclusion 28	The staff of the Council of Europe and GRETA experts are well-respected members of the global trafficking in human beings community. Notably, their voice is heard in the most relevant forums for discussion on trafficking-related issues, increasing the visibility of the work of the Council of Europe.
	A clear interest from the European Commission's Directorate-General for Migration and Home Affairs (DG HOME) was expressed to undertake joint initiatives and achieve results of common interest.
Conclusion 29	Relations with civil society are well developed both in co-operation and in monitoring. Agencies funding the Council of Europe commented on the relationship with civil society as a strength and product of a human rights-based approach.
	CSOs appreciate that GRETA regularly considers their inputs and opinions for monitoring visits. However, they call for increased transparency of the follow-up to monitoring reports (i.e. actions undertaken by states to address the recommendations).

Cybercrime	
Conclusion 30	Consistently with the global geographic focus of the Budapest Convention, partnerships and collaborations in the area of cybercrime have an international character that goes well beyond the Council of Europe membership.

Recommendations

T This evaluation formulates eight recommendations for the attention of different services of the Council of Europe.

These recommendations are formulated within the framework of an evaluation that offers high praise to the two divisions of Cybercrime and Trafficking in Human Beings for delivering high-level results, even during the period heavily impacted by the Covid-19 pandemic.

Before formulating our recommendations, we reiterate the conclusions of the High-level Reflection Group of the Council of Europe that, in their 2022 report,[2] calls for member states to provide the Council of Europe with adequate resources to fulfil its mandate. We hope member states will hear the call of the High-level Reflection Group; the results of this evaluation confirm the validity and the urgent nature of their call.

Recommendation 1 – To redefine the scope of the sub-programme and its Theory of Change, aligning it with management structures for greater coherence.	
Level of application: Sub-programme	**Priority:** High
Preamble – The evaluation shows that the inclusion of the two thematic areas under the same sub-programme neither brings any added value to the Council of Europe initiatives nor increases transversality, communication or co-operation. It also shows that the sub-programme is not structured at the management level. The Theory of Change included in the Programme and Budget document 2022-25 is affected by errors that make impossible its operationalisation, monitoring and evaluation.	**Conclusions 25, 26**
The Council of Europe Directorate of Programme and Budget is recommended to reflect on the expected added value of the sub-programme "Action against crime and protection of citizens" in consultation with the relevant directorates and divisions: what should the sub-programme dimension add to what is being already achieved by the sum of its individual components? Results from this reflection should inspire the development of an implementable, monitorable and evaluable Theory of Change and inform the decision on structuring the sub-programme, including its management consequences. The hiring of an external resource to accompany this challenging process is suggested.	
Recommendation 2 – To revise the co-operation strategy in trafficking in human beings to unleash its potential.	
Level of application: Trafficking in human beings Possibly relevant to the entire Council of Europe (limited to point B).	**Priority:** High
Preamble – The co-operation activities in trafficking in human beings are successful, coherent with the monitoring activity and contribute to immediate outcomes. Furthermore, some of them pave the way to changes at the intermediate outcome level. However, considering the available resources, their effects are restricted to a limited number of countries and a limited scope that the main donor primarily identifies for activities, i.e. the EU. The evaluation reveals that communication and exchange of experiences between local offices (particularly from different geographic areas) is not ideal.	**Conclusions 2, 3, 16, 19**
A. The Trafficking in Human Beings Division is recommended, in co-ordination with GRETA and THB-CP, to identify priority countries and types of initiatives based on a mapping of states where co-operation is most needed and where it could be most successful. The mapping should also consider the presence of other institutions offering similar initiatives in the same thematic area and possible synergetic effects. Based on this analysis, it is recommended to seek additional resources to enhance the co-operation offer, even considering possible private contributors (e.g. trade unions, business associations and private businesses) in the area of trafficking for labour exploitation, taking advantage of the experiences acquired by the Cybercrime Division.	

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2. Report of the High-level Reflection Group of the Council of Europe, Strasbourg, October 2022, published here.

