

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

Final report
27 March 2023

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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

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List of abbreviations

Budapest Convention	Council of Europe Budapest Convention on Cybercrime #185
C-C	Cybercrime
CDDH	Steering Committee for Human Rights
CM	Committee of Ministers
Convention 108	Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)
C-PROC	Cybercrime Programme Office
CSOs	Civil society organisations
DG HOME	European Commission's Directorate-General for Migration and Home Affairs
DGI	Directorate General of Human Rights and Rule of Law
DGII	Directorate General of Democracy and Human Dignity
DIO	Directorate of Internal Oversight
DPC	Directorate of Programme Co-ordination
DRH	Directorate of Human Resources
EC	European Commission
ECOWAS	Economic Community of West African States
EDRi	European Digital Rights
EFRIS	European Union Fundamental Rights Information System
EPRS	European Parliamentary Research Service
EQ	Evaluation question
EU	European Union
Europol	European Union Agency for Law Enforcement Cooperation
FRA	European Union Agency for Fundamental Rights
GRECO	Group of States against Corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
HELP	European Programme for Human Rights Education for Legal Professionals
ICMPD	International Centre for Migration Policy Development
ICT	Information and communication technologies
ILO	International Labour Organization
IOM	International Organization for Migration
INTERPOL	International Criminal Police Organization
IPA II	Instrument for Pre-Accession Assistance
ISO	International Organization for Standardization
Lanzarote Convention	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
LGBTQ+	Lesbian, gay, bisexual, transgender, queer, and/or questioning
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe

PACE	Parliamentary Assembly of the Council of Europe
PDP	Protocol Drafting Plenary
PDG	Protocol Drafting Group
PMM	Project Management Methodology
PO	Private Office of the Secretary General and the Deputy Secretary General
QCA	Qualitative Comparative Analysis
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
TIP	Trafficking in persons
(The) Court	European Court of Human Rights
ToC	Theory of Change
ToR	Terms of Reference
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNHCR	United Nations High Commissioner for Refugees
VC	Voluntary contribution

Important note on the denomination of countries and territories

- ▶ This entire report uses the official ISO 3166 Alpha-3 codes to designate countries and territories. These codes are accessible on the ISO Online Browsing Platform (OBP) [here](#).
- ▶ Since 3 June 2022, the Council of Europe has been using the official name Türkiye instead of the formerly used name Turkey. Therefore, this report adopts the new official denomination of the country throughout unless it is part of an official title for a co-operation project that came into existence before the name change.
- ▶ 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.
- ▶ The use of the denomination Palestine shall not be construed as a recognition of a state of Palestine and is without prejudice to the individual positions of the Council of Europe member states on this issue.

1. Executive summary

This is the final report of the external independent evaluation of the two thematic areas of work, cybercrime and trafficking in human beings, under the Council of Europe's sub-programme "Action against crime and protection of citizens", for the period 2018 to 2021.

The evaluation purpose was to assess the past performance in cybercrime and trafficking in human beings from a learning-oriented and forward-looking perspective. An analysis of accountability was also present. 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 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?

This evaluation allowed the evaluation team to appreciate the many differences between the two thematic areas, such as different governance mechanisms, Theories of Change, modalities of implementation, geographic "ambitions" approaches to monitoring and assessment, and implementation of the co-operation activities. The team concluded that both models function well because of their coherence with their respective and different conventions.

1.1. CONCLUSIONS

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.

Trafficking in human beings	
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 in 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.
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 frame 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 (EPRS) and the EU Agency for Fundamental Rights (FRA); 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 writing 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.

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

Cybercrime	
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.

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 terminated 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.

Trafficking in human beings	
Conclusion 19	<p>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.</p> <p>A low budget has significant consequences for what the Council of Europe can realistically achieve in the co-operation sector in this thematic area.</p>
Conclusion 20	<p>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.</p>

Cybercrime	
Conclusion 21	<p>The combined effort of advocacy and co-operation and the co-ordination between the Cybercrime Convention Committee (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.</p> <p>Furthermore, peer pressure from neighbouring countries had a catalysing effect that helped attract other countries from within the same regions.</p>
Conclusion 22	<p>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.</p> <p>However, relevant civil society organisations (CSOs) active in the digital rights space claim their voices were unheard during the process.</p>
Conclusion 23	<p>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.</p>
Conclusion 24	<p>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.</p>

Coherence and added value	
Overall	
Conclusion 25	<p>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.</p>
Conclusion 26	<p>Co-operation and co-ordination of the two thematic areas with other organisations are praised both at the institutional and operational levels.</p>
Conclusion 27	<p>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.</p>

Coherence and added value	
Overall	
	<p>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.</p> <p>Finally, the Parliamentary Assembly of the Council of Europe (PACE) was mentioned as a further element of its added value as a unique mechanism to exert peer pressure to national parliaments.</p>

Trafficking in human beings	
Conclusion 28	<p>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.</p> <p>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.</p>
Conclusion 29	<p>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).</p>

Cybercrime	
Conclusion 30	<p>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.</p>

The two infographics in Figure 1 and Figure 2 map the main results achieved under the two thematic areas and the main contributing factors to legislative change.

1.2. RECOMMENDATIONS

Following the evaluation, the evaluation team issued eight recommendations for the attention of different parts of the Council of Europe; their synthesis is reported below. However, readers are strongly encouraged to refer to their full text as documented in Section C (Recommendations).

The evaluation team would like to reiterate the conclusions of the High-level Reflection Group of the Council of Europe. The conclusions called for member states to provide the Council of Europe with adequate resources to fulfil its mandate. This evaluation hopes that member states will heed this call; this evaluation confirms its validity and urgency.

- **Recommendation 1** – To redefine the scope of the sub-programme and its Theory of Change, aligning it with management structures for greater coherence. The Council of Europe is recommended to openly reflect on the expected added value of the sub-programme “Action against crime and protection of citizens”. The results from this reflection should lead to the developing of a realistic Theory of Change that can be implemented, monitored and evaluated. The Theory of Change should inform the decision on how to structure the sub-programme, including its management consequences.
- **Recommendation 2** – Revise the co-operation strategy in trafficking in human beings to unleash its potential. a) To conduct a mapping exercise to identify priority countries and the types of initiatives where co-operation is most needed and could reveal more success. Then, seek additional resources to

enhance the co-operation, even considering possible private contributors. b) To facilitate exchanges of experiences and cross-fertilisation among local and central co-operation staff working in the same thematic area.

- ▶ **Recommendation 3** – To develop a strategy of alliances to support legislative change, including engagement with media. a) Based on evaluation findings, to reflect on strategies to achieve legislative change and prioritise as relevant alliances with the more relevant change supporters, whose identity and relative influence are different in the two thematic areas. b) To develop an appropriate strategy to engage with media at the central and local field office levels. c) 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. To promote dialogue with civil society by finding the ground for short and longer-term co-operation in areas where civil society could provide a critical and relevant series of inputs.
- ▶ **Recommendation 5** – To put in place (for the entire Council of Europe) staff consultation mechanisms and processes. a) 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; and to adopt consequent measures. b) To define common and coherent staff onboarding and retention processes for local field offices and headquarters, if not existing. c) To define succession planning measures for management. d) To supervise and monitor the employment conditions at the local project offices level to ensure that they are aligned with average, current market conditions.
- ▶ **Recommendation 6** – To share lessons from implementation and implement recommended adjustments. Various measures recommended following analysis of lessons in five areas: i) strategies and processes to attract new signatory states; ii) processes leading to the evolution over time of the conventions; iii) modalities of monitoring and assessment; iv) mobilisation of private funds and the mechanisms to safeguard the independence and public interest of the Council of Europe; and v) the setting up of the Cybercrime Programme Office in Bucharest.
- ▶ **Recommendation 7** – To analyse and report on the feasibility of the present assessment model in cybercrime and adopt relevant measures. To consult with states parties and observers on their use and expectations from the assessment reports and other outputs produced by T-CY and C-PROC from the perspective of the efficient use of available resources and identifying possible spaces for modifications, synergy or merging of different streams of work and outputs.
- ▶ **Recommendation 8** – To redefine the modalities for setting the indicators and targets formulated in the Programme and Budget documents to make them more relevant. To redefine the process for developing the indicators and targets through enhanced dialogue and participation of the relevant divisions and directorates. The targets should better reflect the Theory of Change of each thematic area and, in most cases should measure, the expected changes at the outcome level. Targets should be realistic, unambiguously formulated and easy to monitor and reported by the divisions in their yearly reports.

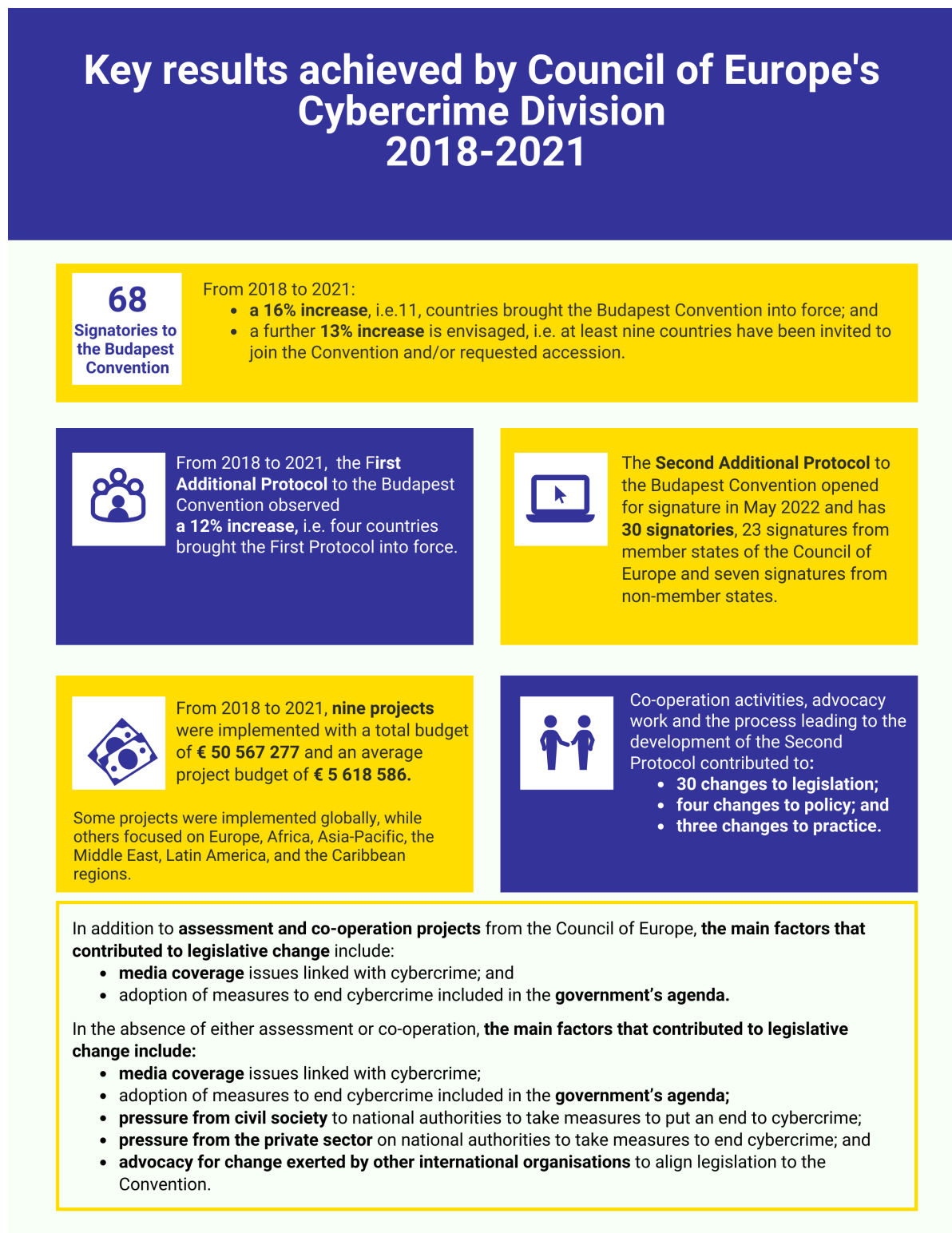
1.3. STRUCTURE OF THIS REPORT

Due to the complexity of the mandate of this evaluation and the several methods of analysis employed by the evaluation team, this evaluation produced an unusually large amount of detailed evidence. Considering this, the evaluation team's confidence in the exercise results is very high.

For the readers' convenience, the findings from the evaluation can be found in Section D. This editorial choice allows readers to find the conclusions and recommendations immediately following the executive summary and the report's introduction.

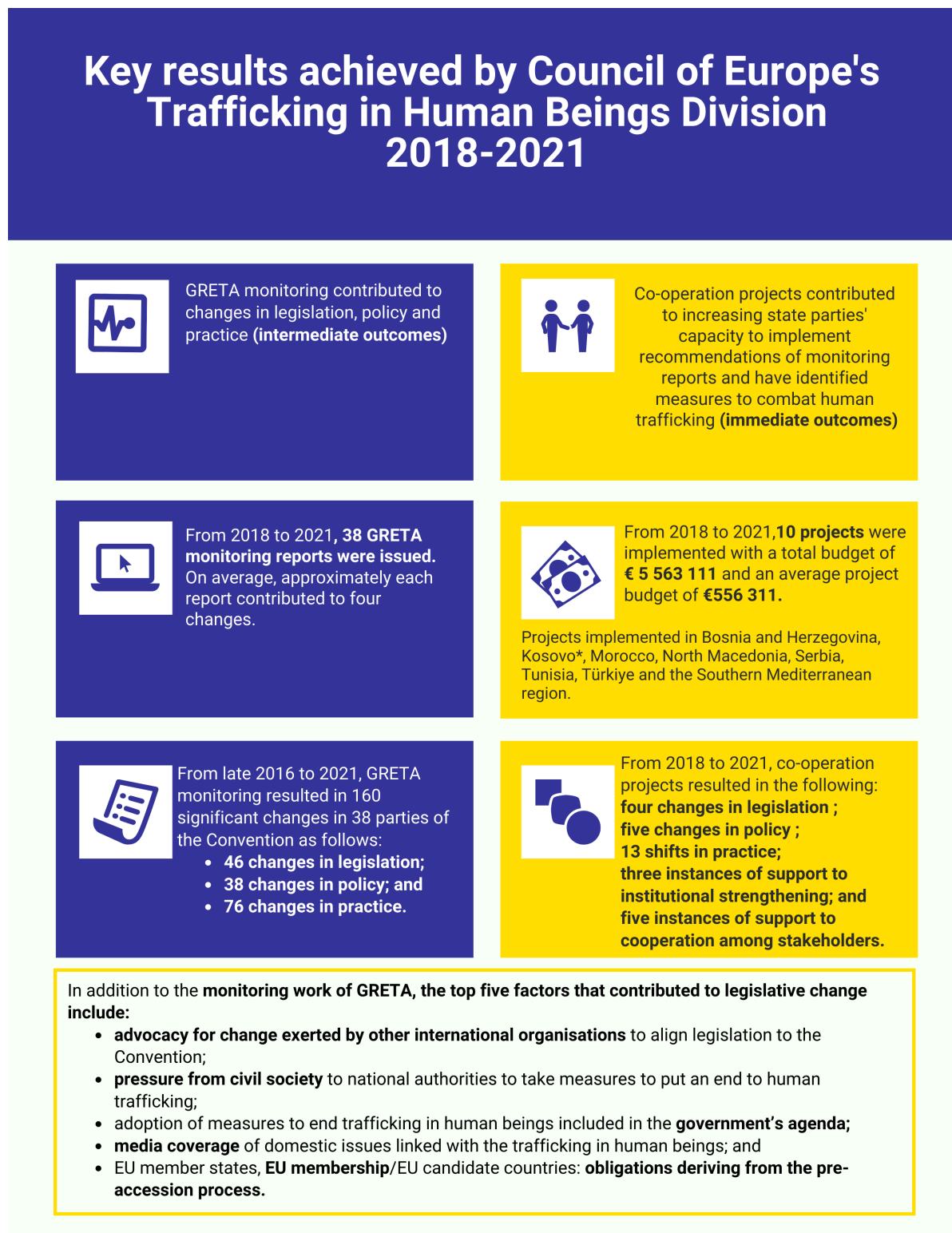
Several detailed findings (including the complete evidence from the Qualitative Comparative Analysis (QCA) and the mapping of results at the immediate and intermediate outcome level for the two areas of work) have been moved to the appendices. Interested readers (and particularly management and staff of the two divisions as well as from the Directorate of Internal Oversight (DIO)) are warmly invited to read the appendices of the report because of the wealth of information and analysis contained.

Figure 1 – Cybercrime, results mapping



Source: Evaluators' own representation

Figure 2 – Trafficking in human beings, results mapping



Source: Evaluators' own representation

SECTION A – **Introduction**

2. Evaluation context and background

2.1. THE SUB-PROGRAMME “ACTION AGAINST CRIME AND PROTECTION OF CITIZENS”

The sub-programme “Action against crime and protection of citizens” encompasses six areas of work: terrorism, money laundering and terrorism financing, cybercrime, medicrime, trafficking in human organs and trafficking in human beings.

Based on a [White paper on transnational organised crime](#) published in 2014, the Council of Europe developed an [Action Plan on Combating Transnational Organised Crime \(2016-2020\)](#). In addition, the action plan took into account the remit of actions of other international organisations to provide added value.

An explicit reference to the sub-programme is made in the Council of Europe Programme and Budget documents for 2020-21 and 2022-25. However, the sub-programme was not mentioned in the previous Programme and Budget document for 2016-17 and 2018-19.

Initiatives of the Council of Europe in the areas covered under the present sub-programme have always been consistently included under the “rule of law” pillar, while their placement slightly changed over time. All streams of work of the sub-programme are implemented by the Directorate General of Human Rights and Rule of Law (DGI), except the work to combat trafficking in human beings, which is the responsibility of the Directorate General of Democracy and Human Dignity (DGII).

The following table reflects the different placement of these initiatives over the last four Programme and Budget documents.

Table 1 – Placement of areas of work included in the sub-programme over time

Programme and Budget period	Pillar	Sector	Programme	Sub-programme
2016-17 ²	Rule of law	Countering threats to the rule of law	Corruption and threats to the rule of law: organised crime, terrorism, cybercrime, counterfeiting of medical products, money laundering – MONEYVAL ³ – and trafficking in human beings, GRETA – GRECO ⁴	N/A
2018-19	Rule of law	Countering threats to the rule of law	Terrorism, corruption and organised crime – MONEYVAL – GRETA – GRECO – Drug abuse and illicit trafficking (Pompidou Group)	N/A
2020-21	Rule of law	N/A	Action against crime, security and protection of citizens	Action against crime and protection of citizens
2022-25 ⁵	Rule of law	N/A	Action against crime, security and protection of citizens	Action against crime and protection of citizens – criminal law, terrorism, money laundering, cybercrime, medicrime, trafficking in human beings

Source: Evaluators’ own findings based on the Programme and Budget documents listed in the first column

2. For information only; not included under the scope of the present evaluation.

3. MONEYVAL – Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism.

4. GRECO – Group of States against Corruption.

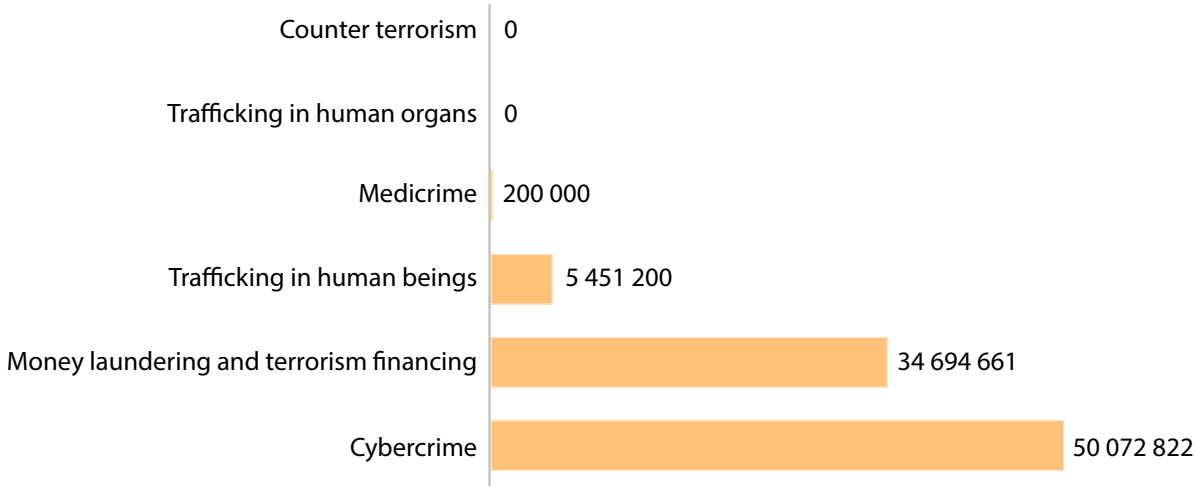
5. For information only; not included under the scope of the present evaluation.

In 2022, the available resources for the sub-programme amounted to €22 471.8, including €8 513.7 from the ordinary budget, €11 963.5 EU/Joint Programme contributions and €1 994.6 from voluntary contributions (VC).⁶

Figure 3 below illustrates the proportion of funding allocated to ongoing co-operation projects during the period covered by the evaluation. Notably, the start and end dates of the projects are different and not representative of a specific period.

The (partial or complete) absence of co-operation projects under the three areas of counterterrorism, trafficking of human organs and medicrime shall not be interpreted as an indication of the absence of work under these areas. Instead, efforts under these thematic areas during the period probably focused on the two other elements of the dynamic triangle: standard setting and monitoring.

Figure 3 – Co-operation projects budget allocation (in €) by area of crime, 2018-2021

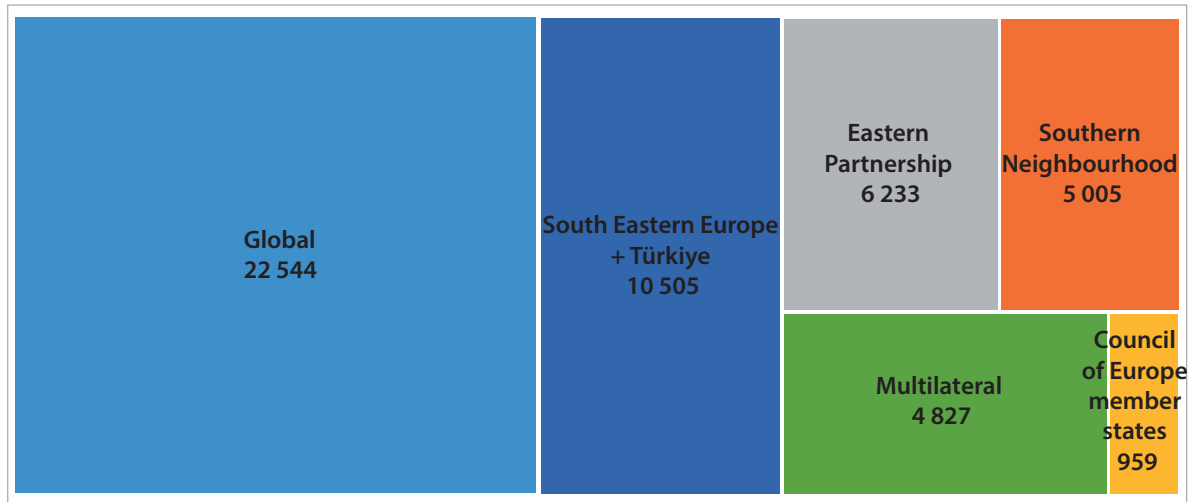


Source: Evaluators’ own representation based on the Programme and Budget documents and Project Management Methodology

As explained in Chapter 3, this evaluation focuses on the two thematic areas of work, cybercrime (C-C) and trafficking in human beings; introductory notes are provided for these two areas of work only.

The following two figures extracted from the Terms of Reference (ToR) (Appendix A) of the evaluation report the geographic distribution of the co-operation project budget volume for cybercrime (Figure 4) and trafficking in human beings (Figure 5), which absorb 55.4% and 6% of the total budget, respectively.

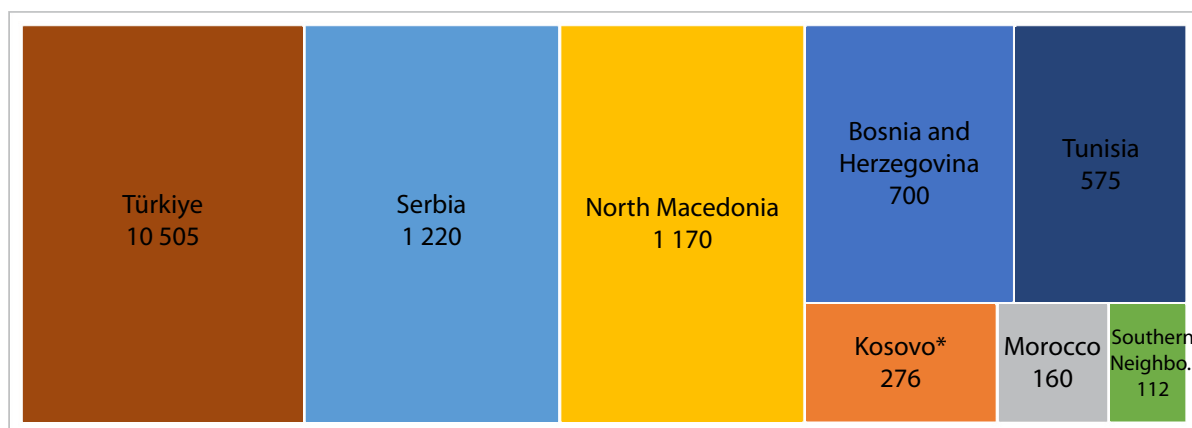
Figure 4 – C-C, geographic distribution of project budget (k€)



Source: Council of Europe Project Management Methodology

6. Council of Europe Programme and Budget 2022-2025.

Figure 5 – THB, geographic distribution of project budget (k€)



Source: Council of Europe Project Management Methodology

The following chapters provide a brief introduction to the Council of Europe's work in the evaluation's two focus areas: cybercrime and trafficking in human beings. They are organised following the structure of the three elements of the "dynamic triangle" of the Council of Europe.

To efficiently use available resources, no comparable analysis has been conducted on the areas of work that were not retained for evaluation.

2.2. CYBERCRIME

2.2.1 Standard setting

The Council of Europe [Convention on Cybercrime](#) (No. 185), commonly referred to as the Budapest Convention, was opened for signature in November 2001 and entered into force in July 2004. It has been supplemented by a protocol on xenophobia and racism committed through computer systems,⁷ opened for signature in Strasbourg in 2003, and a [Second Additional Protocol](#) on enhanced co-operation and disclosure of electronic evidence, which was opened for signature in May 2022. Cybercrime is not addressed in isolation but within the context of other internet governance issues and concerning challenges such as data protection (Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108)), online sexual violence against children (Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)), money laundering and financial investigations.

The Budapest Convention is the only internationally binding instrument on this topic and is the most relevant legal instrument for fighting cybercrime and disclosing electronic evidence. It is intended as a guideline for any country wishing to draw up comprehensive legislation to combat cybercrime. However, it is more than a cybercrime treaty; it provides for criminalising offences against using computers and procedural law tools to secure electronic evidence and promotes international co-operation among parties.

The Budapest Convention, from the outset, had a global ambition and was designed to go beyond member states of the Council of Europe. As a result, 158 states have used the Budapest Convention as a guideline or source for domestic legislation. At the time of writing this report, 68 member and non-member states had ratified the Budapest Convention, while 15 have signed or been invited to accede. For accession, countries must be prepared to implement the Budapest Convention's provisions and engage in international co-operation.

Importantly the Budapest Convention focuses on conduct instead of technology; its technology-neutral language has meant it has remained relevant through the evolution of complex challenges of crime in cyberspace. It reconciles the vision of a free internet, with free access and sharing of information, with the need for an effective criminal justice response in cases of unlawful misuse. Restrictions are narrowly defined; only specific criminal offences are investigated and prosecuted, and specified data needed as evidence in specific criminal proceedings are secured subject to human rights and the rule of law safeguards.

7. Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189), available at www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty=189.

Some key facts and figures showing the main achievements of the work in the area of cybercrime are published by the Council of Europe.⁸ These include a mention of the considerable impact on cybercrime legislation across the globe; significant improvement of co-operation with the private sector over the last 20 years; enhanced international co-operation; extensive use of the 24/7 network of contact points; and results in the area of capacity building (states requesting accession or parties requesting capacity-building programmes).

2.2.2 Assessment mechanism

The Budapest Convention is backed up by the T-CY, which assesses its implementation. The T-CY is the Committee of the Parties and the most prominent intergovernmental body on cybercrime. Parties share information and experience, assess the implementation of the convention or interpret the convention through the development of Guidance Notes.

Notably, the T-CY may prepare additional protocols for the Budapest Convention, as was the case for the Second Additional Protocol. Therefore, even if a state did not participate in negotiating the original treaty, a new party can negotiate future instruments and the further evolution of the Budapest Convention.

During the period covered by the present evaluation, the T-CY did not issue assessment reports. The last report focused on the Implementation of Article 13 of the Budapest Convention for sanctions and measures, adopted in 2017.

Assessments were put on hold for approximately four years as the T-CY was focused on the process leading to the development of the Second Additional Protocol. However, plans for resuming the assessment work in early 2023 have been implemented.

2.2.3 Co-operation projects

The C-PROC in Bucharest, Romania, supports countries worldwide through capacity-building programmes. States requesting accession or joining the convention may become priority countries for capacity-building programmes. Furthermore, through technical co-operation projects, the Council of Europe can assist countries in establishing the necessary legal and operational capacities to apply the Budapest Convention in practice.⁹

The tools and materials developed under these projects are replicable and can be adapted to national or regional contexts. Moreover, some have been translated into multiple languages and used in other regions of the world.

2.3. TRAFFICKING IN HUMAN BEINGS

2.3.1 Standard setting

The [Council of Europe Convention on Action against Trafficking in Human Beings](#) (CETS No. 197) was opened for signature in 2005 and entered into force on 1 February 2008. At the time of writing, it has been ratified by 48 states (46 Council of Europe members and two non-member states). The convention is not restricted to Council of Europe member states; non-member states and the EU also can become parties to the convention.

The convention builds on existing instruments and goes beyond the minimum standards to strengthen the protection afforded to victims. The forms of exploitation covered by the convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The convention provides for a series of rights for victims of trafficking, in particular, the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit and to receive compensation for the harm suffered.

8. Please refer to www.coe.int/en/web/cybercrime/achievements.

9. A list with co-operation projects can be found in Annex C.

2.3.2 Monitoring mechanism

The monitoring mechanism of the Convention against Trafficking in Human Beings comprises two bodies. First, GRETA is responsible for monitoring the implementation of the convention by the parties, following an evaluation procedure divided into rounds, which result in country evaluation reports containing conclusions and proposals for action. GRETA is composed of 15 independent and impartial experts.

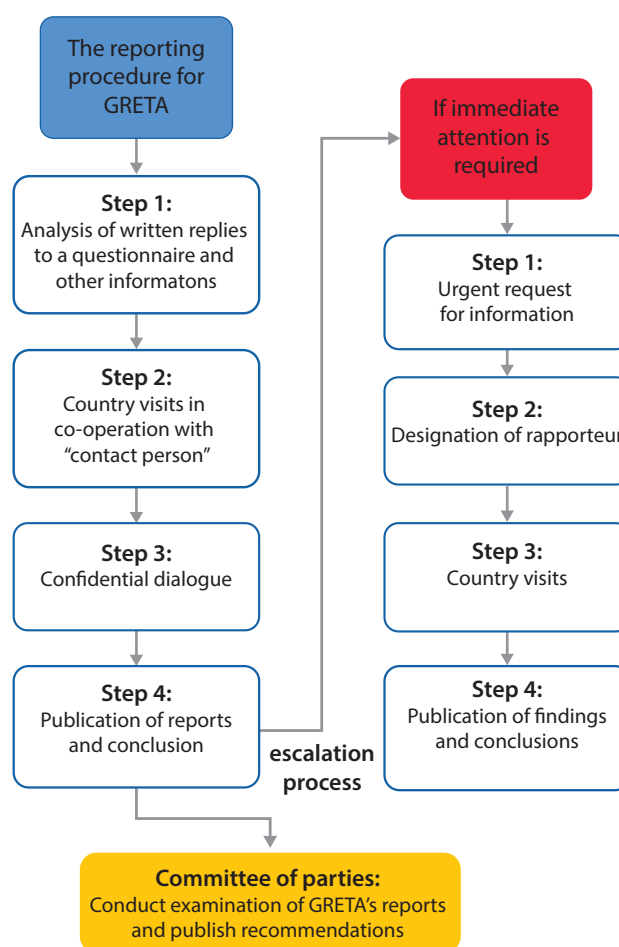
Second, the Committee of the Parties to the Convention (THB-CP) adopts recommendations to states parties based on GRETA's reports and conclusions and elects GRETA members.

Figure 6 illustrates the working of this monitoring mechanism, including the escalation process.

The "Evaluation of the Council of Europe's monitoring mechanisms", published by the DIO in May 2022, revealed the following.

- ▶ GRETA operates a dual mechanism which fosters links and dialogue between the independent experts and state representatives through the Committees of the Parties for GRETA.
- ▶ GRETA members are in the majority in considering that no change is needed in the functioning of their mechanism.
- ▶ GRETA reported having sufficient financial resources to carry out their activities.
- ▶ GRETA frequently invites members of other monitoring mechanisms to discuss converging thematic issues: for example, they have consulted the Lanzarote Committee because child sexual exploitation is a major human trafficking issue.
- ▶ The level of information exchange between the Council of Europe monitoring mechanisms was considered "excellent" or "very good" by most GRETA members.
- ▶ Co-ordination within the dynamic triangle is considered "excellent" or "very good" for GRETA.
- ▶ 100% of stakeholders surveyed in the member states felt engaged during GRETA's monitoring process and supported in implementing recommendations.
- ▶ There is anecdotal evidence suggesting that additional visibility is given to GRETA's work when quoted in judgments of the Court, e.g. the case of *S.M. v. Croatia* in 2020, dealing with forced prostitution.

Figure 6 – The working of the monitoring mechanism for the trafficking in human beings



Source: Evaluators' own interpretation based on narrative description in the GRETA website.

2.3.3 Co-operation projects

The Council of Europe implements co-operation projects to prevent and combat trafficking in human beings aligned to the THB Convention and based on the country-specific recommendations from GRETA.¹⁰ The support provided includes a combination of legal and policy support, learning and capacity-building activities, and co-operation and information activities. CSOs play a crucial role in achieving the purposes of the convention and therefore contribute to, or benefit from, co-operation activities.

¹⁰. A list with co-operation projects can be found in Annex C.

Currently, most of the projects are being implemented under the Horizontal Facility II 2019-2022, a co-operation initiative of the EU and Council of Europe for the Council of Europe member states in the Western Balkans region and Türkiye.^{11, 12}

Apart from traditional co-operation projects, some co-operation initiatives such as provision of legal expertise, targeted capacity building, workshops and grants for non-governmental organisations (NGOs) are also financed through the Ordinary Budget (approximate annual budget: €190 000).¹³

11. Since the 1st of June 2022, the official name of Turkey in the United Nations, and by extension in the international community, is Türkiye. Considering that this change entered into force before the writing of this report, this entire report adopts the new official denomination of the country throughout (unless it is part of an official title for a co-operation project that came into existence before the name change).

12. Prior to 2018, several THB co-operation projects were funded by the Norway Grants as well as by voluntary contributions.

13. The results of these further initiatives have not been evaluated as the evaluators were informed of their existence only after the delivery of the draft Final Report.

3. Purpose, scope and time frame of the evaluation

3.1. THEMATIC COVERAGE

The initial ToR foresaw this evaluation to focus on the entirety of the sub-programme Action against crime and protection of citizens. Following initial analysis conducted during the inception phase that concluded that the sub-programme as such is not evaluable, two areas of work under the sub-programme were selected based on several considerations that made them the most suitable candidates for contributing to the lessons learned dimension of this evaluation; they are cybercrime and trafficking in human beings.

The process of refocusing the evaluation mandate is documented in a Flash Report prepared by the evaluators on 21 June 2022 and in the Inception Report of this evaluation. Appendices of this report contain the original ToR (Appendix A) as well as the full explanation of the reasons why these modifications were needed and the justification for the selection for evaluation of these two areas of work (Appendix B). It furthermore contains the motivation for the selection of effectiveness, efficiency and coherence as criteria for this evaluation.

Non-evaluability of the sub-programme

Initial analysis concluded that the sub-programme was not evaluable for two concurrent reasons. a) The object of the evaluation (evaluand). There was no evidence of the existence of the sub-programme as a series of interconnected and interdependent initiatives under a common management structure and with a clearly identified added value. b) The resources. Each of the “vertical components” of the sub-programme is a tangible and evaluable entity. However, evaluating all these components was not feasible within the given resources.

3.2. PURPOSE

As defined in the ToR, the overall purpose of the evaluation is learning-oriented and forward-looking; an important accountability dimension is present, as well.

Two main elements justify the importance of this learning exercise: the strategic importance for the Council of Europe of the thematic areas of the sub-programme and the significance of the budget investments to finance the various initiatives undertaken.

The refocusing of the evaluation on the two areas of cybercrime and trafficking in human beings confirms this purpose and further develops the perspective of learning from the experiences of their implementation. Furthermore, it is envisaged that the findings of this evaluation will benefit the implementation of more recent and upcoming conventions, such as the 2011 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health and the 2015 Council of Europe Convention against Trafficking in Human Organs.

The main objective of the evaluation is to provide the Council of Europe,¹⁴ member states and other organisations working on these thematic areas with an independent assessment of the Council of Europe’s past performance in the two areas of cybercrime and trafficking in human beings from a learning-oriented and forward-looking perspective.

The evaluation was conducted by two independent and professional evaluators in close co-ordination with the DIO. In addition, a Reference Group was set up by DIO to ensure that the evaluation process met quality expectations;¹⁵ it was composed of relevant Council of Europe management staff. It discussed and provided comments on the Inception Report (including the methodology selection) and the final report.

14. In particular, the Council of Europe staff and management responsible for implementing the selected actions (cybercrime, trafficking in human beings) as well as the members and experts involved in the work of the relevant monitoring bodies and committees. Other key stakeholders include the Council of Europe staff and management responsible for implementing more recent and upcoming conventions as well as their upper hierarchy. Finally, other key stakeholders are the senior management of the Council of Europe in addition to the Committee of Ministers.

15. As foreseen in the Council of Europe Evaluation Policy.

3.3. GEOGRAPHIC SCOPE

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

3.4. TEMPORAL COVERAGE

The temporal coverage of the present evaluation includes the two Programme and Budget periods, 2018-19 and 2020-21. However, the evaluators also considered (to some extent) events that happened immediately before and after the evaluation period.

3.5. EVALUATION TIME FRAME

This evaluation was carried out from June 2022 to February 2023.

4. Evaluation criteria and questions

4.1. EVALUATION CRITERIA

The evaluation team was tasked to assess the initiatives of the sub-programme under the two thematic areas of cybercrime and trafficking in human beings using three main criteria, effectiveness, efficiency and coherence.¹⁶ It furthermore aimed at identifying contributions to gender equality and human rights fulfilment.

In line with its theory-based approach (see below), this evaluation analysed effectiveness to identify those factors facilitating or hampering the achievement of results. It also identified some unexpected effects all along the results chain.

The analysis of effectiveness and efficiency included identifying lessons that could potentially serve as a source of inspiration for other parts of the Council of Europe that are implementing more recent conventions.

The analysis of coherence looked at both the internal and external dimensions. During the analysis of the external coherence, the evaluators also analysed the added value of the Council of Europe's action in the two thematic areas.

4.2. EVALUATION QUESTIONS

The following table lists the evaluation questions and sub-questions per evaluation criterion.

These questions have been adapted from their original formulation contained in the ToR and refer to the Council of Europe initiatives in the two areas of cybercrime and trafficking in human beings.

Table 2 – Evaluation criteria, questions and sub-questions¹⁷

Evaluation criteria	Key evaluation questions	Sub-questions
Effectiveness	1. To what extent and how have the different initiatives of the Council of Europe in the two areas of cybercrime and trafficking in human beings achieved their objectives?	1a. To what extent did the expected immediate and intermediate outcomes materialise?
		1b. What factors can be identified that contributed to the achievement of the objectives or hindered success?
		1c. Can any unintended changes (positive or negative) be observed through the results chain to which the initiatives of the Council of Europe have contributed? ¹⁸
		1d. Can any contribution to gender equality and human rights be observed under the two areas of cybercrime and trafficking in human beings?

16. Reference is made to the December 2019 definitions of these criteria given by the OECD Development Assistance Committee (please see [here](#)).

17. Inception Report of Evaluation of the Council of Europe's sub-programme Action against crime and protection of citizens; the area of work of cybercrime and trafficking in human beings.

18. The evaluation mandate specified the following note: "this analysis is not to be conducted in a systematic way, anecdotal evidence will be accepted".