B. The Trafficking in Human Beings Division, jointly with the Capacity Building and Co-operation Projects - South-Med Region Unit, are recommended to facilitate exchanges of experiences and cross-fertilisation among local and central co-operation staff working in the same thematic area. Initially, this could take the format of monthly, global remote conversations on experiences delivering similar types of co-operation "models", success factors, showcasing of experiences and exchange of outputs. This could materialise into ideas for innovative collaborations across regions and offices. It is recommended to analyse this initiative's results and present them to other services of the Council of Europe that could be interested in replication also beyond the co-operation field.	

Recommendation 3 – To develop a strategy of alliances to support legislative change, including engagement with media.

Level of application: Trafficking in human beings and Cybercrime. Relevant to the entire Council of Europe (limited to point C).	**Priority:** High
Preamble – The analysis of factors leading to legislative change revealed the complex interplay of different factors that reinforced the Council of Europe's efforts to advocate the alignment of states parties with the provisions of the relevant conventions and protocols. These factors and their relative weight and interplay are slightly different in the two thematic areas. However, staff perceptions of the importance of these factors are partly misaligned with results from objective analysis. Media attention/pressure is one of these factors and deserves special attention as it plays a vital role in both thematic areas. However, in areas such as C-C and THB, the media often focus on "micro-stories" without considering the big picture. Furthermore, some media sometimes misrepresent the relative interplay of different crimes and threats to human rights. This is particularly visible in trafficking in human beings, where migration and anti-trafficking policies are often confused. Difficulties in the dialogue with media at the local project office level were observed in the absence of dedicated communications officers.	**Conclusions 4, 10**
A. Based on the results from this evaluation, the management of both divisions of Trafficking in Human Beings and Cybercrime and their hierarchies are recommended to reflect on their strategies to achieve legislative change and to prioritise alliances as relevant with the more relevant supporters of change. In addition, they are recommended to share the results of this analysis with their staff and gather feedback on strategies to maximise alliances for change based on implementation experience. B. Both divisions of Trafficking in Human Beings and Cybercrime are recommended to consult with the competent services within the Council of Europe to develop an appropriate strategy to engage with media at the central and local field office level. Special consideration should be given to developing an appropriate narrative of the issues that the Council of Europe seeks to address, targeted to the media. C. The Directorate of Programme Co-ordination (DPC) (and other services as appropriate) is recommended to provide local project offices with relevant expertise to implement the media engagement strategy at the local level.	

Recommendation 4 – To set up a forum for dialogue with civil society on cybercrime.

Level of application: Cybercrime	**Priority:** High
Preamble – The development of the Second Additional Protocol to the Budapest Convention was highly successful. However, the relationship with CSOs active in the digital rights area has suffered. Their expectations were probably higher than could have been reasonably expected and there were probably errors in managing their expectations and communication. As a result, the Council of Europe was publicly criticised for not being consistent with its human rights protection mandate.	**Conclusion 22**
The Cybercrime Division, in co-ordination with T-CY, is recommended to promote dialogue with civil society by finding grounds for co-operation in areas where civil society could provide critical and relevant input. Creating a forum for an open and constructive dialogue should be considered. This could lead to the production of a guidance note on spaces for online rights protection offered by the Budapest Convention and its protocols, for instance. Spaces for longer-term forms of collaboration could emerge from dialogue based on a clear understanding of the possible grounds for a relationship.	

Recommendation 5 – To put in place (for the entire Council of Europe) staff consultation mechanisms and processes.	
Level of application: Trafficking in human beings and Cybercrime. Possibly relevant to the entire Council of Europe.	**Priority:** High
Preamble – The series of successes achieved by the Council of Europe under the two thematic areas have been possible thanks to its highly skilled, highly professional staff at the headquarters and in the local project offices. Staff is the number one resource of the Council of Europe. However, staff express dissatisfaction with internal processes and workload. Furthermore, recent cases underlined issues with low salaries in the local project offices. Moreover, the evaluation revealed space for improving the staff onboarding processes at the local field offices. Succession planning measures for managers at the central level should be implemented. If not adequately analysed and addressed, these elements could lead to demotivation, loss of skilled employees and institutional memory. These issues are of relevance to the entire Council of Europe.	**Conclusions 14, 15, 17**

A.   The Directorate of Human Resources (DHR) is strongly recommended to give staff (both at the central level and the level of the local project offices) space for expressing their assessment and constructive advice on internal processes, procedures, tools, working practices and management through yearly staff satisfaction surveys. These should allow disaggregation of data per division, unit and individual local project offices. Results from consultations should be accessible to all staff and management (including those at the local project offices). Synthesis of findings should be presented to the Private Office of the Secretary General and the Deputy Secretary General (PO), together with plans for addressing the emerging issues. Plans should also be shared with staff as relevant, their implementation monitored by Human Resources and reported to staff and the PO.