Evaluation criteria	Key evaluation questions	Sub-questions
Efficiency	2. To what extent are the initiatives of the Council of Europe in the areas of cybercrime and trafficking in human beings implemented efficiently and can provide lessons for implementing the most recent conventions included under the sub-programme?	2a. To what extent did the initiatives deliver the outputs indicated in the Programme and Budget documents and other relevant documents? What were reasons for not meeting the indicated targets (if relevant)?
		2b. To what extent are modalities of implementation [including instruments and internal management (arrangements, processes and policies)] supporting or hindering the achievement of objectives? To what extent is there potential for efficiency gains by changing these?
		2c. To what extent are gender equality and the human rights approach mainstreamed in the operations?
		2d. To what extent can the experiences gained in implementing the Budapest Convention (ETS No. 185) and the preparation of the Second Additional Protocol (CETS No. 224) by the T-CY and the THB Convention be used as a source of inspiration during the implementation of recent and future conventions, regarding: <ul style="list-style-type: none"> ▶ strategies and processes to attract new signatory states; ▶ processes leading to the evolution over time of the conventions (including the existence of feedback loops from monitoring and co-operation); ▶ modalities of monitoring; ▶ mobilisation of private funds and the mechanisms to safeguard the independence and public interest of the Council of Europe; ▶ the setting up of a specific central co-operation office (with reference to the C-PROC in Bucharest)?
Coherence	3. To what extent are the interventions in the areas of cybercrime and trafficking in human beings coherent with other interventions within and outside the sub-programme and to what extent does co-ordination with other actors operating in the same thematic areas exist?	3a. To what extent did the areas of cybercrime and trafficking in human beings benefit from being part of the sub-programme?
		3b. To what extent do co-ordination and co-operation take place between the different structures covered by the sub-programme? Which synergies, if any, have been created?
		3c. To what extent do co-ordination and co-operation take place with other parts of the Council of Europe working on the two themes of cybercrime and trafficking in human beings?
		3d. To what extent does the Council of Europe co-ordinate and co-operate with other external actors operating in the two thematic areas? Which synergies, if any, have been created?
		3e. What is the specific Council of Europe added value in comparison with other external actors operating in the two areas of cybercrime and trafficking in human beings?

5. Evaluation methodology

This chapter provides a short overview of the methodology and includes its visual representation; for a full description, please refer to Appendix D.

Considering the institutional learning and the accountability purpose of the evaluation, the team adopted a theory-based approach. By focusing not only on the “what” but mainly on the “why” dimension of the change, this approach better helped identify lessons regarding factors facilitating or hindering the desired change. The Theories of Change (ToC) of the two thematic areas have been taken as the point of departure for finalising the evaluation questions and developing the evaluation methodology (including the evaluation matrix in Appendix E). The overall logic of the ToC is reflected in the data collection tools developed for this evaluation (see Appendices F and G).

These two Theories of Change are illustrated in Figure 7 and Figure 8.¹⁹

The contribution of the Council of Europe’s work under the two areas C-C and THB to gender equality and human rights fulfilment was observed from two concurrent perspectives: efficiency and effectiveness.

5.1. SOURCES OF EVIDENCE

The evaluators based their work on both primary and secondary sources of evidence. Relevant statistics are in Appendix H.

Secondary sources included more than 300 relevant documents listed in Appendix I.

Primary sources were selected to provide a plurality of relevant views and inputs on both areas of work. Three instruments were used.

- ▶ Semi-structured interviews. Overall, 135 individuals were interviewed with a good gender balance: 48.1% women and 51.9% men with a similar representation of the two topic areas. These included staff working on C-C and THB, chairs and members of monitoring mechanisms, national/local partners and stakeholders, and external actors working on C-C and THB.
- ▶ Four online surveys were conducted for T-CY members, THB-CP members, relevant stakeholders and Council of Europe staff working on THB and C-C. Overall, the evaluation team received 292 responses, with a global 37.2% response rate, regarded as very high.
- ▶ Field visits to Austria, Bosnia and Herzegovina, Morocco and Romania. The further planned visit (to the United Kingdom) was not undertaken because only two persons accepted the invitation for interview.

5.2. 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.

- ▶ **Quantitative analysis** of findings gathered through surveys as well as of relevant secondary sources.
- ▶ **Qualitative Comparative Analysis** to understand the contribution of 10 external factors to the efforts of the Council of Europe to achieve legislative change for a better alignment with the two conventions. This method was applied to 30 countries for THB and 41 for C-C. The software Tosmana (v.1.61), developed by Lasse Cronqvist (University of Trier, Germany)²⁰ was used to support some parts of the analysis.
- ▶ **Qualitative analysis of free text** from interviews and surveys was coded in over 50 “themes” using NVIVO from QSR International, a specialised qualitative data analysis software package. Qualitative analysis was also performed on secondary sources.
- ▶ **Results mapping** to produce visual illustrations of the results achieved by the Council of Europe at the outcome level.

19. Source: extracted from the Theory of Change of the sub-programme developed by DIO and included in the ToR, further developed by evaluators in consultation with the Reference Group.

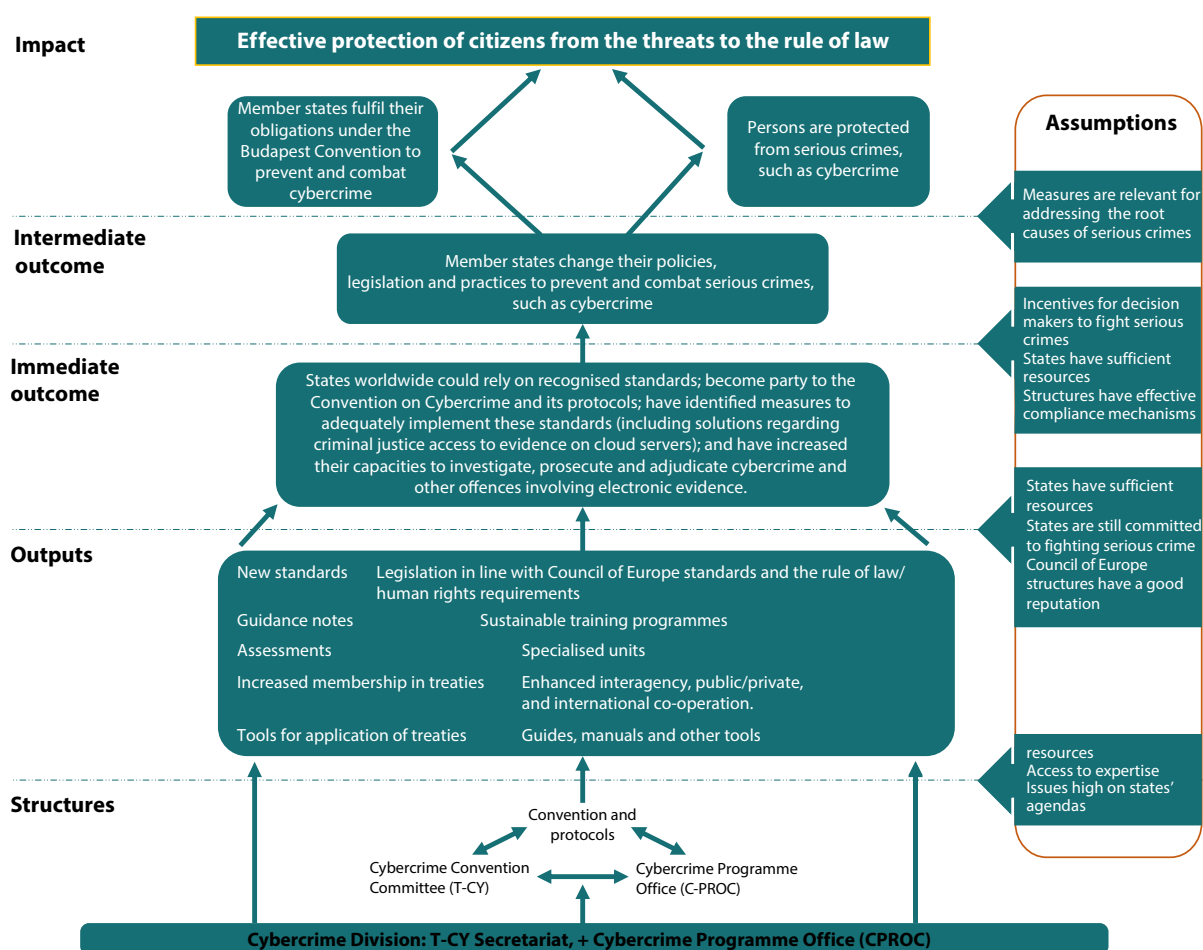
20. Source available at www.tosmana.net.

5.3. LIMITATIONS OF THE METHODOLOGY

The methodology was built around the characteristics of the evaluation to achieve robustness with the available resources. However, every evaluation has limitations; this methodology tried to minimise their importance and impact on the validity of results.

- Evaluation is an incomplete exercise: not a single evaluation could pretend to assess every aspect of an intervention, irrespective of the available resources. This is an intrinsic limitation of every evaluation, which calls for establishing the focus based on what findings will be most helpful to users. For this evaluation, a participatory process was used to focus the evaluation. This included: the DIO redefining the original Terms of Reference, constant communication between the evaluators and DIO, consultation of key stakeholders during the inception phase, a review process and consultation with the Reference Group.
- Evaluations in social fields (including in justice and governance) are often unbalanced towards qualitative over quantitative analysis. This shall not come as a surprise, given that we are dealing with human and social factors and phenomena better interpreted using qualitative analysis methods. However, interpreting and reporting qualitative evidence is not a trivial exercise; sometimes, evaluations fall short in terms of rigour of analysis. The construction of the methodology for this evaluation considered this limitation. It included using a state-of-the-art method (QCA) and tool (NVIVO) to process, interpret and present qualitative evidence using mixed qualitative/quantitative techniques.

Figure 7 – Cybercrime, Theory of Change²¹



21. Source: Council of Europe DIO and evaluators' representation.

Figure 8 – Trafficking in human beings, Theory of Change²²

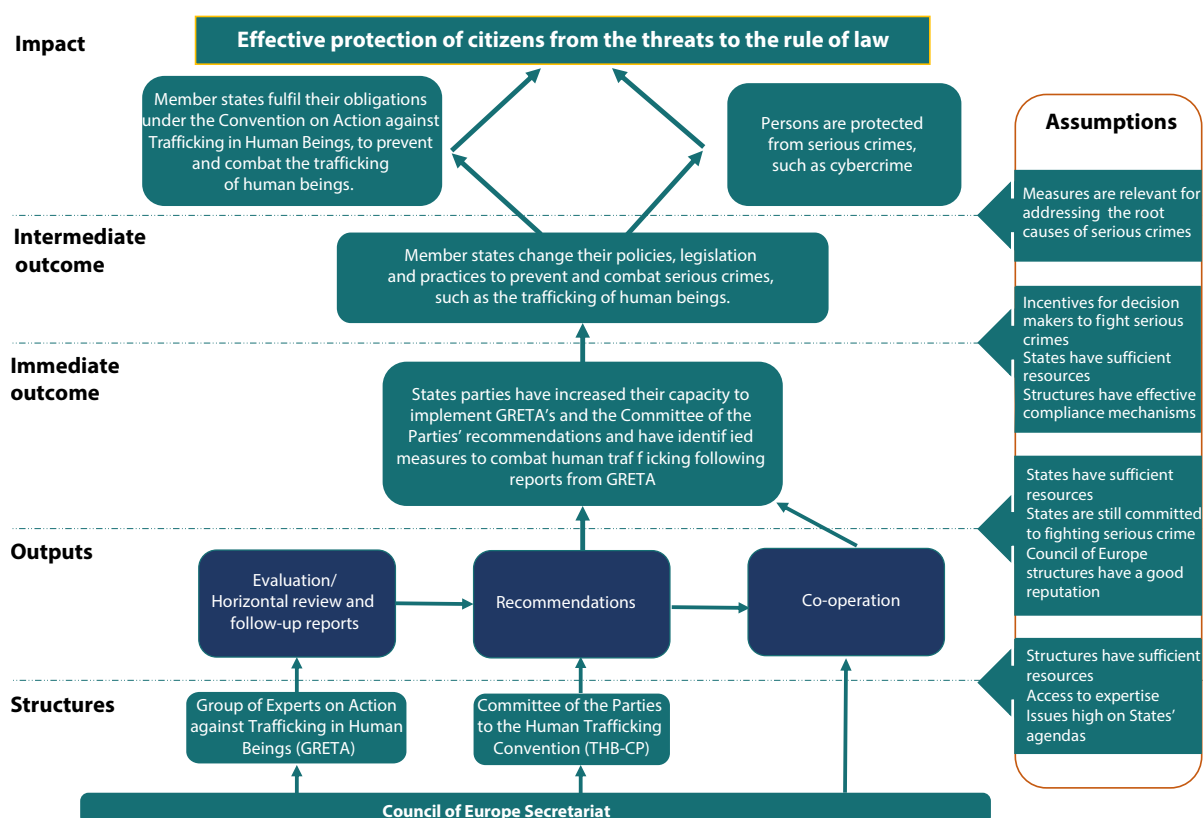
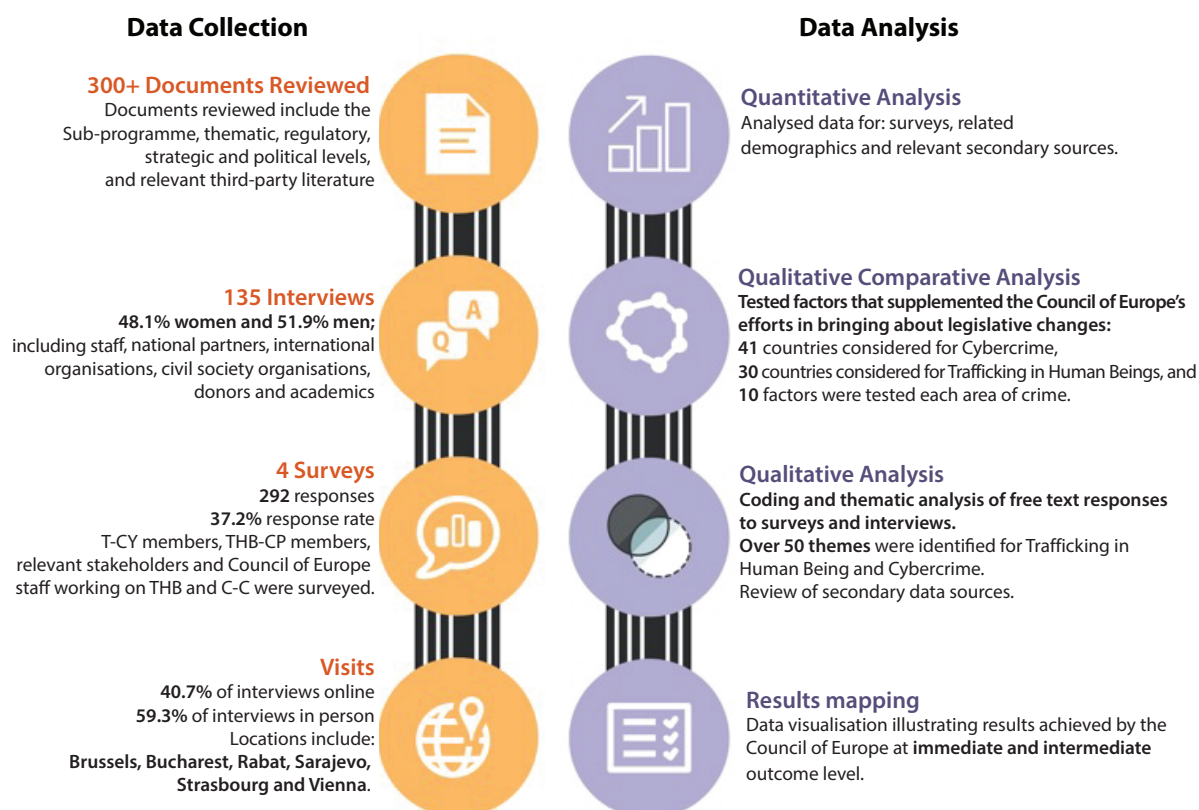


Figure 9 – Evaluation methodology, a visual representation²³



22. Source: Council of Europe DIO and evaluators representation.

23. Source: Evaluators' own representation based on methodology followed for evaluation.

6. Difficulties encountered during the evaluation

The inception report contained an analysis of the evaluation's possible main risks and the planned measures to prevent and/or limit their impact.

Table 3 is an abridged and integrated version of that analysis.

Table 3 – Difficulties during the evaluation

Risk	Status
A low response rate to the surveys	It did not materialise; the preventive measures announced in the inception report were effective.
Scarce availability of target interviewees	It happened only in one country, and it had no repercussions for the validity of the findings. The preventive measures announced in the Inception Report were effective.
Deterioration of health and security conditions, preventing travel to the target countries	It did not materialise.
Late sharing by the Council of Europe of relevant documents (unexpected)	At the beginning of the evaluation, the team received 190 project documents analysed during the inception phase. Five months into the evaluation and after the inception phase had finished, the team received 89 documents (+47%). The unplanned extra work needed to examine these additional documents had some repercussions in terms of the evaluation team's resources and the exercise's timeline.
Shifting of the field visit plan (unexpected)	Due to the conflicting agenda of some key stakeholders, the first planned field visit was postponed. This had a slight "domino effect" on scheduling further visits. However, this had limited repercussions in terms of the timeline of the exercise.

Source: Evaluators' own interpretation.

SECTION B – Conclusions

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 ToC, while a ToC 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 ToC of the two areas of work. Hence, some notable differences are summarised in this section. 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.

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.

7. Effectiveness

The official targets of each thematic area of work of the Council of Europe are set in its Programme and Budget documents covering the two biennia, 2018-19 and 2020-21. The process leading to the formulation of targets involves consultation. However, there is space for improvement regarding the coherence of the targets with the Theory of Change of the different areas of work and their relevance and clarity of formulation. This may be achieved with a higher level of involvement of the relevant management during the formulation of targets.

The indicators are formulated at the different levels of the Theory of Change (outputs, immediate and intermediate outcomes) in an indistinct manner; the formulation of indicators at the output level is not of exemplary service to a results-oriented organisation such as the Council of Europe.

When comparing the results achieved by the two areas of work versus the set targets, it emerges that the two divisions have mainly achieved the Programme and Budget targets, despite the difficulties brought about by the Covid-19 crisis.

The Cybercrime Division achieved²⁴ or overachieved 12 of its 16²⁵ targets within the deadline (75%), achieved one target with delays, did not achieve one target, and there is no available information to understand the status of one further target formulated in each of the two periods.

The Trafficking in Human Beings Division, which had a considerably lower number of formulated indicators (10 instead of 16), overachieved four targets (40%), achieving one at 83% and two at 76%. However, one target was ambiguously formulated in both Programme and Budget documents, and no information was found about its achievement.

Independently from the “notarial” exercise of assessing the achievements of the two areas of work against their official targets and the doubts formulated about the relevance of the official targets to better respond to its mandate, this evaluation primarily focused on the results achieved by the divisions about what could have been reasonably expected from them based on their Theories of Change.

From this perspective, the effectiveness of the two areas of work is assessed as very high at both the immediate and the intermediate outcome levels: several notable results foreseen in their respective Theories of Change materialised during the period and emerged during the evaluation.

Furthermore, positive, unintended and substantial effects are found in both thematic areas, which can be attributed to the level of indirect impact. Under both areas of work, these unintended effects relate to and confirm the excellent reputation and standing of the Council of Europe and the relevant conventions.

- ▶ In THB, unintended effects include the use made by the Court of GRETA reports to inform their decisions; and by the United Nations High Commissioner for Refugees (UNHCR) for the purpose of legal aid to victims of trafficking. It also includes the use of GRETA reports to inform research made by other institutions (European Commission (EC), European Parliament, EU Agency for Fundamental Rights). Finally, the GRETA reports are routinely used by the US Department of State as background materials during the preparation of their annual Trafficking in Persons Report.
- ▶ In C-C, the work of the Council of Europe has influenced international law (EU), international advocacy efforts (Paris Call for Trust and Security in Cyberspace), political dialogue (about 22 800 000 search results of the string “Cybercrime and Convention” through Microsoft Bing) and academic debate (33 600 academic articles or books available through Google Scholar). Furthermore, it has triggered unexpected interinstitutional collaboration at national or regional levels.

To better understand the effectiveness of the two areas of work, their different Theories of Change should be considered. Each plan for a series of immediate and intermediate outcomes; the intermediate outcomes of

²⁴. Two of them were 97% achieved, one 88%.

²⁵. One objective was not achieved in the first biennium and reported to the second.

both areas are identically formulated, stating: “member states change their policies, legislation and practices to prevent and combat serious crimes, such as [cybercrime/trafficking in human beings]”.

By contrast, the objectives of the two work areas concerning immediate outcomes differ substantially; we have reported them in the following table.

Table 4 – THB, C-C, comparison of outcomes in the Theory of Change

Outcome level	Cybercrime	Trafficking in human beings
Immediate outcomes	States worldwide could rely on recognised standards; become party to the Convention on Cybercrime and its protocols; have identified measures to adequately implement these standards...; and have increased their capacities to investigate, prosecute and adjudicate cybercrime and other offences involving electronic evidence.	States parties have increased their capacity to implement GRETA’s and the Committee of the Parties’ recommendations and have identified measures to combat human trafficking following reports from GRETA.

Source: Evaluators’ own representation based on the Theory of Change

A crucial difference between the two thematic areas is the focus of their immediate outcomes: cybercrime focuses on the convention and its membership as the main factor triggering further changes. In contrast, trafficking in human beings focuses on monitoring as the key factor to achieve further changes.²⁶

This difference reflects, on the one hand, the global reach of the Cybercrime Convention,²⁷ its intent to respond to rapidly evolving forms of crime and its ambition to grow beyond its current membership; and, on the other hand, the purpose of the Convention on Trafficking in Human Beings to ensure the rigorous application by states parties of the principles enshrined in the convention. And this in turn could be a consequence of the different nature and purpose of the conventions: a criminal law instrument that embeds principles of human rights protection (Cybercrime Convention) versus a human rights instrument that focuses on victims’ protection (Convention on Trafficking in Human Beings).

Consistently with their different Theories of Change, the two areas of work utilised different “implementation instruments” to achieve results.²⁸

- The work on cybercrime was implemented through advocacy work, standard setting²⁹ and co-operation. Notably, assessment work was put on hold during the period covered by this evaluation and will restart in early 2023.³⁰ However, it is logical to assume that the last assessment report published in 2017 still deployed some of its effects during the evaluation period and contributed to achieving outcomes.
- The work on trafficking in human beings was implemented through monitoring, performed by GRETA, heavily supported by the work of the Council of Europe staff and endorsed by the THB-CP, and co-operation.

Figure 10 below represents the different “implementation tools” employed under the two thematic areas and their respective contribution to the two different levels of outcomes. This will be summarised in the following chapters.

26. This different focus is maybe one of the consequences of the different provisions of the reference Conventions; the reader may remember that the monitoring processes in THB are provided for in the THB Convention; while the assessment processes in C-C are described in the Rules of Procedure of the T-CY.

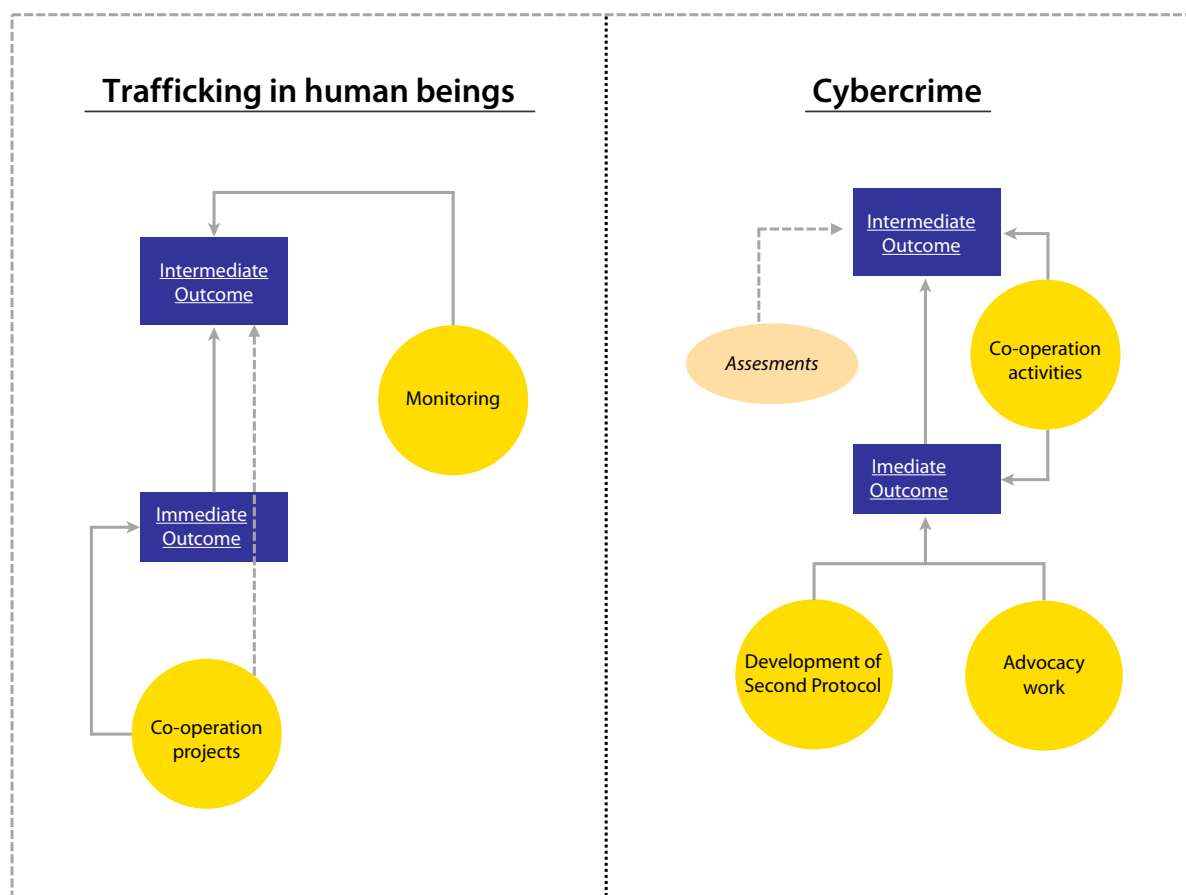
27. This is well reflected in the use of the adjective “worldwide” made in the Theory of Change.

28. And this is also due to their different ToC.

29. We refer to the work leading to the definition of the Second Additional Protocol to the Budapest Convention.

30. This is due to the fact that the main work of the T-CY during the period (the preparation of the Second Additional Protocol to the Budapest Convention) absorbed all the available resources.

Figure 10 – THB, C-C, implementation instruments and their contribution to impacts



Source: Evaluators' own representation based on the Theory of Change

7.1. TRAFFICKING IN HUMAN BEINGS

In general, for THB, we saw that results from co-operation projects are more visible at the level of immediate outcomes. In contrast, results from monitoring are more visible at the level of intermediate outcomes. However, this is an approximate rule, and in numerous cases it is almost impossible to define the respective levels of contribution of activities and outputs to the outcomes. Nevertheless, this is a positive factor, confirming the initiatives' coherence under these two dynamic triangle elements.

In a substantial number of cases, changes achieved at the immediate outcome level by co-operation were instrumental to achieving results at the intermediate outcome level through monitoring; this is indeed a confirmation of the validity of the assumptions behind the central part of the Theory of Change.

During 2018-2021, 10 projects were active with an overall budget of €5 563 111, i.e. an average project budget of €556 311.

We want the Council of Europe and its member states to note that the overall budget is small compared to the challenges to be addressed by co-operation activities. Especially in comparison to the budget available for institutions of similar international standing and complexity of mandate, such as the Council of Europe.

With one exception, the projects had a national focus and supported Bosnia and Herzegovina, Kosovo*, Morocco, North Macedonia, Serbia, Tunisia and Türkiye; a further project had a regional dimension providing support to the Southern Mediterranean region.

With the limited resources that were available, the projects achieved at least 36 notable immediate outcomes (3.6 immediate outcomes per project on average)³¹ in five interrelated areas: support to changes in legisla-

31. The results may be substantially more, as 50% of the projects were still ongoing at the time of the evaluation and the reports of their last period were not yet available.

tion; policies; practices; institutional strengthening; and co-operation among stakeholders (which were an unexpected result).

At the level of intermediate outcomes, we observed changes in the three areas mentioned in the Theory of Change: policies, legislation and practices.

As previously mentioned, these changes are to be put in relation to the monitoring work performed by GRETA with staff support.

From 2018 to 2021, GRETA published 38 country evaluation reports; on average, 159 changes were observed (approximately 4.2 intermediate outcomes for each report) and impacting 38 countries.

Notably, the number of results, the variety of results and the number of impacted countries are impressive.³²

Also, in this case, the impact of the Covid-19 crisis is a major adverse factor. While the number of GRETA reports published during the period was high (38 over the four years), the reports published during the biennium 2020-21 were 16, while they were 22 during the previous biennium (27% of reports published in 2020-21 in comparison with 2018-19).

Reports are the results of a monitoring mission: without monitoring missions, there are no GRETA reports. In 2020, only three of the 11 planned monitoring missions were carried out because of the pandemic³³ (-73%), while in 2021 the number of visits went back almost to normal and 10 country evaluation visits were conducted (including six postponed from 2020). The report quoted above envisaged that the monitoring plan would get back on track according to planning by 2024, but this estimate was forecast before experiencing the impacts of Covid-19 in 2021, which was lower but still present.

At this stage, it should be noted that results at the intermediate outcome levels of 2022-2025 may be fewer than those that materialised for 2018-2021 because of the fewer monitoring visits conducted in 2020 (and 2021).

7.1.1 On budgeting of THB co-operation

As emerges from our analysis, on average, the Council of Europe's co-operation projects in the THB sector are financed by budgets that are 45% smaller than those allocated by other organisations for similar projects.

The limited resources available for co-operation in THB are an obstacle for the Council of Europe. Resources limit the ability to support states parties and states that are trying to accede to the convention and the visibility of the Council of Europe at the local level. Because of these limitations, the Council of Europe is obliged to prioritise countries where their action is most needed. As a result, the effects of co-operation are visible only in a few countries. Moreover, the dependence on one main donor (the EU) has consequences for selecting priority countries, which are those identified by the donor as their priority partners.

Many additional results could be achieved by the highly qualified and highly professional staff of the Council of Europe in Strasbourg and field offices if member states provided the institution with budgetary resources commensurate with its mandate and international standing.

The High-level Reflection Group of the Council of Europe points out in their 2022 report:³⁴ "The budget is indicative of the political importance attached to any organisation". They observe that to compensate for ordinary budget reductions due to different causes over the last 20 years, extra-budgetary resources were deployed. However they observe that "The structure of the budget becomes particularly unpredictable when the third leg of activities – co-operation activities in member states – is almost exclusively funded by voluntary contributions. Such contributions may fluctuate and can be dramatically reduced from one year to the next, with consequences for the important work and role of the field offices of the Council of Europe. The group considers that if this method were to become the norm, it would, in the long run, significantly change the very nature of the Organisation and introduce more than merely budgetary unpredictability".

This evaluation confirms what has been written, much more authoritatively than us, by the High-level Reflection Group of the Council of Europe.

32. The analysis was based on states' responses to THB-CP recommendations following GRETA reports. We repeat here that it is not the job of the evaluators to verify the extent to which the reported measures appropriately address the issues raised by the conclusions and recommendations of GRETA's reports. This work is entirely in the hands of the THB monitoring mechanisms.

33. Council of Europe's Progress Review Report 2020, presented at the 1404th Minister's deputies meeting, 12 May 2021, available [here](#).

34. Report of the High-level Reflection Group of the Council of Europe, Strasbourg, October 2022, published [here](#).

7.2. CYBERCRIME

As observed in Figure 10, the interplay between implementation instruments and outcomes in the area of C-C is profoundly different from what we have seen in THB.

In cybercrime, standard setting and advocacy contributed to immediate outcomes, while co-operation contributed to immediate and intermediate outcomes.

We do not have evidence suggesting that advocacy is recognised and “codified” in the Council of Europe’s practices as one implementation instrument. However, its role has been essential to achieving the central objective of increasing the number of states parties of the Budapest Convention³⁵ (immediate outcome level). It is an instrument requiring flexibility and adaptability of implementation; it requires travel and participation in relevant forums for discussion. Moreover, it requires the capacity to navigate at the diplomatic level both formally and informally and involves direct action from management supported by the governing mechanism of the thematic area.

Advocacy (supported by co-operation) resulted in a 16% increase in the number of countries that ratified the Budapest Convention during the period 2018-2021; a further 13% increase is possible considering the number of countries that have been invited or requested to join the convention during the same period. It also resulted in a 12% increase in ratifying the First Additional Protocol.

Standard-setting work resulted in developing the Second Additional Protocol, which opened for signature in May 2022; furthermore, it supported advocacy in achieving the first 30 signatures.³⁶ We mention the first signatures to exemplify the interplay and synergy between the different implementation instruments in C-C, even if this result was achieved after the period covered by this evaluation.

During the period, there were nine active co-operation projects; their average budget (€5 618 586) was about 10 times higher than the average budget of the THB projects. Their focus was regional, multiregional or global. As already said, co-operation resulted in changes both at the immediate and intermediate outcome levels. We observed evidence of 58 outcomes: 28 at the intermediate level and 30 at the immediate level (approximately 6.4 outcomes per project).³⁷

7.3. CONDITIONS LEADING TO LEGISLATIVE CHANGE

We have seen that legislative changes were achieved in both thematic areas. This results from analysing the outcomes achieved through different implementation instruments and is confirmed by participants in our surveys. For example, 80% of the survey respondents in THB reported that their countries adopted the legislation to align with the THB Convention (24 countries), and 90.2% reported the same in the area of C-C (37 countries).

A large part of the efforts of the evaluation was directed towards understanding the main factors that contributed to legislative change and their interplay, in addition to monitoring/assessment and co-operation activities. QCA, a social science research method, was used to find an answer to this question and was applied to 30 countries for THB and 41 countries for C-C. Ten factors (or conditions) were analysed for each thematic area; please refer to Chapter 11.3 and to the Appendices J, K and L for a detailed description of the method being used and its findings.

While for both THB and C-C, the result was achieved in a combination of multiple factors, it shall not be a surprise that the interplay among these factors was different for the two thematic areas.

7.3.1 Trafficking in human beings

In the area of trafficking in human beings, the most relevant conditions to support the changes advocated in the GRETA reports were as follows (in descending order).³⁸

1. Pressure from other organisations (i.e. advocacy exerted by organisations other than the Council of Europe to align legislation to the convention).

35. And of its protocols. For simplification, we do not repeat the reference to the protocols unless strictly needed.

36. Updating: 12 January 2023.

37. We repeat here the same considerations developed for THB: the results might be substantially more, as six projects out of nine were still ongoing at the time of the evaluation and the majority of available reports did not include the last reporting periods.

38. The conditions tested for THB were: Extra-monitoring pressure Council of Europe; Case law of the Court; Pressure from other organisations; EU traction; Media pressure; Civil society pressure; Private sector pressure; Inclusion in national policies; Presence in the majority agenda; Presence in the opposition agenda. Please see their definition in Chapter 11.3.1.

2. Civil society pressure.
3. EU traction [i.e. obligations stemming from the EU membership (for EU member states) and perspectives to join the EU (for EU candidate countries)].
4. Inclusion in national policies of the objective to fight the THB phenomenon.
5. Media attention/pressure.

In the cases that we analysed, these factors combine differently to contribute to the achievement of legislative change. The more promising combination of conditions (together with GRETA monitoring) is pressure from other organisations and civil society pressure or inclusion in national policies.

This finding is extremely interesting and confirms the validity of the strategy of partnership and collaboration that the Council of Europe implements with other relevant international organisations and its open attitude towards dialogue with civil society.

It also indicates that – in the absence of civil society pressure (or as an effective complement of it) – it is strategic for the Council of Europe to advocate the inclusion among the official policies of the states parties (or candidates) of the fight against THB. This objective is arguably slightly overlooked in the intervention logic of the co-operation projects.

The survey results among staff from the Council of Europe (THB Division and hierarchy) on the most influential factors leading to legislative change were compared to the findings of the QCA exercise. The results show that EU traction is considered highly important by staff and is partly confirmed by the QCA test. Additionally, the monitoring activity by GRETA is confirmed as a primary condition for legislative change. However, the survey suggests that other factors, such as pressure from other organisations, alignment with national policies and civil society pressure, were undervalued by staff. Furthermore, the political agenda of the leading coalition and the case law of the Court may be overestimated as factors in legislative change.

7.3.2 Cybercrime

In the area of cybercrime, it emerged that assessment and co-operation are very relevant but not sufficient to achieve change.

The most relevant conditions to support efforts in achieving legislative change were as follows.³⁹

1. Media attention/pressure.
2. Inclusion in national policies of the objective to fight the C-C.

The change was also achieved in the absence of either assessment or co-operation. In these cases, the most relevant conditions facilitating change were confirmed to be media attention/pressure and inclusion in national policies, supported by pressure from civil society and pressure from the private sector and pressure from other organisations.

EU traction is a very relevant condition for EU member states and candidate countries. In this case, media and inclusion in national policies are the most important allies for achieving change.

Media attention/pressure and inclusion in national policies are the critical factors of the Council of Europe in collaborating to achieve legislative change in the area of C-C.

Regarding inclusion in national policies, considerations like those developed for THB in the previous chapter also apply to C-C.

The dialogue and collaboration of the Council of Europe with other relevant organisations and the private sector emerge from the findings, and our analysis confirms its importance. The dialogue with CSOs active in the area of digital rights appears to have suffered during the process leading to the development of the Second Additional Protocol due to different reasons and would justify some additional efforts.

The survey results among staff from the Council of Europe (C-C Division and hierarchy) on the most influential factors leading to legislative change were compared to the findings of a QCA exercise. The results show that co-operation with the Council of Europe is considered highly and that the effects of the assessment work on legislative change are not considered equal.

39. The conditions tested for THB were: Assessment Council of Europe; Co-operation with the Council of Europe; Pressure from other organisations; EU traction; Media pressure; Civil society pressure; Private sector pressure; Inclusion in national policies; Presence in the majority agenda; Presence in the opposition agenda. Please see their definition in Chapter 11.3.3.

The importance of EU traction is also highly valued, but its effects are relevant only to a sub-set of countries. Furthermore, the survey suggests that the alignment with the political agenda of the leading coalition is prioritised over inclusion in national policies, while the QCA findings suggest the opposite. Finally, the survey suggests that media coverage and conditions like co-operation with other international organisations, pressure from civil society and case law of the Court are all underestimated in their potential to support change.

7.3.3 Contributions to gender equality and human rights fulfilment

The work of the Council of Europe substantially contributes to gender equality and human rights fulfilment in both work areas. However, for THB and C-C, members of the THB-CP, and members of T-CY and partners, suggest that additional communication efforts would be beneficial to share the awareness of what the Council of Europe is doing to promote gender equality.

In THB, findings show that the attention to gender equality is equally present at the three levels of the dynamic triangle.

In C-C, the Council of Europe actively promoted public reflection on the gender dimension of cybercrime and ICT-enabled crimes from the victims' perspectives. Furthermore, it catalysed debate about the gender dimension of law enforcement and prosecution of ICT crimes. In a "male-dominated sector", where law enforcement and prosecution are often considered gender-neutral areas, this debate positions the Council of Europe as a global leader in innovative thinking.

Regarding the contribution to the fulfilment of human rights for the most vulnerable groups, in the area of C-C, well-known and substantial work was done in child protection regarding online crimes. This area brought about a collaboration with the work of the Children's Protection Unit of the Council of Europe during the implementation of the Lanzarote Convention. In THB, the attention to the rights of the most vulnerable rights holders (which is a direct consequence of the philosophy of the THB Convention) seems well present both in monitoring and in co-operation.

8. Efficiency

Overall, efficiency in implementation is positively assessed. As previously stated, 50% of the period covered by the present evaluation was heavily impacted by the Covid-19 pandemic, and as a consequence, delays in execution were experienced.

While we could not find sufficient information to size the accumulated delays in execution in co-operation, as described above, 73% of the planned GRETA monitoring missions in 2020 were postponed to the following years but they almost returned to normal in 2021.

Therefore, an important measure of efficiency is to understand how well the Council of Europe adapted to the Covid crisis, and the response to this is very positive. Many activities were wholly or partly moved online, and the experience accumulated during the period shall serve as lessons for the post-Covid era. In terms of co-operation, the experience of the THB area provides essential lessons, for example, while some training modules providing theoretical foundations can be moved online, those based on simulations require physical presence. The analysis of the attempt of moving GRETA monitoring missions online proved that this modality is not feasible and would have a negative impact on the quality of the work as direct, presentational interaction is needed.

Regarding the standard setting, moving online a large part of the negotiations leading to the Second Additional Protocol to the C-C Convention showed that this is indeed a viable method to conduct an international negotiation that allows substantial savings and increases participation. However, it remains to be understood what types of sessions can be safely moved online and which ones are better done in person.

Apart from the Covid pandemic, the other significant factors impacting delays in execution of project co-operation activities on THB are difficulties in hiring or mobilising experts, difficulties in hiring project co-operation staff and the limited skills of project experts. In C-C, the more recurrently evoked factors are delays in finalising agreements with local partners, scarce local ownership and changes in national policy priorities.

There is a generally medium-high level of staff dissatisfaction with administrative and managerial processes of the Council of Europe that are not specific to the two areas of work and that are recurrently defined as unfriendly. This has been frequently reported concerning the perceived lengthy approval procedures for hiring experts and for payments and more generally with internal administrative procedures and ICT platforms. Some at the local project office level lament that only a small portion of staff was equipped with the corporate hardware needed to telework and that they had to use their equipment to perform their duties during confinement and when working from home. Others remark that administrative processes sometimes became the main focus of work due to their poor user-friendliness and resource intensiveness.

A further red flag from this evaluation is what many staff members referred to as overplanning or excessive workload in the two thematic areas; this requires better understanding of the root causes of the issue, including at the headquarters and the local project offices.