B.   The DHR is recommended to define common and coherent staff onboarding and retention processes for local field offices (and for staff at the headquarters, if these do not already exist) based on consultations with staff, the relevant thematic directorates and divisions and the management of the project field offices.

C.   Similarly, the DHR is recommended to define succession planning measures for management, to be implemented by each relevant directorate.

D.   Finally, the DHR is recommended to supervise and monitor the employment conditions at the local project offices level to ensure that they are aligned with average, current market conditions used by other international organisations in the same places of employment; and to intervene in case of complaints.

Recommendation 6 – To share lessons from implementation and implement recommended adjustments.	
Level of application: Trafficking in human beings and Cybercrime. Relevant to the entire Council of Europe.	**Priority:** High
Preamble – This evaluation identified a series of lessons from the implementation activities of two successful thematic areas of the Council of Europe, including adopting some innovative and unconventional approaches. These experiences are relevant to different parts of the Council of Europe responsible for implementing other conventions, particularly the most recent and upcoming ones. This analysis also identified the need for lightweight adjustment of current practices to increase efficiency and effectiveness.	**Conclusions 7, 16, 21, 22, 23, 29**

A.   The Directorate of Internal Oversight (DIO) is recommended to share with other relevant parts of the Council of Europe the lessons emerging from the analysis of the implementation of the work of the two divisions, Trafficking in Human Beings and Cybercrime, in relation to:

- ▶ strategies and processes to attract new signatory states;
- ▶ processes leading to the evolution over time of the conventions;
- ▶ modalities of monitoring and assessment;
- ▶ mobilisation of private funds and the mechanisms to safeguard the independence and public interest of the Council of Europe; and
- ▶ the setting-up of the Cybercrime Programme Office in Bucharest.

B. The Trafficking in Human Beings Division is recommended to co-ordinate with GRETA to ensure that:

► monitoring reports develop their analysis of gender-specific aspects of trafficking from a non-binary perspective;

► monitoring reports duly acknowledge (whenever relevant) the progresses achieved, contextualising them to the specific country under evaluation;

► parties consulted during the monitoring visits and other relevant stakeholders are given adequate visibility of the states' initiatives to address the recommendations of the GRETA reports within the frame of the "ongoing dialogue";

C. The DPC is recommended (in consultation with the Cybercrime Division and other services that mobilised private voluntary contributions to co-finance co-operation projects) to identify ways to simplify the scrutiny process of potential donors and shorten its duration. This simplification shall not decrease the present safeguards to prevent interactions with companies of questionable reputations and protect the Council of Europe from undue pressures. Once the process is redefined, the DPC is recommended to give it appropriate visibility across the Council of Europe, including through testimonials of services that used private funds to co-finance their projects.

Recommendation 7 – To analyse and report on the feasibility of the present assessment model in cybercrime and adopt relevant measures.	
Level of application: Cybercrime	**Priority:** Low
Preamble – The evaluation shows that the assessment work conducted under the thematic area of cybercrime has little impact on legislative changes, which occur even in its absence. Apart from formal assessment reports, the Cybercrime Division produces other tools with a complementary aim.	**Conclusion 10**
The Cybercrime Division, jointly with the T-CY, is recommended to consult with states parties and observers on their use and expectations from, respectively, the assessment reports, the country Wiki and other outputs as relevant, analysing both the content of the instruments and the frequency of their updating. This reflection should address the increasing challenge of conducting an assessment of a growing number of states parties and observers, and also from the perspective of an efficient use of available resources that can be mobilised through additional external expertise. Finally, the reflection (which should contribute to the initial review of the assessment procedures foreseen by the Article 23 of the Second Additional Protocol) should help identify possible areas for modifications, synergy or merging of the two areas of work and outputs; and adopt consequent measures.	

Recommendation 8 – To redefine modalities for setting the indicators and targets formulated in the Programme and Budget documents to make them more relevant.	
Level of application: Trafficking in human beings and Cybercrime. It may be relevant to the entire Council of Europe.	**Priority:** Medium
Preamble – The evaluation shows that the official indicators and targets as contained in the Programme and Budget documents are not always suitable to measure the work that the two divisions do in a way that properly reflects their Theory of Change.	**Conclusion 1**
The Council of Europe is recommended to redefine the process for setting the official indicators and targets of the two areas of work through enhanced dialogue and participation of the relevant divisions and directorates. The indicators should better reflect the Theory of Change of each division and, in most cases, should measure the expected changes at the outcome level. The setting of targets at the activity and at the output level is discouraged. Targets should be realistic, unambiguously formulated and easy to be monitored and reported on by the divisions in their yearly reports.	

Lessons from implementation

This evaluation had an important lesson learned component, requiring the identification of lessons from implementation that could inspire the work of other parts of the Council of Europe dealing with more recent and upcoming conventions.

The most important of these lessons is that "one size does not fit all": the two thematic areas are very successful in their mandate because of their differences.

Throughout this report, we have reported the many differences between the two thematic areas: different governance mechanisms, partly different Theories of Change, different modalities of implementation, dissimilar geographic "ambitions", diverse modalities for verification of the alignment of the states parties' legislation to the conventions, different modalities of implementation of the co-operation activities, etc. One reason the two different "models" work well is their coherence with their respective conventions. Some adjustments may be made, but the overall architecture of these different models proves to be functional to their (partly different) objectives.

The combined and co-ordinated effort of advocacy and co-operation helps widen the number of states parties to the conventions.

During the period, the Cybercrime Division successfully attracted other states parties to the convention (+16% increase in four years, an additional +13% may materialise shortly). The main factors contributing to the success were the combined and co-ordinated effort of advocacy and co-operation work; the collaboration between the governing body (T-CY) and the management of the division in advocacy was essential. In addition, the Cybercrime Convention is a global instrument; consistently, the global coverage of some projects was an additional essential element of success.

Robust planning and the involvement of key stakeholders, including civil society, are critical to the success of complex international negotiations in the work areas of the Council of Europe, as relevant.

Conventions are living instruments. They can be modified or integrated as seen by the Cybercrime Convention where the Second Additional Protocol was developed. Additionally, they can be "interpreted" to cover emerging forms of threats to human rights, as in the case of the Convention on Trafficking in Human Beings, with the work leading to the CM recommendation on labour exploitation. In both cases, a key element of success was the inclusion of/consultation with the main relevant parties into the process (including experts from civil society in the recent THB-LE experience).

The work to develop the Second Additional Protocol to the Cybercrime Convention deserves to be carefully studied for its wealth of valuable lessons.

▶ **Plan well in advance**: the process took more than four years to complete.

▶ **Build solid ownership mechanisms**: the process did not start from a preparatory "zero draft" but was written word by word by the drafters. This increased the time for drafting but created the strongest possible ownership of the final text. Again, intermediate options may help to reduce drafting time while preserving high ownership.

▶ **Ensure participation of users in the drafting process**: the text was written by drafters representing the primary users of the future text: 64 people from five continents. This ensured the involvement of critical knowledge and representation of needs and had a further positive effect on ownership.

▶ **Involve civil society** in the relevant processes (preliminary discussions and/or formulation and/or consultation rounds).

▶ **Organise public consultation rounds** during the drafting process to gather feedback on the different parts of the text, not only at the end of the process.

▶ **Consider moving some parts of the work online**: the adaptation to the Covid-19 pandemic showed that moving some parts of the drafting and negotiation work online enhanced participation while dramatically decreasing costs and the environmental impact of the process.

Monitoring and assessment are two diverse instruments that are coherent with their respective and different legal basis.

Modalities for verification of the states' legislation to the conventions (monitoring in THB and assessment in C-C) are substantially different instruments. They are based on different types of legal basis: the THB Convention in

the case of monitoring and the Rules and Procedures of the T-CY for assessment. The legal legitimacy of monitoring is higher than that of assessment because the process is described in an upper-level source; however, the regulation of assessment through a simple regulatory act gives much more space for flexible adaptation.