Salaries of local project offices' staff recently became an issue in at least two countries (Romania⁴⁰ and Türkiye). They led to high staff turnover and difficulty in recruiting and replacing personnel because of financial conditions. This news has been locally echoed and could have a negative reputational effect on the Council of Europe as an employer. The measure of the size of the phenomenon is that in the C-PROC Bucharest office, following a UN salary survey,⁴¹ the tension has been solved with a 40% pay rise, retroactive from 2019.

Because of the relatively small size of the Council of Europe, internal communication follows mainly informal, unstructured channels based on personal networks and knowledge. While it mainly works at the headquarters level and within local project offices, it becomes more complex for local staff to contact headquarters-based colleagues. In these cases, the presence of "gatekeepers" at the headquarters is beneficial and appreciated. Communication is reportedly problematic between different local offices pertaining to different regions.

40. The issue of low salaries and its consequences was known and already reported by the C-PROC management to Human Resources during the period 2016 to 2021.

41. The survey concluded that salaries for Council of Europe staff were on average 43% lower than the corresponding salaries paid to staff of other organisations in the same employment location for similar positions.

External communication is reportedly an issue in local project offices that do not have a dedicated communications officer.

Professionalism, flexibility, availability and the “human touch” of the Council of Europe staff at the headquarters and in the local project offices are unanimously appreciated by partners and members of the governing bodies in the two thematic areas.

8.1. SUCCESSION PLANNING

The results of the two areas of work, THB and C-C, could not have been possible without the commitment and enthusiasm of the Council of Europe staff in the headquarters and at the local project offices, and the professionalism and highest dedication of the heads of the two divisions.

It should be no secret that each partner pays them the utmost respect and recognises them as global thinkers and leaders in their respective work areas. As a result, they have a consolidated personal and professional reputation and the ability to influence political and operational discussion at the regional and global levels.

However, associating one area of work with just one leader could bring substantial institutional risks that should be anticipated. In case of their retirement or changing of functions, problems could arise due to the loss of the only recognised and recognisable spokesperson and the partial loss of institutional memory.

9. Coherence and added value

9.1. COHERENCE

This evaluation considered the two thematic areas' internal and external coherence dimensions. The attentive reader will realise that these conclusions also touch upon elements of co-ordination.

The Council of Europe places transversality at the core of its reform principles. This evaluation confirms that the work of the two thematic areas is coherent with the work of other relevant parts of the Council of Europe and that there are several cases of collaboration and cross-fertilisation between each of the two divisions and other relevant parts of the Council of Europe; and between them. Some of the most notable examples are: the stream of work leading to the recommendation of the Committee of Ministers on THB for labour exploitation (involving the THB Division, GRETA, the Steering Committee for Human Rights (CDDH) and its Secretariat, the Secretariat of the European Social Charter and the Private Office of the Secretary General and the Deputy Secretary General (PO)); the collaboration between the Cybercrime Division and the Children's Rights Division leading to work to contrast online sexual exploitation of children and triggering an increasing number of states parties to the Lanzarote Convention; the collaboration between the Cybercrime Division and the Data Protection Unit on the revision of Convention 108; and the frequent exchanges of the THB Division with the Court since 2010 and more recently the structured collaboration with its Directorate Juriconsult. One notable case of collaboration between the two divisions, THB and C-C, resulted in the reflections on using the internet for THB recruitment, developed in 2007 and 2022.

Transversality is, therefore, well embedded in the approach to the work of the two thematic areas of cybercrime and trafficking in human beings, and the sub-programme dimension does not play a role in this element.

Co-operation and co-ordination of the two thematic areas with other relevant organisations is well present at the institutional and operational levels. In general, organisations in these fields strive to achieve coherence of action, even if some differences in terms of modalities of implementation are visible in the area of technical co-operation between the Council of Europe and other institutions. These differences generally favour the Council of Europe, which links with the following conclusions regarding added value.

The key institutional partner and main donor of co-operation projects of the Council of Europe in the two areas is the European Commission (on behalf of the EU). No friction is perceived between the two institutions at the institutional or operational level. In the area of THB, we underline the close relations with institutions such as the Organization for Security and Co-operation in Europe (OSCE), the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), the International Labour Organization (ILO), UNHCR, the UN Special Rapporteur on Trafficking in Persons and the International Centre for Migration Policy Development (ICMPD). In the area of C-C, we mention the close relations with the European Data Protection Supervisor, the EU Agency for Criminal Justice Co-operation, the FRA, the European Union Agency for Law Enforcement Cooperation (Europol), the International Criminal Police Organization (INTERPOL), the EU Agency for Law Enforcement Training, the US Department of Justice and the US Department of State.

9.2. ADDED VALUE

The Council of Europe is recognised as a trusted, respected and influential partner. Its most significant and exclusive added value in the two areas is its "dynamic triangle" philosophy, which includes standard setting, monitoring/assessment and co-operation.

The three elements of the triangle are usually mentioned by partners together or individually but consistently recur when discussing added value.

The European Court of Human Rights was furthermore seen as one of the greatest assets of the Council of Europe, especially given the volume of cases focused on THB.

10. 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 Protocol to the Cybercrime Convention deserves to be carefully studied (please refer to Chapter 12.6.2. of the findings) 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 "ongoing dialogue" and the organisation of round-table meetings halfway through the monitoring round,⁴² 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.

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

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.

SECTION C – Recommendations

Based on findings and conclusions, 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,⁴³ 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.	References (in Section B, Conclusions): Section B – opening and chapter 13.1
The Council of Europe Directorate for Programme and Budget is recommended to openly 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.	References (in Section B, Conclusions): Chapters 7, 7.1, 7.1.1, 7.3.1, 7.3.3, 8, 10
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.	

43. Report of the High-level Reflection Group of the Council of Europe, Strasbourg, October 2022, published [here](#).

<p>Based on this analysis, it is recommended to seek additional resources to enhance the co-operation, 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.</p> <p>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 exchanges 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.</p>	
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
<p>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.</p> <p>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.</p> <p>Difficulties in the dialogue with media at the local project office level were observed in the absence of dedicated communications officers.</p>	References (in Section B, Conclusions): Chapter 7.3
<p>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.</p> <p>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.</p> <p>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.</p>	
Recommendation 4 – To set up a forum for dialogue with civil society on cybercrime.	
Level of application: Cybercrime	Priority: High
<p>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.</p>	References (in Section B, Conclusions): Chapter 10

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
<p>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.</p> <p>These issues are of relevance to the entire Council of Europe.</p>	<p>References (in Section B, Conclusions): Chapters 8 and 8.1</p>

- A. The Directorate of Human Resources (DRH) 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 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 DRH 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 DRH is recommended to define succession planning measures for management, to be implemented by each relevant directorate.
- D. Finally, the DRH 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
<p>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.</p> <p>These experiences are relevant to different parts of the Council of Europe responsible for implementing other conventions, particularly the most recent and upcoming ones.</p> <p>This analysis also identified the need for lightweight adjustment of current practices to increase efficiency and effectiveness.</p>	<p>References (in Section B, Conclusions): Chapter 10</p>

<p>A. The 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:</p> <ul style="list-style-type: none"> – 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. <p>B. The Trafficking in Human Beings Division is recommended to co-ordinate with GRETA to ensure that:</p> <ul style="list-style-type: none"> – 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". <p>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.</p>	
Recommendation 7 – To analyse and report on the feasibility of the present assessment model in cyber-crime 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.	References (in Section B, Conclusions): Chapters 7, 7.2, 7.3.2
<p>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.</p>	
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.	References (in Section B, Conclusions): Chapter 7
<p>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.</p>	

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.

LINKS BETWEEN FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

The table below shows the links between the findings, conclusions and recommendations, for ease of reference.

Table 5 – Links between findings, conclusions and recommendations

Evaluation criteria	Executive summary: reference to conclusions	Findings: references	Conclusions: references	Recommendations
Coherence	25, 26	Chapters 13.1, 13.2, 13.3	Section B – opening and chapter 9.1	1 – To redefine the scope of the sub-programme and its Theory of Change, aligning it with management structures for greater coherence.
Efficiency Effectiveness	2, 3, 16, 19	Chapters 11.2.1, 11.2.1.1, 12.8 and following	Chapters 7, 7.1, 7.1.1, 7.3.1, 7.3.3, 8, 10	2 – To revise the co-operation strategy in trafficking in human beings to unleash its potential.
Effectiveness	4, 10	Chapter 11.3 and following, 12.2.4	Chapter 7.3	3 – To develop a strategy of alliances to support legislative change, including engagement with media.
Effectiveness	22	Chapters 12.6.2	Chapter 10	4 – To set up a forum for dialogue with civil society on cybercrime.
Efficiency	14, 15, 17	Chapters 12.2.1, 12.2.3	Chapters 8 and 8.1	5 – To put in place staff consultation mechanisms and processes.
Efficiency	7, 16, 21, 22, 23, 29	Chapters 12.4 to 12.9	Chapter 10	6 – To share lessons from implementation and implement recommended adjustments.
Efficiency Effectiveness	10	Chapters 11.3.3, 12.7.2, 12.7.3, 12.7.7	Chapters 7, 7.2, 7.3.2	7 – To report on the feasibility of the present assessment model in Cybercrime and adopt relevant measures.
Effectiveness	1	Chapters 11.1, 11.1.1, 11.1.2	Chapter 7	8 – To redefine modalities for setting the targets formulated in the Programme and Budget documents to make them more relevant.

Source: Findings, conclusions and recommendations of this report

SECTION D – Findings

This section of the report details the evaluation findings, as per the evaluation sub-question. For ease of reference, the evaluation questions and sub-questions are presented in text boxes at the beginning of each chapter and the detailed analysis follows in the sub-chapters.

11. Effectiveness (evaluation question 1)

Text box 1 – Evaluation question (EQ) 1 (Effectiveness)

To what extent and how have the different initiatives of the Council of Europe in the two areas of cybercrime and trafficking in human beings achieved their objectives? In particular:

- ▶ (1a) To what extent did the expected immediate and intermediate outcomes materialise?
- ▶ (1b) What factors can be identified that contributed to the achievement of the objectives or hindered success?
- ▶ (1c) Can any unintended changes (positive or negative) be observed through the results chain to which the initiatives of the Council of Europe have contributed?
- ▶ (1d) Can any contribution to gender equality and human rights be observed under the two areas of cybercrime and trafficking in human beings?

11.1. ACHIEVEMENT OF THE OFFICIAL TARGETS

The official indicators and targets of each thematic area of work of the Council of Europe are included in its Programme and Budget documents.⁴⁴ They contain without distinction targets formulated at the level of activities, outputs and immediate and intermediate outcomes.

The setting of indicators and targets involves discussion between the relevant functions; however, as reported, there is still space for improvement in terms of consultation and in order to make the targets more specific to each work area. For sure, the inclusion of targets at the lower levels of the Theory of Change (Activities and Outputs) of the thematic areas without a clear justification of the reasons behind this choice is not of a good service to a results-oriented organisation such as the Council of Europe.

Likewise, we notice that in one case the formulation of the targets is slightly obscure and therefore the measurement of the success rate is not always as easy as it should be. Reporting about the achievement of the set targets is not always complete.

As will become clear from reading the following chapters, the majority of the official targets set for the two areas of work have been achieved, even in spite of the Covid-19 pandemic that caused delays in execution.

This analysis and the tables presenting the results are based on different sources, not all of them complete.

- ▶ The two Progress Review Reports CM/Inf(2020)19 and Cf. DD(2020)77
- ▶ The relevant Programme and Budget documents
- ▶ The yearly Cybercrime newsletters
- ▶ The yearly reports of the THB Division

11.1.1 Cybercrime

In the biennium 2018-2019, the Programme and Budget document included nine targets in the area of cybercrime: four of them were overachieved, four were achieved⁴⁵ and one was achieved the following biennium.

In the biennium 2020-2021, the Programme and Budget document included eight targets in the area of cybercrime: four were achieved,⁴⁶ one was 88% achieved, one was achieved with delays but within the period,⁴⁷ one not achieved, and no information was found for the last one.

The objective to make available the Second Additional Protocol to the Budapest Convention (originally planned for the period 2018-19) was not achieved and carried over to the second period, when it was achieved.

44. The Programme and Budget 2018-19 is available [here](#) and that for the biennium 2020-21 is available [here](#).

45. One was 97% achieved.

46. One was 97% achieved.

47. The availability of the Second Additional Protocol to the Budapest Convention.

As described in the next chapters of this report, this was a gigantic piece of work initiated in September 2017 and – retrospectively – the initial target date (end of 2019) was clearly not realistic.

The following two tables compare the planned versus the achieved results in the two biennia, 2018-19 and 2020-21, in the area of cybercrime.

Table 6 – Cybercrime, planned vs achieved results 2018-19⁴⁸

Parties to the Budapest Convention on Cybercrime have identified measures to adequately implement the standards of this treaty, including solutions regarding criminal justice access to evidence on cloud servers			
Expected results	Baseline 2016	Target 2018- 2019	Progress
Date of availability of a Second Additional Protocol to the Budapest Convention on Cybercrime	n/a	31/12/2019	<u>Not achieved within deadline:</u> the protocol was adopted by T-CY in May 2021 and by the Committee of Ministers in November 2021
Date of adoption of the report on mutual legal assistance, expedited preservation and measures	n/a	31/12/2018	<u>Achieved</u> The T-CY report was adopted in November 2017
Number of parties to the Budapest Convention	55	62	<u>Overachieved</u> Six new signatories in 2018, the Philippines, Argentina, Cabo Verde, Morocco, Paraguay and Ghana Two new signatories in 2019, San Marino and Peru
Number of parties to the protocol on xenophobia and racism	29	34	<u>97% Achieved</u> Two new signatories in 2018, Morocco and Paraguay One new signatory in 2019, San Marino
States worldwide have strengthened their criminal justice capacities to investigate, prosecute and adjudicate on cybercrime and other offences involving electronic evidence on the basis of the Budapest Convention on Cybercrime and its protocol on xenophobia and racism			
Number of activities ⁴⁹ implemented to support improved legislation on cybercrime and electronic evidence	15	40	<u>Overachieved</u>
Number of activities implemented to support improved legislation on xenophobia and racism committed via computer systems	0	10	<u>Achieved</u>
Number of activities implemented to support sustainable training systems for judges, prosecutors and law-enforcement authorities	15	40	<u>Overachieved</u>
Number of activities implemented to support improved public/private and international co-operation	12	40	<u>Overachieved</u>
Evidence of improved legislation in these fields		(no targets set)	<u>Achieved</u> ⁵⁰

48. Source: Chapter 11 of evaluation report and progress review reports CM/Inf(2020)19.

49. Mentioned as “projects” in the original formulation; this is clearly a mistake, correct in this evaluation report. It also applies to the next three rows.

50. See also the entire Chapter 11 of this report.

Table 7 – Cybercrime, planned vs achieved results 2020-21⁵¹

Parties to the Budapest Convention on Cybercrime have identified measures to adequately implement the standards of this treaty, including solutions regarding criminal justice access to evidence on cloud servers			
Expected results	Baseline 2018	Target 2020- 2021	Progress
Date of availability of a Second Additional Protocol to the Budapest Convention on Cybercrime	n/a	31/12/2020	Achieved with delays (the protocol was adopted by T-CY in May 2021 and by the Committee of Ministers in November 2021)
Date of adoption and number of assessment and technical reports by the Cybercrime Convention Committee (T-CY)	n/a	31/12/2021	Achieved No assessment activity between 2017 and 2021 Relevant technical reports include the Guide on Seizing Cryptocurrencies and the Guide for First Responders to Cybercrime Investigations (both 2021)
Number of parties to the Budapest Convention	62	≥ 70	97% Achieved: the total number of ratifications to the Budapest Convention is 68 One new signatory in 2020, Colombia One new signatory in 2021, Sweden
Number of parties to the protocol on xenophobia and racism	31	≥ 36	Not Achieved: total number of ratifications remained at 33 No new signatories during this period
States worldwide have strengthened their criminal justice capacities to investigate, prosecute and adjudicate on cybercrime and other offences involving electronic evidence on the basis of the Budapest Convention on Cybercrime and its protocol on xenophobia and racism			
Number of activities implemented to support improved legislation on cyber-crime and electronic evidence	50	60	Achieved
Number of activities implemented to support improved legislation on xenophobia and racism committed via computer systems	10	15	No evidence could be identified
Number of activities implemented to support sustainable training systems for judges, prosecutors and law-enforcement authorities	> 120	> 140	Achieved
Number of activities implemented to support improved public/private and international co-operation	50	60	88% achieved (53 activities identified)

11.1.2 Trafficking in human beings

In both periods the Programme and Budget documents included five targets in the area of trafficking in human beings:

- ▶ In 2018-2019, three of them were overachieved, and two were achieved.
- ▶ In 2020-2021, one of them was overachieved, two were 76% achieved, one was 67% achieved and no information was found for the last one.

Targets in the area of THB are considerably fewer than those in the area of cybercrime (10 over the four years versus 16⁵²). Their formulation does not seem the most suitable one to represent the considerable work done in this work area.

51. Source: Chapter 11 of this evaluation report and progress review reports Cf. DD(2020)77.

52. The target that was carried over from one to the following period is counted just once.

For instance, the setting of two separate output targets for the number of reports produced by GRETA and for the number of recommendations formulated by the Committee of the Parties following GRETA reports could be considered as a duplication of target. Even if these are two and sequential outputs, in general the Committee of the Parties issues their recommendations within one or two months following the GRETA reports,⁵³ so that the second of these targets could be regarded as an “easy win”.

The formulation of the last indicator (“Number of projects on which advice was given to donors and beneficiaries of funding programmes on action against trafficking in human beings”) is unclear, making it very difficult to be measured. This indicator is not reported as such in the division’s reports of activity.

The following two tables compare the planned versus the achieved results in the two biennia, 2018-19 and 2020-21, in the area of trafficking in human beings.

Table 8 – Trafficking in human beings, planned vs achieved results 2018-19⁵⁴

Selected states parties have received reports from GRETA which evaluate the implementation of the convention and include targeted recommendations, in line with GRETA’s working programme.			
Expected results	Baseline 2016	Target 2018- 2019	Progress
Number of states parties having received a report following GRETA’s evaluation	12	10 p.a.	<u>Overachieved</u> 10 reports produced in 2018 12 reports produced in 2019
Number of Committee of the Parties’ recommendations adopted on the basis of GRETA’s reports	9	10 p.a.	<u>Overachieved</u> 10 reports produced in 2018 12 reports produced in 2019
Evidence of improvement (change in national law and practices) following previous visits		(targets not set)	<u>Overachieved</u> ⁵⁵
States parties have received support to implement the recommendations of GRETA and the Committee of the Parties’ recommendations.			
Number of states parties having benefited from support to implement the recommendations of GRETA and the Committee of the Parties	5	> 3 p.a	<u>Achieved</u>
Number of projects on which advice was given to donors and beneficiaries of funding programmes on action against trafficking in human beings	2	> 2 p.a	<u>Achieved (unclear indicator)</u>

Table 9 – Trafficking in human beings, planned vs achieved results 2020-21⁵⁶

Selected states parties have received reports from GRETA which evaluate the implementation of the convention and include targeted recommendations, in line with GRETA’s working programme.			
Expected results	Baseline 2018	Target 2020- 2021	Progress
Number of states parties having received a report following GRETA’s evaluation	11	21	<u>76% Achieved</u> Nine reports produced in 2020 Seven reports produced in 2021

53. This delay was slightly longer in the past, with peaks reaching three or four months of delays.

54. Source: Chapter 11 of evaluation report and progress review reports CM/Inf(2020)19.

55. See also the entire Chapter 11 of this report.

56. Source: Chapter 11 of this evaluation report and progress review reports Cf. DD(2020)77.

Number of Committee of the Parties' recommendations adopted on the basis of GRETA's reports	13	21	76% Achieved Nine reports produced in 2020 Seven reports produced in 2021
Evidence of improvement (change in national law and practices) following previous visits		11	Overachieved ⁵⁷
States parties have received support to implement the recommendations of GRETA and the Committee of the Parties' recommendations.			
Number of states parties having benefited from support to implement the recommendations of GRETA and the Committee of the Parties	3	6	67% Achieved: four states parties supported, Serbia, North Macedonia, Bosnia and Herzegovina and Türkiye
Number of projects on which advice was given to donors and beneficiaries of funding programmes on action against trafficking in human beings	3	6	Unclear indicator, no evidence found

11.2. EQ 1A: MATERIALISATION OF OUTCOMES

The analysis of the materialisation of outcomes has been conducted separately for the two thematic areas, because their respective Theories of Change differ.

For both the thematic areas, the results at the level of outcomes are clearly linked with the “dynamic triangle” model, which is a unique characteristic of the Council of Europe. This will be further discussed in the chapter on Added Value (13.5).

11.2.1 Trafficking in human beings

The theory of change in the area of THB identifies two different levels of outcomes:

- i. **immediate outcome** – states parties have increased their capacity to implement GRETA's and the Committee of the Parties' recommendations and have identified measures to combat human trafficking following reports from GRETA;
- ii. **intermediate outcome** – member states change their policies, legislation and practices to prevent and combat serious crimes, such as the trafficking in human beings.