Analysing the factors leading to legislative change shows that, in THB, monitoring is necessary to achieve the expected outcome. However, the same cannot be said for assessment work in the area of C-C, as several cases of change were reported even in the absence of assessment.

Monitoring prioritises independent expertise with on-site visits over a remote, peer-review mechanism (assessment). This is coherent with the overarching philosophy of the different conventions (human rights protection mechanism versus law-enforcement instrument).

While GRETA monitoring visits (with particular reference to the inclusiveness of their consultation processes) and reports are widely appreciated, two remarks were raised during the evaluation by stakeholders.

> ▶ The formulation of some reports is at times judged a bit harsh, and there are requests to give more space to better acknowledge the results achieved following the previous monitoring cycle.

> ▶ Some (particularly CSOs) would appreciate being more informed of the initiatives undertaken by states to address the recommendations following GRETA reports. While the process per se is well structured through the so-called "ongoing dialogue" and the organisation of round-table meetings halfway through the monitoring round,[3] the request may hide a communication issue, which is worth exploring.

Non-state actors (private) voluntary contributions can make an important difference at the project level. The rules to preserve the independence of the Council of Europe are sound, but some parts of the process can be simplified.

The experience of the Cybercrime Division in mobilising private voluntary contributions to co-finance some of its co-operation projects proves that, under specific circumstances, this is indeed a modality worth pursuing. Some valuable lessons can be drawn.

> ▶ Private contributions represent a tiny minority of the voluntary contributions budget of the Council of Europe; however, they can make an essential difference if well targeted to specific project activities. For example, in the case of Cybercrime, private funds were essential to finance initial and strategic initiatives such as the first international conferences that allowed the Council of Europe to position itself as a world leader in the thematic sector. Additionally, these funds assisted with advocacy initiatives that resulted in a fast-growing number of states parties to the Budapest Convention.

> ▶ The process of accepting and using private funds has been developed to prevent interactions with companies of questionable reputations and protect the Council of Europe from undue pressures. It is a five-step, resource-intensive process that may be simplified in some parts, but its architecture is sound and functional to the scope.

> ▶ Reducing the resource intensiveness of the process may help release some tensions between the operational function (focusing on the value of private contributions) and the central functions in charge of the verification and approval of the funds (focusing on the low value for money of the instrument).

The C-PROC is a unique model in the Council of Europe that supports efficient and effective delivery of co-operation. However, remoteness from the field offices and in part from the headquarters is visible and initiatives to reduce this remoteness are being adopted.

Setting up a specific thematic co-operation office (the C-PROC office in Bucharest) is quite a different model for the Council of Europe. Including the whole of the co-operation project staff in the same physical location facilitated exchanges of experiences and cross-fertilisation; as such, it has positively affected the Council of Europe's ability to support countries in implementing the Budapest Convention.

C-PROC is perceived as a centre of excellence, and its staff are recognised for their high-level content-related and project management skills. The office has allowed for cost savings in terms of renting and salaries.

However, in some cases, the absence of cybercrime staff in the local project offices is perceived as problematic both by staff and partners. The C-PROC is tackling the issue at the time of writing, by considering posting staff in some local offices (Tunisia, Ukraine, Georgia, Republic of Moldova) within the frame of new projects planned to start in 2024.

The remoteness from Strasbourg is real, but the frequent commuting of the Head of the C-PROC between Bucharest and Strasbourg and the increasing use of remote working practices is contributing to decreasing this distance.

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3. If countries accept the Council of Europe offer for such a round-table event.

This report presents the results of the evaluation of the Council of Europe's work under the sub-programme "Action against crime and protection of citizens" – the areas of work of cybercrime and trafficking in human beings. The purpose of the evaluation was to assess the performance in the area of cybercrime and trafficking in human beings from a learning-oriented and forward-looking perspective. Overall, the assessment of the achievements of the two areas of work of the sub-programme is very positive. The recommendations of the report aim to redefine the sub-programme's Theory of Change, indicators and targets, develop a strategy of alliances to support legislative change, set up a forum for dialogue with civil society, put in place staff consultation mechanisms and processes, share lessons from implementation, revise the co-operation strategy in trafficking in human beings and analyse and report on the feasibility of the present assessment model in cybercrime.

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