There is clear and conclusive evidence proving that the initiatives of the Council of Europe in the area of THB have been highly successful and that both monitoring and co-operation projects harmoniously contributed to the expected changes. Generally, results from co-operation projects are more visible at the level of immediate outcomes, while results from monitoring are more visible at the level of intermediate outcomes. However, this is an approximate rule, and in numerous cases, it is almost impossible to define their respective levels of contribution to the outcomes. Nevertheless, this is considered a positive factor, confirming the coherence of the initiatives under these two elements of the dynamic triangle.

The following sub-chapters summarise and present the main changes resulting from evidence at the two respective levels of immediate and intermediate outcomes.

11.2.1.1 Immediate outcomes

Changes at the immediate outcome level relate to technical co-operation projects. However, the number of projects is very limited and financed with significantly lower budget resources than those spent on similar projects under the budget of other public organisations.

During the period covered by this evaluation, 10 projects were active with an overall budget of €5 713 111 (average project budget: €571 131).

⁵⁷. See also the entire Chapter 11 of this report.

Nine of the THB projects of the Council of Europe had a national focus (direct co-operation with Bosnia and Herzegovina, Kosovo*, Morocco, North Macedonia, Serbia, Tunisia and Türkiye) while one had a regional one, focusing on the Southern Mediterranean region.

In at least seven cases, immediate outcomes were instrumental to achieving intermediate outcomes.⁵⁸ This confirms the validity of the assumptions behind the central part of the THB Theory of Change. These cases were as follows.

- ▶ Kosovo* (project 2564) – Standard Operating Procedures for trafficked persons in Kosovo* adopted at the operational level (immediate outcome) for further approval for implementation as part of the Referral Mechanism (intermediate outcome).
- ▶ North Macedonia (project HF29) – support in drafting the Law on Access to Compensation for Victims of Violent Crimes. The resulting text has been endorsed and approved by the government (immediate outcome), presented to the parliament and approved (November 2022,⁵⁹ intermediate outcome).
- ▶ North Macedonia (project HF29) – support in drafting the first Operational Plan of the National Commission to combat human trafficking and illegal migration/sub-group on preventing and combating child trafficking. The resulting text has been endorsed (immediate outcome), approved and operationalised (intermediate outcome).
- ▶ North Macedonia (project HF29) – raising the visibility of gender perspectives in THB motivated the Anti-trafficking Commission to evaluate its strategy 2017-2020 (immediate outcome) and to include gender-sensitive indicators and the provision for gender training in their Strategy and Action Plan 2021-2025 (intermediate outcome).
- ▶ Serbia (projects HF26 and HF30) – support to the inclusion in the Action Plan of the Ministry of Interior of specific measures for compensation of victims. The resulting text has been endorsed (immediate outcome) and the modified plan has been adopted (intermediate outcome).
- ▶ Serbia (projects HF26 and HF30) – support to the establishment of the Anti-trafficking Office under the Ministry of Interior endorsed and presented (immediate outcome) for further approval (intermediate outcome).
- ▶ Türkiye (project HF 30) – support in developing the indicators and guidance for the identification and referral to assistance and protection of victims of trafficking. The two instruments were endorsed at the operational level (immediate outcome) and then adopted by the national authorities and shared with partners for implementation (intermediate outcome, 2021).

Based on our analysis of secondary sources,⁶⁰ we clustered the results achieved by these projects at the level of immediate outcomes in five areas, as shown in the Table 10.

Table 10 – THB, analysis of outcomes from co-operation (counting)

Area	Immediate outcomes (#)	Comments
Support to changes in legislation	4	
Support to changes at the policy level	5	
Support to changes at the level of practices	13	
Support to institutional strengthening	3	Further results possible due to 11 relevant outputs
Support to co-operation among stakeholders	11	Six of them are regarded as potential outcomes and all of them are unexpected (i.e. not planned for in the Theory of Change)

Source: Evaluators' own data

Half of these projects were still ongoing at the time of the evaluation. Therefore, their results are incompletely reported⁶¹ and/or not fully achieved.

Appendix M presents (in a synthetic, results mapping format) the details of the findings from this analysis.

58. As such, they are reported in the following analysis of intermediate outcomes.

59. Included in our analysis even if materialised after the period covered by the evaluation.

60. The analysis was based on secondary sources such as the projects' own reports (intermediate and final) and evaluation reports.

61. Evidence from the last reporting periods not yet available.

11.2.1.2 Budget resources: co-operation

We have seen that during the period, 10 projects were active with an average project budget of €571 131. By considering the relative duration of these projects,⁶² on average the yearly expenditure per project was €199 876.⁶³ How does this compare with resources spent by further organisations for the same type of projects?

We conducted a search on the Creditor Reporting System of the Organisation for Economic Co-operation and Development (OECD),⁶⁴ which shows that in 2021,⁶⁵ 52 projects (excluding those implemented by the Council of Europe) were active in the area of trafficking in human beings⁶⁶ worldwide, financed by different donors, for an overall yearly expenditure of US\$21 458 098, corresponding to a yearly expenditure per project of €362 888.⁶⁷

These projects are similar to those implemented/co-financed by the Council of Europe in terms of geographic focus (predominantly national) and of type of interventions (legal support, training, advocacy.)

As shown by evidence, on average, the Council of Europe's co-operation projects in the THB sector are financed by budgets that are 45% smaller than those allocated by other organisations for similar projects.

Considering the similarity of these projects, this difference could be caused by two main factors, which are the number of initiatives financed and the costs of salaries; a more detailed analysis could reveal these additional elements, but we stop our analysis here in consideration of our mandate.

11.2.1.3 Intermediate outcomes

Changes at the intermediate outcome level relate to the findings of monitoring work performed by GRETA, with contribution from co-operation projects.

The analysis in this chapter considers the intermediate outcomes that materialised during the period from November 2016 to 2021, a period slightly longer than the period covered by the present evaluation.

Our work is based on an analysis of secondary sources published⁶⁸ by the Council of Europe⁶⁹ and relevant country evaluation reports. The bulk of the intermediate outcomes resulting from our analysis were achieved during the period covered by the evaluation (2018-21) in relation to prior monitoring work.⁷⁰ However, we also included some outcomes achieved at the end of 2016 and 2017. This has been done to compensate for the results that were likely achieved in 2021 but not yet reported at the time of the evaluation.

During the considered period, 160 significant changes were reported at the level of intermediate outcomes in 37 of the 48 countries that are parties to the convention on THB (77%), plus Kosovo*. These changes largely follow up on the recommendations issued by the THB-CP following the monitoring work of GRETA; the achievement of at least seven of them was directly supported by co-operation projects.

The Theory of Change in THB expects changes at the intermediate outcome level on three interconnected areas: policies, legislation and practices. The reported changes covered all these elements; in particular, changes at the level of practices were the more numerous (76, 47.5%), followed by changes in legislation (46, 28.8%) and in policies (38, 23.8%).⁷¹

Changes under two or three of these areas are often interconnected; for example, a change at the policy level could trigger legislative changes as well as changes in practices.

62. Summing up to 343 months for the overall 10 projects.

63. This is given by applying the following formula: (5 713 111 / 343) *12.

64. The DAC Creditor Reporting System is part of the CRS Aid Activity database, which has the objective to "provide a set of readily available basic data that enables analysis on where aid goes, what purposes it serves and what policies it aims to implement, on a comparable basis for all DAC members. Data are collected on individual projects and programmes. Focus is on financial data but some descriptive information is also made available" – see [here](#). Queries on the System are launched from [here](#).

65. The same analysis can be carried out for any of the years covered by this evaluation.

66. They are included under the DAC code 15160, Human Rights. A textual search was conducted in the full description of these projects to identify only those financing activities in the domain of fight against THB.

67. Budget figures are reported in the DAC Creditor Reporting System in USD. The official exchange rate USD/€ as of 31.12.2021, 0.8794, was used for the conversion.

68. [Practical impact of GRETA's monitoring work](#), Council of Europe June 2019; [Newsletters Trafficking in Human Beings](#), Council of Europe, accessed on 13th December 2022; different country evaluation reports.

69. Ibid.

70. Over the period 2018 to 2021 GRETA published 38 monitoring reports (related to rounds 1, 2 and 3 of the evaluation of the implementation of the convention). For the details, please refer to Annex L.

71. The attribution of results to the three "types" of outcomes was decided by the evaluation team based on available evidence and was subject to interpretation. In particular, there is a fine line between changes in policies (often adopted by law) and legislative changes, which we tried to interpret and represent appropriately.

The evaluation team have compiled the most significant intermediate outcomes reported by country and year in a results mapping that is available in Appendix N. Interested readers are invited to consult this mapping for the wealth of detailed information that contains.

Table 11 summarises the number of changes at the intermediate outcome level, per country and per area.

Table 11 – THB, changes at intermediate outcome level, per country and area (summary)

Country	Changes per country (#) in...			
	Policies	Legislation	Practices	TOTAL
Albania	1	1	2	4
Andorra		3	1	4
Austria	1		5	6
Azerbaijan	1	1	1	3
Bosnia and Herzegovina	1	2	2	5
Bulgaria	1	1	3	5
Croatia	1		2	3
Cyprus	1	1	1	3
Denmark	1		3	4
Finland	1	2	2	5
France	1		3	4
Georgia		2	3	5
Germany		2	2	4
Hungary	1	1	3	5
Iceland		2	2	4
Italy	1	1	2	4
Kosovo*	2		2	4
Latvia		1	4	5
Liechtenstein	1	1		2
Lithuania	2		1	3
Luxembourg	1	2		3
Malta	1	2	2	5
Republic of Moldova		2	1	3
Montenegro			3	3
Netherlands	2		2	4
North Macedonia	3	1	4	8
Norway		6	1	7
Portugal	2		2	4
Romania	2	1	1	4
San Marino		1	1	2
Serbia	2		2	4
Slovak Republic	1	1	2	4
Slovenia	1	3	1	5
Spain	1	3	2	6

Country	Changes per country (#) in...			
	Policies	Legislation	Practices	TOTAL
Sweden			1	1
Switzerland	1		4	5
Türkiye		3	1	4
United Kingdom	3			3
Ukraine	1		2	3
TOTALS (#)	38	46	76	160
TOTALS (%)	23.8%	28.8%	47.5%	100.0%

Source: Evaluators' own statistic based on secondary data analysis

11.2.2 Cybercrime

The theory of change in the area of cybercrime identifies two different levels of outcome.

- i. **Immediate outcome** – states worldwide could rely on recognised standards; become party to the Convention on Cybercrime and its protocols; have identified measures to adequately implement these standards (including solutions regarding criminal justice access to evidence on cloud servers); and have increased their capacities to investigate, prosecute and adjudicate cybercrime and other offences involving electronic evidence.
- ii. **Intermediate outcome** – member states change their policies, legislation and practices to prevent and combat serious crimes, such as cybercrime.

There is clear and conclusive evidence that the action of the Council of Europe in the area of cybercrime has been highly successful and contributed to changes at both the outcome levels.

Changes during the period are to be put in relation to three distinct and well co-ordinated streams of activity.⁷²

- ▶ **Second Additional Protocol to the Budapest Convention.** The drafting of the Second Protocol spanned almost four years and the final version opened for signature in May 2022. The development was undertaken by the T-CY members (under the leadership of its secretariat) and by the management of the Cybercrime Division with support from Council of Europe staff. This work contributed to the materialisation of outcomes at the immediate level (reliance on internationally recognised standards).
- ▶ **Advocacy work.** This work was constant and continuous throughout the period and was mainly carried out by the Head of the Cybercrime Division/Head of the C-PROC office. It was supported by the more active members of the T-CY Secretariat (including its chair) and by the peer pressure of states parties. It consisted of a large number of formal and informal meetings around the globe and parallel discussions at the most prominent events in the area of cybercrime, including the UN negotiations for a Cybercrime Treaty and the Octopus conferences⁷³ organised by the Council of Europe. Advocacy work contributed to the materialisation of immediate outcomes, the widening of the number of states parties to the convention over time.
- ▶ **Technical co-operation projects.** During the period covered by the present evaluation, nine projects were active, and at different phases of implementation. Their overall budget was €50 567 277 (an average project budget of €5 618 586).⁷⁴ All the projects had a regional or a global coverage. Co-operation projects contributed to changes at both immediate and intermediate levels of outcomes.

The geographic focus of the cybercrime projects during the period covered by the evaluation is presented in the following table.

72. In the absence of a formal assessment process during the period covered by the present evaluation, it is impossible to identify the effects of this stream of activity.

73. The Octopus conferences have been organised by the Council of Europe since 2007 every 12 to 18 months (see [here](#)) and are considered one of the most important events at the global level in this field.

74. Id est, slightly more than 10 times higher than in the case of THB.

Table 12 – C-C, geographic focus of co-operation projects

Project	Geographic focus
CyberCrime@Octopus	Global
Octopus	Global
iPROCEEDS	Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Türkiye and Kosovo*
iPROCEEDS2	Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Türkiye and Kosovo*
GLACY+	Benin, Brazil, Burkina Faso, Cabo Verde, Chile, Colombia, Costa Rica, Dominican Republic, Ghana, Mauritius, Morocco, Nigeria, Paraguay, Philippines, Senegal, Sri Lanka and Tonga
Cybercrime@South	Algeria, Jordan, Lebanon, Morocco and Tunisia
Cybercrime@Eastern Partnership II & III	Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine
CyberEast	Republic of Moldova, Armenia, Belarus, Georgia, Azerbaijan and Ukraine
abuse@Europe	All Council of Europe member states Focus countries: Albania, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Türkiye Pilot countries: Armenia, Azerbaijan, Ukraine

Source: Evaluators' own findings based on secondary data analysis

This chapter is organised into three sub-chapters; the first two deal with the main results of co-operation and advocacy work. A third sub-chapter reports examples of results that have been possible because of the co-operation and co-ordination between advocacy and co-operation work.⁷⁵

The work leading to the publication and opening for signature of the Second Additional Protocol is described in Chapter 12.6.2, from a lesson learned perspective.

11.2.2.1 Main results from co-operation

Based on secondary sources, changes resulting from co-operation are visible both at the immediate and intermediate outcomes level; we have clustered them into five areas; the following table reports the five areas⁷⁶ and the number of outcomes we could identify per area and level of outcome.

Table 13 – C-C, analysis of outcomes from co-operation (counting)

Area	Immediate outcomes (#)	Intermediate outcomes (#)
Support for changes in legislation	7	23
Support for changes at the policy level		4
Support for changes at the level of practices	2	1
Support for institutional strengthening	13	
Support for co-operation among stakeholders	8	

Source: Evaluators' own findings based on secondary data analysis

Six of the nine projects were still under implementation at the time of the evaluation, therefore some results are under or unreported⁷⁷ and/or not yet achieved.

The table in Appendix O presents (in a synthetic, results mapping format) the details of the findings from this analysis.

⁷⁵ The structure of this sub-chapter is adapted to the specific model of implementation in the area of cybercrime and is therefore different from that adopted when presenting the outcomes observed in the area of trafficking in human beings.

⁷⁶ The same used when analysing materialisation of outcomes in THB.

⁷⁷ Evidence from the last reporting periods not yet available.

11.2.2.2 Main results from advocacy work

Advocacy work contributed to the achievement of one outcome at the immediate level, which is the increase over time in the number of the states parties to the convention and its protocols. The period starting from 2018 registered several achievements, as shown below.

Convention on Cybercrime – The total number of ratifications/accessions to the Budapest Convention is 68,⁷⁸ with two countries that have signed the convention but not followed up with its ratification. During the period covered by the present evaluation (2018 to 2021), 11 countries brought the Budapest Convention into force, as showed in the following table.

Table 14 – C-C Convention, signatures and ratifications from 2018

State	Signature	Ratification	Entry into force
Members of the Council of Europe			
San Marino	17/03/2017	08/03/2019	01/07/2019
Sweden	23/11/2001	28/04/2021	01/08/2021
Non-members of the Council of Europe			
Costa Rica		22/09/2017 a ⁷⁹	01/01/2018
Philippines		28/03/2018 a	01/07/2018
Argentina		05/06/2018 a	01/10/2018
Cabo Verde		19/06/2018 a	01/10/2018
Morocco		29/06/2018 a	01/10/2018
Paraguay		30/07/2018 a	01/11/2018
Ghana		03/12/2018 a	01/04/2019
Peru		26/08/2019 a	01/12/2019
Colombia		16/03/2020 a	01/07/2020

Source: Council of Europe website: Complete list of the Council of Europe's treaties

A further result of the advocacy work and co-operation is the number of countries that have been invited to join the convention or requested accession.

At the time of writing, 15 countries have been invited to join the convention and/or requested accession and enjoy observer status; this is an intermediate step towards full accession.⁸⁰

Nine countries⁸¹ were invited to join the convention within the period covered by this evaluation:

- ▶ Benin
- ▶ Burkina Faso
- ▶ Fiji
- ▶ Guatemala
- ▶ New Zealand
- ▶ Niger
- ▶ Trinidad and Tobago
- ▶ Tunisia
- ▶ Vanuatu

The First Additional Protocol to the Convention on Cybercrime, concerns the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The total number of ratifications/accessions

78. Full information available [here](#); viewed on 06.01.2023.

79. "a" (here and below): accession.

80. Please see [here](#) for full information.

81. This number may be higher, as we have no information about the date of invitation/request for Ireland, Mexico and South Africa.

to the First Additional Protocol is 33,⁸² with 12 countries that have signed but not ratified it. During the period covered by the evaluation (2018 to 2021), four countries brought the First Protocol into force.

Table 15 – C-C Convention, First Protocol, signatures and ratifications from 2018

State	Signature	Ratification	Entry into Force
Members of the Council of Europe			
San Marino	19/05/2017	08/03/2019	01/07/2019
Slovak Republic	17/12/2019		
Sweden	28/01/2003	28/04/2021	01/08/2021
Non-members of the Council of Europe			
Morocco		29/06/2018 a	01/10/2018
Paraguay		30/07/2018 a	01/11/2018

Source: Council of Europe website: Complete list of the Council of Europe's treaties

The Second Additional Protocol to the Convention on Cybercrime concerns enhanced co-operation and disclosure of electronic evidence. From May to December 2022 there have been 30 signatures⁸³ not followed by ratifications: 23 signatures from member states of the Council of Europe and seven signatures from non-member states. This materialised after the period covered by the present evaluation; however, we wish to account for this result as it is a direct result of the advocacy work and co-operation activities conducted during and immediately following the preparation of the protocol, which fall within the period covered by this evaluation.

11.2.3 Results facilitated by co-ordination between advocacy and co-operation

The most strategic outcome of the Theory of Change for Cybercrime is the accession to the convention and its protocols. In some cases, this is preceded by an invitation to join the convention and/or a state request for accession to the convention.

The intermediate outcomes are a consequence of this process: legislation and policies are aligned in view of the accession; they are further reviewed after the accession and so are practices and procedures of the relevant state organs.

All this is achieved by the Cybercrime Division thanks to well-orchestrated co-ordination between advocacy (to prepare the political ground for the accession) and co-operation (to support the alignment of legislation, policies and practices.)

Co-operation support can be direct (delivered through projects) and indirect. Indirect co-operation support is delivered through the access to a wealth of online training, resources and guidance notes meant to support the efforts of the states parties in fighting cybercrime. These cybercrime resources have been developed under the budget of different co-operation projects over time and are all accessible through the Octopus Community portal.⁸⁴

They are key to supporting alignment of legislation and practices and enabling international and multi stakeholder collaboration; as such, they are an important tool supporting co-ordination between advocacy and co-operation.

The development of resources is ongoing to keep the global cybercrime community abreast with the possibilities of using the Budapest Convention to fight the most recent and emerging threats in the field. One example is the series of 12 Guidance Notes developed to represent a common understanding on the use and implementation of the Budapest Convention,⁸⁵ which are regularly drafted (for example the guidance developed for election interference in 2021 and for ransomware in 2022).

82. Full information available [here](#); viewed on 06.01.2023.

83. Full information available [here](#); viewed on 06.01.2023.

84. Source available [here](#).

85. Source available [here](#).

11.3. EQ 1B: FACTORS CONTRIBUTING TO INTERMEDIATE OUTCOMES: LEGISLATIVE CHANGES

The intermediate outcome of the Council of Europe's work in the areas of cybercrime and trafficking in human beings is: "member states change their policies, legislation and practices to prevent and combat serious crimes" in these fields.

Even if not explicitly expressed, the expected change is meant to better align the policies, legislation and practice to the relevant conventions.

It is a very ambitious objective: these types of changes are entirely in the hands of the countries that are partners of the Council of Europe, and are likely to take several years before materialising, if at all. It is an objective that links with the three elements of the dynamic triangle of the Council of Europe: countries willing to join a convention shall align their legislation and practices to the main prescriptions of the convention. Once parties to the convention they are subject to monitoring (in the case of THB) or assessment (in the case of C-C). Findings from monitoring or assessment could lead to recommendations for further changes in legislation or practices. If requested, the Council of Europe could support (through capacity-building projects) the alignment process with the relevant convention, particularly at the time of the initial efforts of the country and within its (very) limited budget availabilities.

To respond to this question, the evaluation team focused on the process of legislative change: which is the most "measurable" one of the three objectives of the intermediate outcome⁸⁶ and is the one destined to last longer than policies that depend on political will, changes of government's coalitions and priorities.

We therefore started our analysis by asking: to what extent is the Council of Europe successful in triggering/facilitating legislative change? The response is very positive: in the area of cybercrime its success rate is 90.2% and in the area of trafficking in human beings it is 80.0%.

This analysis is based on the responses we received to a survey question about legislative change targeting members of the THB THB-CP, members of T-CY and key stakeholders⁸⁷ in both thematic areas. This result is to be taken as an approximate indicator, only for two concurrent reasons: i) the analysis is not complete, due to the partial (though very high) response rate; ii) the result does not take into consideration the quality of the legislation adopted (i.e. to what extent legislative changes appropriately address the shortcomings that had to be solved, which is a question for the monitoring/assessment functions of the Council of Europe).

Because of the very high number of the countries considered (41 for Cybercrime, 49% of the parties to and observers of the convention and 30 for Trafficking in Human Beings, 63% of the parties to the convention) there is an extremely significant basis for analysis.

The full data set of this analysis is reported in the Table 16 – Countries reporting legislative changes to align with relevant conventions in THB or C-C.

"Yes" in the two last columns means that legislative change was reported. "No" means that it was reported that no legislative change happened. Empty cells (those not marked with Yes or No) indicate countries for which no information is available (not relevant or not received) and are not calculated in the averages.

Table 16 – Countries reporting legislative changes to align with relevant conventions in THB or C-C

Country	Country-ISO	C-C	THB
Albania	ALB	Yes	
Argentina	ARG	No	
Armenia	ARM	Yes	Yes
Austria	AUT	Yes	Yes
Azerbaijan	AZE		Yes
Bosnia and Herzegovina	BIH	Yes	Yes
Brazil	BRA	Yes	
Bulgaria	BGR	Yes	Yes
Burkina Faso	BFA	Yes	
Cabo Verde	CPV	Yes	
Costa Rica	CRI	No	

⁸⁶. So that the following analysis is based on a solid evidence base.

⁸⁷. Mainly national administrations and civil society.

Country	Country-ISO	C-C	THB
Croatia	HRV		No
Czech Republic	CZE		Yes
Denmark	DNK		No
Dominican Republic	DMA	Yes	
Finland	FIN	Yes	Yes
France	FRA	Yes	Yes
Georgia	GEO		Yes
Germany	DEU	No	Yes
Ghana	GHA	Yes	
Greece	GRC	Yes	
Hungary	HUN		Yes
Iceland	ISL		Yes
Ireland	IRL		Yes
Italy	ITA		Yes
Japan	JPN	Yes	
Liechtenstein	LIE	Yes	
Luxembourg	LUX		Yes
Malta	MLT	Yes	No
Mauritius	MUS	Yes	
Republic of Moldova	MDA	Yes	Yes
Monaco	MCO	Yes	
Morocco	MAR	Yes	
Netherlands	NLD		Yes
New Zealand	NZL	Yes	
Niger	NER	Yes	
Nigeria	NGA	Yes	
Norway	NOR		No
Panama	PAN	No	
Paraguay	PRY	Yes	
Philippines	PHL	Yes	
Portugal	PRT	Yes	Yes
Romania	ROU		Yes
San Marino	SMR		No
Senegal	SEN	Yes	
Serbia	SRB	Yes	
Slovak Republic	SVL	Yes	Yes
Slovenia	SVN	Yes	
South Africa	ZAF	Yes	
Spain	ESP	Yes	Yes
Sweden	SWE		No
Switzerland	CHE	Yes	Yes
Tonga	TON	Yes	
Tunisia	TUN	Yes	
Türkiye	TUR	Yes	Yes
Ukraine	UKR	Yes	Yes
Number of countries with legislative change = Yes		37	24
Number of countries with legislative change = No		4	6
% legislative change = Yes		90.2%	80.0%
% legislative change = No		9.8%	20.0%

Source: Evaluators' own information based on primary and secondary data analysis.

As we said above, the objective of legislative change is a very ambitious one and many factors affect its achievement. What have these factors been, respectively in C-C and in THB, per country?

This is a crucial question; identifying the most influential factors of legislative change could lead to better targeted co-operation activities and more efficient use of the available resources catalysing the chances of further success for the Council of Europe in achieving this key objective.

Lessons from this analysis are expected to serve the primary learning objective of this evaluation, i.e. to provide lessons to different parts of the Council of Europe charged with the implementation of more recent and future conventions.

This is a complex question, to be answered in a rigorous and evidence-based manner; we primarily based our analysis on a social research and evaluation technique known as QCA. Please refer to the Appendix D: Methodology of the evaluation for some introductory notes to the method.

This QCA analysis was integrated with staff perceptions of the most relevant factors supporting legislative change.

Please, note: the following chapters, 11.3.1 and 11.3.3, present a very concise summary of the results of the QCA tests conducted for the two areas of work. Due to their length, the detailed findings from this analysis, including the keys to the interpretation of their mathematic basis, have been included in Appendix J.

We strongly encourage interested readers, particularly the management and staff of the two divisions and the management and staff of DIO, to read the full results of this analysis for the wealth of their insights and findings.

11.3.1 Trafficking in human beings: findings from the Qualitative Comparative Analysis

As discussed in the Methodology (Appendix D), the QCA aims to test one outcome resulting from the Theory of Change of the programme/intervention under evaluation, understanding the relative contribution of different conditions to the materialisation of the outcome in terms of their necessity and sufficiency.

In the area of trafficking in human beings, the outcome that we tested was the following one.

The effect of Council of Europe monitoring in the area of trafficking in human beings, reinforced by the presence of other conditions, leads to the alignment of national legislation to the standards of the THB Convention – by states parties.

30 countries (cases) were considered for this test; they are:

- | | | |
|--------------------------|-----------------------|---------------------|
| ▶ Armenia | ▶ Georgia | ▶ Norway |
| ▶ Austria | ▶ Germany | ▶ Portugal |
| ▶ Azerbaijan | ▶ Hungary | ▶ Romania |
| ▶ Bosnia and Herzegovina | ▶ Iceland | ▶ <i>San Marino</i> |
| ▶ Bulgaria | ▶ Ireland | ▶ Slovak Republic |
| ▶ <i>Croatia</i> | ▶ Italy | ▶ Spain |
| ▶ Czech Republic | ▶ Luxembourg | ▶ <i>Sweden</i> |
| ▶ <i>Denmark</i> | ▶ <i>Malta</i> | ▶ Switzerland |
| ▶ Finland | ▶ Republic of Moldova | ▶ Türkiye |
| ▶ France | ▶ Netherlands | ▶ Ukraine |

Reportedly, legislative change was achieved in 24 countries (80.0% of the sample) and was not achieved in six countries (20.0%, *in italics in the previous list*).

These countries have two characteristics in common: they are all parties to the THB Convention and they have all been monitored by GRETA at least once after their ratification.

The QCA considered the presence or absence in each country of the following 10 factors (or conditions) in the three years preceding the most recent legislative change.

Table 17 – QCA, conditions considered in THB

Full name condition	Description	Short name
1 Extra-monitoring pressure Council of Europe	Pressure for legislative change made by the Commissioner for Human Rights ⁸⁸	Press-CoE
2 Case law of the Court	Relevant case law of the Court	Court
3 Pressure other organisations	Advocacy for change exerted by other international organisations/institutions to align legislation to the THB Convention	Press-oth
4 EU traction	EU member states: obligations deriving from the EU membership EU candidate countries: obligations deriving from the pre-accession process	EU-tract
5 Media pressure	Media coverage of domestic issues linked with the trafficking in human beings	Media
6 Civil society pressure	Pressure from civil society on national authorities to take measures to put an end to trafficking in human beings	Civ-soc
7 Private sector pressure	Pressure from the private sector on national authorities to take measures to put an end to trafficking in human beings	Pri-sec
8 Inclusion in national policies	Adoption of measures to put an end to trafficking in human beings included in the government's agenda	Nat-pol
9 Presence in majority agenda	Measures to put an end to trafficking in human beings included in the political agenda of the leading party/coalition	Maj-ag
10 Presence in opposition agenda	Measures to put an end to trafficking in human beings included in the political agenda of the opposition party/coalition	Opp-ag

Source: Evaluators' own information based on primary and secondary data analysis.

The two conditions, "1 - Extra-monitoring pressure Council of Europe"⁸⁹ and "2 – Case law of the Court"⁹⁰ are specific to the QCA test in the area of trafficking in human beings. The other eight conditions are shared with the test run on cybercrime.

As described in previous Chapter 11.2.1, there is significant evidence that in some cases co-operation projects contributed to legislative change. However, we could not include this condition in the QCA as relevant data were available only for Bosnia and Herzegovina and Türkiye. Including this condition in the QCA test would not have been significant and would have created an unjustified bias against co-operation projects, which we wanted to prevent.

The QCA shows that in addition to the monitoring work of GRETA, several conditions contributed to legislative change in the analysed countries and that the combination of some of them is necessary to achieve this outcome.

The most relevant of these conditions are pressure from other organisations, civil society pressure, EU traction, inclusion in national policies and media pressure. In the cases the evaluation team analysed, they combine differently to achieve success, and the more promising combination of conditions is pressure from other organisations and civil society pressure or inclusion in national policies.

Findings from the analysis suggest that it is in the interest of the Council of Europe to consolidate and reinforce its partnership with other organisations and civil society. Such a tripartite partnership could have a reinforcing factor of achieving the inclusion in national policies of the desired change, and the continuing pressure of the monitoring mechanism of the Council of Europe, other organisations and civil society even after the inclusion of the desired objective in national policies could have an important effect on legislative change.

Finally, EU traction is an extremely relevant factor; however, this condition applies to a limited number of countries (even if large). Press-oth, Civ-soc and Media appear to be the three most relevant conditions in cases

⁸⁸. Data available from 2015 on.

⁸⁹. This was not included in the QCA C-C test because not relevant (no extra assessment pressure found in the area of C-C).

⁹⁰. This was not included in the QCA C-C test because not relevant (no C-C-relevant case law of the Court found).

where EU-tract is not present, thus reinforcing the previous suggestions (to consolidate co-operation with other organisations and civil society) and suggesting furthering relations with media.

11.3.2 Trafficking in human beings: staff perceptions

We asked staff from the Council of Europe (THB Division and hierarchy)⁹¹ what in their opinion are the most influential factors leading to legislative change.

The results (reported in the following Figure 11) coincide in a minimal part with the findings from the QCA exercise.

In particular, we observe the following.

- ▶ The importance of EU traction, scoring very high in staff opinion,⁹² is partly confirmed by the QCA test.
- ▶ The monitoring activity by GRETA is confirmed by QCA as its primary condition, meaning that the other conditions that were analysed contribute to the effects that were triggered by GRETA monitoring work in terms of legislative changes.
- ▶ The three most influential conditions supporting the effects of monitoring are underestimated: pressure from other organisations, alignment with national policies and (even more) civil society pressure.
- ▶ The leading coalition's political agenda and the case law of the Court are primarily overestimated.

11.3.3 Cybercrime: findings from the Qualitative Comparative Analysis

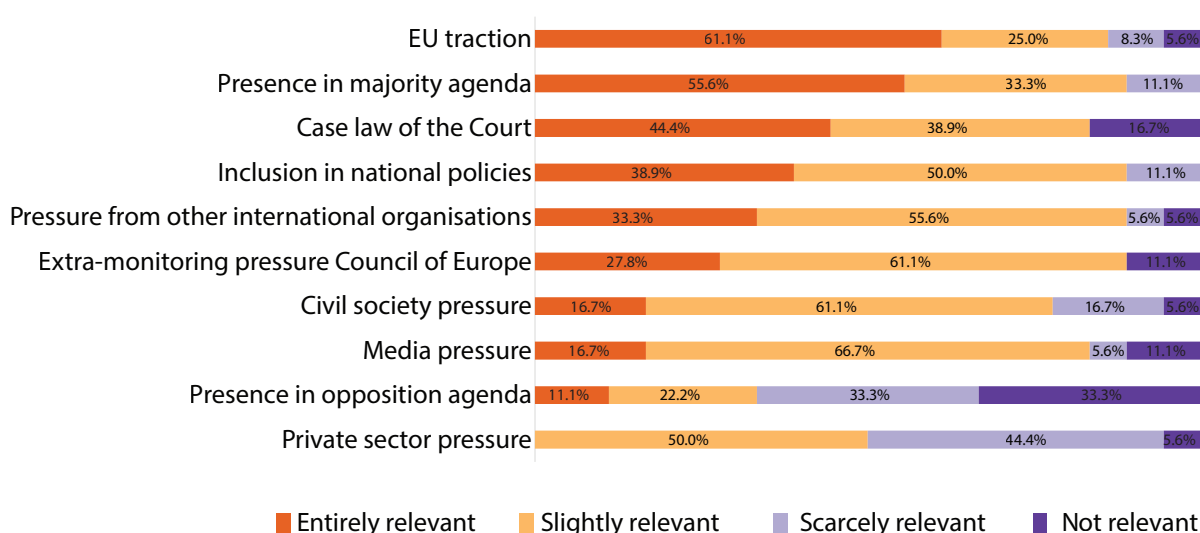
In the area of cybercrime, the outcome that we tested with QCA was the following.

The combined effects of the Council of Europe assessment and its technical co-operation in the area of cybercrime, reinforced by the presence of other conditions, lead to the alignment of national legislation to the standards of the Budapest Convention – by states parties and observers.

Data were gathered on 41 countries (cases); 35 of these countries are parties to the convention (85.3%) and six are observers (14.7%); these latter countries are marked with an asterisk (*) before their name.

Reportedly, legislative change was achieved in 37 countries (90.2% of the sample) and was not achieved in four countries (9.8%, *in italics in the following list*).

Figure 11 – Most relevant factors leading to change, THB staff views



Source: Evaluators' own findings based on survey data

91. This was done through a survey targeting staff from the THB Division.

92. In the survey this factor was split in two: obligations stemming from EU membership (for EU member states) and perspectives of integration (for EU candidate countries).

The 41 countries included in the QCA test were:

- ▶ Albania
- ▶ Argentina
- ▶ Armenia
- ▶ Austria
- ▶ Bosnia and Herzegovina
- ▶ *Brazil
- ▶ Bulgaria
- ▶ *Burkina Faso
- ▶ Cabo Verde
- ▶ Costa Rica
- ▶ Dominican Republic
- ▶ Finland
- ▶ France
- ▶ Germany
- ▶ Ghana
- ▶ Greece
- ▶ Japan
- ▶ Liechtenstein
- ▶ Malta
- ▶ Mauritius
- ▶ Republic of Moldova
- ▶ Monaco
- ▶ Morocco
- ▶ *New Zealand
- ▶ *Niger
- ▶ Nigeria
- ▶ Panama
- ▶ Paraguay
- ▶ Philippines
- ▶ Portugal
- ▶ Senegal
- ▶ Serbia
- ▶ Slovak Republic
- ▶ Slovenia
- ▶ *South Africa
- ▶ Spain
- ▶ Switzerland
- ▶ Tonga
- ▶ *Tunisia
- ▶ Türkiye
- ▶ Ukraine

Also, in the case of cybercrime, the QCA considered the presence or absence in each country of 10 factors (or conditions) in the three years preceding the most recent legislative change.

Eight of these conditions were common to the QCA test run for trafficking in human beings. They are described in Table 17 and numbered from 3 to 10. Two additional conditions were specifically considered for cybercrime. They are detailed in the following table.

Table 18 – QCA, conditions specific to C-C

Full name condition	Description	Short name
1 Assessment Council of Europe⁹³	Country included in the last T-CY assessment report (on the implementation of Article 13 of the Budapest Convention on sanctions and measures, adopted in 2017)	Ass-CoE
2 Co-operation with the Council of Europe⁹⁴	Co-operation projects with the Council of Europe ongoing during the period covered by the evaluation	Co-op-CoE

Source: Evaluators' own data

The QCA conducted on 41 countries reveals that the assessment done by the Council of Europe and the technical co-operation with the Council of Europe are very relevant conditions but not sufficient per se to achieve legislative change. It also reveals that no condition is always present in all successful cases and that combining different conditions is necessary to achieve legislative change.

The most relevant conditions to support the effects of assessment and co-operation emerge as media coverage and inclusion in national policies.

Legislative change was also achieved in the absence of either assessment or co-operation. In these cases, the most relevant conditions facilitating change were confirmed to be media and inclusion in national policies supported by pressure from civil society, pressure from the private sector and pressure from other organisations.

EU traction is a very relevant condition for EU member states and candidate countries. In this case, the most important allies to achieve change are assessment made by the Council of Europe, media and inclusion in national policies.

93. This was not included in the QCA THB test because all considered countries have been monitored by the Council of Europe.

94. This was not included in the QCA THB test because of the very little coverage of this condition for THB, which would have led to negative bias.

11.3.4 Cybercrime: staff perceptions

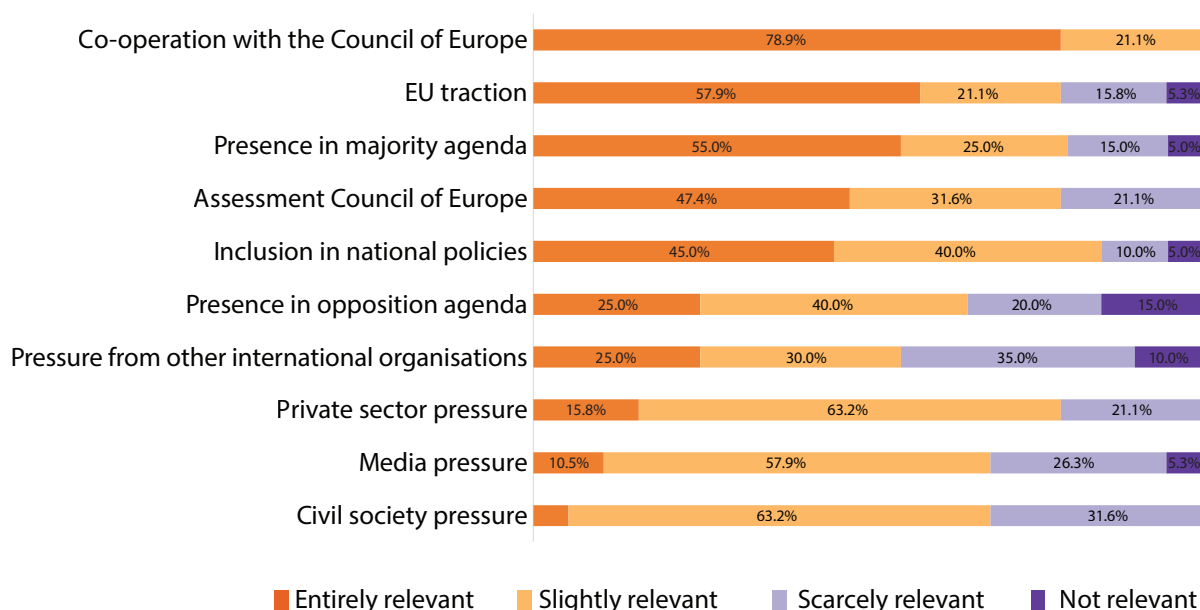
We surveyed staff from the Council of Europe (C-C Division and hierarchy)⁹⁵ questioning their opinion of the most influential factors leading to legislative change.

The results shown in Figure 12 do not fully coincide with the findings from the QCA exercise.

In particular, we observe that the co-operation activities with the Council of Europe are rightly very highly regarded and that the effects of the assessment work on legislative change are not considered of the same importance.

The importance of EU traction, i.e. obligations stemming from EU membership (for EU member states) and perspectives of integration (for EU candidates), was very highly valued, which corresponds to the findings from the QCA. However, due to the global nature of the Budapest Convention its effects are only relevant for a sub-set of countries.

Figure 12 – Most relevant factors leading to change, C-C staff views



Source: Evaluators' own findings based on survey data

In the opinion of staff, the alignment with the political agenda of the leading coalition was considered to be of greater importance over the inclusion in national policies, which was contradictory to the QCA findings.

Finally, the benefits of media coverage were underestimated. The QCA found that media coverage was the most important factor supporting the effects of the binomial assessment/co-operation to support change even in cases where there were no monitoring or co-operation activities.

11.4. EQ 1C: UNINTENDED EFFECTS

Unintended effects are those effects that can be linked with the intervention under evaluation and are unexpected. In other words, they are not described in the Theory of Change of the intervention; they can be either positive or negative and may occur all along the chain of results.

The ToR of the evaluation specify that this sub-question can be answered with anecdotal evidence. In order to gather this information, we included a specific question in the surveys and we asked the relevant interviewees to share any unintended effects they observed. We notice that respondents experienced substantial difficulties with answering this question. Furthermore, the evaluation team could identify very few unintended effects from primary research, which is an evaluation finding in itself, revealing that "unintended effect" is a concept that it is neither well understood nor reflected on.

⁹⁵. This was done through a survey targeting staff from the C-C Division.

After integration of primary and secondary research, the cases identified reveal that the unintended, positive effects are mainly linked with the reputation of the Council of Europe under the two thematic areas.

This evaluation did not find cases of negative, unintended effects.

It is not easy to attribute these unintended effects to a specific level of the intervention logic of the two areas of work; most probably, we should consider them as indirect signs of impact.

11.4.1 Trafficking in human beings

Unintended effects in the area of THB link with the very high reputation of the GRETA monitoring work and with the use of its findings by other organisations and institutions. Some examples are reported below.

- ▶ **The United Nations Refugee Agency (UNHCR)** has consolidated working relations with the Council of Europe “to ensure that their standard-setting instruments and human rights monitoring mechanisms continue to address the needs and guarantee the rights of refugees and other persons of concern to UNHCR.”^{96 97} There is anecdotal evidence that suggests that legal aid services provided by UNHCR lawyers in some instances used GRETA reports to support legal arguments when representing victims. The use of the Council of Europe monitoring reports to support the protection of individuals’ rights is undoubtedly an unintended and indirect effect of the work.⁹⁸
- ▶ **EU institutions** partner with the Council of Europe in a structured manner, including in the area of THB. While this mostly involves political co-operation, operational work and dialogue with the European Commission, over recent years the European Parliament had tabled discussions requiring background knowledge of the main challenges related to the protection of human rights from a THB perspective. The EPRS work “to provide members of the European Parliament, and where appropriate parliamentary committees, with independent, objective and authoritative analysis of, and research on, policy issues relating to the EU, in order to assist them in their parliamentary work.”⁹⁹ To provide the parliament with research on the issue of trafficking in human beings in the first reception facilities for migrants and/or refugees coming into the EU by sea, in July 2019 the EPRS published a short study titled “Detecting and protecting victims of trafficking in hotspots”¹⁰⁰ where the work of GRETA was quoted 13 times, becoming one of the most authoritative sources of information to members of the European Parliament on this matter. This reveals the power of the monitoring work of the Council of Europe in informing political dialogue and this is not a one-off case. Another very recent example (even if outside the temporal scope of this evaluation), the EPRS thematic pages “Russia’s war on Ukraine: The risk of trafficking of human beings”¹⁰¹ gave visibility to the warning¹⁰² issued by GRETA “of the danger faced by people fleeing Ukraine of falling victim to human trafficking and exploitation” and of the guidance note¹⁰³ published on 4 May 2022.
- ▶ Another EU institution, the FRA, reports that the THB Convention, GRETA reports and the relevant case law of the Court are regularly used to inform their research. The co-operation between the Council of Europe and the FRA was further strengthened in 2021. Consequently, the EU Fundamental Rights Information System (EFRIS) provides heightened visibility of the Council of Europe mechanisms and the findings of its monitoring bodies, including the work of GRETA and T-CY. EFRIS,¹⁰⁴ is a “human right gateway” providing online support for human rights systems and defenders. The sources and databases utilised by the EFRIS are represented in Figure 13, acquired from the FRA website.¹⁰⁵ The figure describes the central role of the Council of Europe as a key source of relevant evidence for the FRA.

96. Source available at www.unhcr.org/working-with-the-european-institutions.html, viewed 26 December 2022.

97. This includes a structured interaction and co-operation with GRETA, which communicates with the UNHCR before each evaluation visit, receives input and meets the UNHCR at the outset of each country visit.

98. Note: references for the cases were not disclosed to protect the persons involved.

99. Source available at www.europarl.europa.eu/at-your-service/en/stay-informed/research-and-analysis, viewed 26 December 2022.

100. Source available [here](#).

101. Source available [here](#).

102. Published [here](#).

103. Council of Europe, GRETA: “Guidance Note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis” Strasbourg 4 May 2022, published [here](#).

104. Accessible [here](#).

105. Published [here](#), accessed 26 December 2022.

Figure 13 – FRA, EFRIS: sources and databases

United Nations	Council of Europe	European Union
UHRI - Universal Human Rights Index <div>Treaty Bodies 10</div> <div>Treaties</div> <div>Universal Periodic Review</div> <div>Special Procedures (44 thematic)</div>	HUDOC - Council of Europe <div>European Court of Human Rights</div> <div>European Committee of Social Rights</div> <div>Cttee for the Prevention of Tortuer</div> <div>ECRI – E. Csn Racism and Intolerance</div> <div>Committee of Ministers – executions</div> <div>GRETA – GoE Trafficking in Human Beings</div> <div>GREVIO – GoE on VaW and DC</div> <div>National minorities – Advisory Cttee</div> <div>Reg. and min. languages – Cttee of Exp.</div> <div>GRECO – Group of States Corruption</div> <div>Cybercrime – Convent. Cttee (T-CY)</div> <div>C of Local and Regional – Monitor. Cttee</div> <div>Lanzarote Cttee – child sex. expl. and abuse</div> <div>Data protection – Consult. Cttee (T-PD)</div> <div>V enice Commission – democracy-law</div> <div>SPACE – Annual Penal Statistics</div>	<div>CURIA</div> <div>CJEU - Court of Justice of the EU</div> <div>MDX</div> <div>EU Fundamental Rights Agency</div> <div>EurLex</div> <div>EU Open Data</div> <div>Eu Justice Scoreboard</div>
NORMLEX - ILO <div>ILO-CEACR (CoE Application of Conv. and Rec.)</div>		

11.4.2 Cybercrime

The global reputation acquired by the Council of Europe as the “owner” of the Budapest Convention, the only international legally binding criminal law instrument for cybercrime, is the main reason why institutions worldwide refer to it as the leader for standard setting in the field.

During this evaluation we have found evidence of unplanned effects in four areas: influence on international law; international advocacy; academic and political debate; and collaboration.

Some notable cases are outlined below.

- ▶ **Influence on international law** – The EU’s rules on cybercrime correspond and build on the provision of the Budapest Convention: for example, the 2011 directive on combating the sexual exploitation of children online and child pornography; the 2013 directive on attacks against information systems; and the 2019 directive on non-cash payment.¹⁰⁶
- ▶ **Influence on international advocacy** – More than 50 states, 90 NGOs and academic institutions and 130 corporations have endorsed the Paris Call for Trust and Security in Cyberspace. The call was launched by French President Emmanuel Macron on 12 November 2018. The document clearly stated that the “Budapest Convention was a key tool” to combat cybercrime.¹⁰⁷
- ▶ **Influence on academic and political debate** – One of the indicators of the capacity of the Council of Europe to influence and trigger political discussion and stimulate research on cybercrime is the number of quotations referring to the Budapest Convention on the internet.
 - A search on Microsoft Bing¹⁰⁸ of the key words “cybercrime and convention” generate about 22 800 000 results; the same search through Google¹⁰⁹ about 5 130 000. The same search limited to wikis conducted through Wiki.com¹¹⁰ generates about 4 930 000 results. This identical search on Google Scholar¹¹¹ produces 33 600 results, mainly open-source academic texts.
 - This illustrates the magnitude of the phenomenon, which includes both positive and negative views expressed by third-party organisations, students, CSOs, corporate businesses, media, individuals and academia.

106. All accessible through [this page](#) managed by the DG HOME.

107. Source available [here](#).

108. Source available at www.bing.com/.

109. Source available at www.google.com/.

110. Source available at <https://wiki.com/>.

111. Source available at <https://scholar.google.com/>.

- **Catalysing collaboration** – Interviewees from different countries reported that some of the events organised by the Cybercrime Division had the effect of triggering direct collaboration among different institutions, nationally or regionally.¹¹² An interviewee from the Balkans stated “At the margin of the workshop I noticed the beginning of some direct exchanges between Serbia, Montenegro and Bosnia and Herzegovina; and between Albania and Montenegro. We heard that there was some follow-up, but we have no additional information, on police-to-police exchange practices. In spite of the political context and the difficult past, we see engagement in people working together – during our workshop we see friendship.”

11.5. EQ 1D: CONTRIBUTION TO GENDER EQUALITY

This chapter includes the response to sub-question 2c (gender mainstreaming in design). This integration is for the convenience of readers, as the two issues are closely interlinked.

11.5.1 Trafficking in human beings

Gender equality has a strong legal basis in the THB Convention, particularly Articles 1 (Gender equality mentioned in the purposes of the convention), 3 (Non-discrimination principle) and 5 (Gender mainstreaming in prevention). Chapter III (Measures to protect and promote the rights of victims, guaranteeing gender equality) and Article 17 (Gender equality) aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures). Finally, Article 37 prescribes that “GRETA shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as a multidisciplinary expertise”.

Interviewees confirmed that the provisions of the convention are still fully relevant, with respect to gender equality.

In the area of monitoring there is no doubt that GRETA reports pay a great deal of attention to gender equality, and interviewees confirm that their recommendations have perspective and are relevant. However, some underline that the attention to gender equality reflects a binary approach to gender and that GRETA should make additional efforts to better analyse THB issues affecting the LGBTQ+ community.

Primary and secondary analysis confirm that THB is a gendered phenomenon that primarily victimises women and girls for sexual exploitation, forced labour, domestic servitude, forced marriage, forced begging or forced criminality.¹¹³

This is also recognised by the Council of Europe Gender Equality Commission,¹¹⁴ whose task is to “promote in the political agendas of the Council of Europe member states and beyond the need to prevent and combat all forms of violence against women, including trafficking in persons which disproportionately affects women and girls, and of domestic violence”.

However, the comprehension of the phenomenon at a regional level is affected by the fact that gender-disaggregated data are not always collected by national authorities. GRETA underlines that during their visits they investigate whether such data are available for criminal, civil and administrative proceedings to achieve a higher level of comparable evidence across all states parties of the convention. The difficulty of accessing gender-disaggregated data was confirmed during the field visits conducted by the evaluation team.

The different implications of gender equality are constantly present in the work of the Council of Europe in THB through GRETA, and this is reflected in the promotion of gender-sensitive practices (awareness raising), as the following examples show.

- Through the Thematic Chapter of the 8th General Report on GRETA's activities (2019) “Assistance to victims of human trafficking”,¹¹⁵ the focus on a gender-sensitive approach for identification and protection of trafficked victims is streamlined in the entire publication (no evidence is available on the outreach and effects of this publication).

112. This is an interesting case in which this effect (which is regarded as a direct and intended result at the project level) is at the same time an indirect and unexpected effect at the level of the global Theory of Change of the stream of work, where it was not included as such.

113. As discussed in other parts of this report, interviewees reported that men and boys are being increasingly exploited primarily for labour exploitation.

114. Source available [here](#).

115. Published [here](#).

- ▶ Through regularly encouraging states parties to the convention to achieve gender parity among members appointed to the National Commissions.
- ▶ Through promoting a gender-responsive approach to identification and access to justice for victims of THB, including the provision of interpreters and interviewers of the same gender as the presumed victim.

For co-operation, there is anecdotal evidence suggesting that the attention to the gender dimension of trafficking is well reflected in design and implementation, in very close co-ordination with donor agencies. Two examples of projects co-financed by the EU and the Council of Europe are interesting from this perspective.

- ▶ The Horizontal Facility for the Western Balkans and Türkiye (Horizontal Facility II) 2019-2022 is a co-operation initiative for the Western Balkans region and Türkiye.¹¹⁶ It finances initiatives under four themes and has been used to finance some projects in the area of THB. A gender co-ordinator has been recruited by the European Commission at the central level, and the early collaboration between this function and the project teams resulted in gender-specific initiatives in projects implemented by the Council of Europe, such as:
 - Bosnia and Herzegovina: a gender analysis study and the development of guidelines for gender mainstreaming for local action plans following the “Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023”. The guidelines have been addressed in the action plans prepared in Bosnia and Herzegovina at the entity levels (Federation of Bosnia and Herzegovina, Srpska Republic and at the state level);
 - Kosovo*: support to the gathering of gender-disaggregated data in THB, which is being implemented by the national authorities.
- ▶ In Tunisia, the support for the development of the National Referral Mechanism for victims of trafficking¹¹⁷ included the creation of various tools, with specific consideration for the identification and protection of women and children victims of trafficking.

Finally, the toolkit “Gender Equality and Trafficking in Human Beings”,¹¹⁸ was produced, which is meant to provide guidance for the design of gender-aware co-operation projects. However, we noticed that during primary research its existence or use was not mentioned by staff of the Council of Europe.

The evaluation team asked staff of the Council of Europe, members of the THB-CP and key partners: “In your opinion, is the work of the Council of Europe in the area of THB contributing to gender equality?”

The responses are reported in the following table; even if the majority of participants responded positively, the results reveal a very large discrepancy of views between the different groups, suggesting that, in the opinion of the members of the THB-CP and even more of partners, there is still considerable room for improvement.

Table 19 – THB, contribution to gender equality

<i>In your opinion, is the work of the Council of Europe in the area of THB contributing to gender equality?</i>	Yes	No	I do not know
Council of Europe staff	95.5%	--	4.5%
Members THB-CP	69.2%	7.7%	23.1%
Partners	50.8%	13.6%	35.6%

Source: Evaluators’ own figures based on survey data

11.5.2 Cybercrime

“Cybercrime is a male-dominated world”; we heard this statement repeated several times during interviews, both from men and women. While this mainly refers to cybercrime perpetrators,¹¹⁹ it is widely acknowledged that women and men are both targeted by cybercrime and by ICT-enabled crimes in different ways.

When reflecting on the gender dimension of cybercrime and ICT-enabled crimes, the legal reference defined by the Budapest Convention intersects with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)¹²⁰ and with the phenomenon

116. Source available [here](#).

117. Source available [here](#).

118. Published [here](#), undated.

119. However, some underline that a lot of work still remains to be done to understand the typology of perpetrators by gender.

120. Published [here](#).

of cyberviolence. Cyberviolence is defined by the Istanbul Convention (Article 3) as “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

It also intersects with the Committee of Ministers Recommendation CM/Rec(2019) on preventing and combating sexism.¹²¹

There is unequivocal evidence showing that the Council of Europe is active in promoting public reflection and political action on the gender dimension of cybercrime and ICT-enabled crimes from the victims' perspectives. For instance, we mention the 2020 webinar on cyberviolence against women promoted by the C-PROC office and budgeted under the project CyberEast,¹²² the 2021 high-level webinar on innovative strategies to end online violence against girls and women¹²³ and the more recent conference on digital violence against women.¹²⁴

Political reflection and action are informed by research and the Council of Europe is active in this regard; for example, we mention the 2018 T-CY Mapping study on cyberviolence¹²⁵ and the 2021 study “Protecting women and girls from violence in the digital age – The relevance of the Istanbul Convention and the Budapest Convention on Cybercrime in addressing online and technology-facilitated violence against women”.¹²⁶ This latter report was critical because as digital technologies have a reproducing and amplifying effect on existing gender inequalities, recent Covid-related restrictions and lockdowns have increased cybercrime as people stay online longer. As a result, women and girls face multiple risks of online and technology-facilitated sexual harassment, stalking and gender-based cybercrime.

There is another dimension of the statement that cybercrime is a male-dominated world, and this is the dimension of the law-enforcement bodies, which reportedly are male-dominated. The Cybercrime Division is very active also in promoting reflection and raising awareness of the gender dimension of the enforcement side of the fight against cybercrime. The first event we could trace was the 2021 Regional Conference on cyberviolence and electronic evidence in Latin America and the Caribbean promoted by the International Association of Women Judges together with the two C-PROC projects, Octopus and GLACY+.¹²⁷

Although beyond the temporal scope of this evaluation we mention the hybrid International Conference on promoting the role of women in preventing, investigating and prosecuting cybercrime organised in November 2022 in Costa Rica by the GLACY+ project.¹²⁸ This event highlighted the critical message that “Women have a crucial role to play in effective criminal justice responses to cybercrime, whether as policymakers or legislators developing and adopting legislation on cybercrime or as law enforcement, prosecutorial or judicial practitioners investigating and prosecuting such offences”. This conference had a majority of women speakers, discussed pertinent topics affecting women and promoted areas where they could play a role.

Finally, we would like to acknowledge that there is irrefutable evidence proving that the Council of Europe encourages gender equality in their cybercrime work. This included equal representation of women at the T-CY and staff members at the C-PROC office in Bucharest. Furthermore, when delivering training, it was highlighted by survey respondents that there were efforts to have a gender balance among participants. One respondent highlighted that when invites for events are sent, the following message is quoted: “The Council of Europe aims to integrate an inclusive and gender-sensitive/equality approach in all its activities to ensure sustainability and protection of human rights for all citizens”.

The evaluation team surveyed staff of the Council of Europe, members of the T-CY and key partners, asking: “In your opinion, is the work of the Council of Europe in the area of C-C contributing to gender equality?”.

The responses are reported in the following table. The majority (with a very similar percentage) considered that the work on cybercrime contributes to gender equality. The most critical assessment came from staff, which is highlighted by their 21.7% negative answers implying there is room for improvement.

121. Source available [here](#).

122. Source available [here](#).

123. Organised by the Germany's Presidency of the Council of Europe's Committee of Ministers, the Council of Europe and the National Council of German Women's Organisations, please see [here](#).

124. Outside the temporal scope of this evaluation but mentioned because of its relevance, the conference was held in December 2022 under the Icelandic Presidency of the Council of Europe and organised jointly with the Violence against Women Division and the Cybercrime Division of the Council of Europe; please see [here](#).

125. Published [here](#).

126. Published [here](#).

127. Source available [here](#).

128. Source available [here](#).

Table 20 – C-C, contribution to gender equality

<i>In your opinion, is the work of the Council of Europe in the area of C-C contributing to gender equality?</i>	Yes	No	I do not know
Council of Europe staff	65.2%	21.7%	13.1%
Members THB-CP	68.0%	4.0%	28.0%
Partners	63.5%	3.2%	33.3%

Source: Evaluators' own statistics based on survey data

11.6. EQ 1D: CONTRIBUTION TO HUMAN RIGHTS FULFILMENT FOR THE MOST VULNERABLE PERSONS

This chapter also includes the response to sub-question 2c (human rights mainstreaming in design). This is done for the readers' convenience, as the two issues are closely interlinked.

In the co-operation area we notice the publication (December 2020) of a guide for internal use only titled "Human Rights Approach – Practical Guide for Co-operation Projects". The philosophy of the guide, which is meant to inspire the entire work of the Council of Europe in the co-operation field, is synthesised in an introductory note: "In addition to Council of Europe projects being on specific human rights themes, the project design and implementation should also in itself be in line with the Human Rights Approach and its principles. A human rights methodology should therefore ideally be applied at all stages of project management (from project planning to monitoring and evaluation)".

The Council of Europe conducted an internal assessment of the use of the guide through a survey of its staff; its preliminary results were shared with the evaluators in September 2022.¹²⁹ The response rate was 24% (for comparison: the response rates for the surveys for this evaluation were 89.1% for C-C staff and 93.5% for THB staff). Some 63% of the respondents responded that they used the guide and the majority (61 to 70%) facilitate the application of the human rights approach principles. A total of 85% of respondents declared an interest in taking part in training on the human rights approach implementation and further promoting the human rights approach principles in their field offices or departments.

However, we noticed during field visits that THB and C-C staff at the relevant field and operational offices of the Council of Europe seem unaware of the existence of such a guide.

11.6.1 Trafficking in human beings

Interviewees report that the Council of Europe in the area of THB contributes to the fulfilment of human rights because it focuses special measures on the most vulnerable and marginalised people and communities.

Two notable initiatives that link to the work done in the area of monitoring with awareness raising include the following.

- ▶ The 2020 "Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection",¹³⁰ which focuses on victims of trafficking that may be entitled to refugee status, thus focusing on persons affected by a double vulnerability.
- ▶ The publication of the Thematic Chapter of the 6th General Report on GRETA's activities (2018) "Trafficking in children",¹³¹ which also focuses on persons affected by a double vulnerability.

No evidence is available on the outreach and the effects of these publications.

While the evaluation team heard some concern that the GRETA monitoring work does not provide adequate attention to the Roma population as a community at risk, this does not seem confirmed by background research.

- ▶ The report on Hungary following the second evaluation round¹³² discussed the issue of child trafficking among Roma communities and urged authorities to take further measures in the area of prevention, "including outreach work and fostering access to education and employment in Roma communities".

¹²⁹. Internal, draft document, prior to finalisation.

¹³⁰. Published [here](#).

¹³¹. Published [here](#).

¹³². Published [here](#).

- ▶ The report on Albania following the third evaluation round¹³³ noted that Roma and Egyptian children are at a heightened risk of being trafficked.
- ▶ The report on the Slovak Republic following the third evaluation round¹³⁴ stated that “there has been an increasing number of cases of arranged (forced) marriages of girls of Roma origin, which are considered as cases of THB” and provided a reminder that the second GRETA report “noted that high unemployment rates in the Roma communities make the Roma particularly vulnerable to THB, due to inadequate support by labour offices, as well as vocational training programmes not being suited to long-term unemployed persons”.
- ▶ The recent third report on Bosnia and Herzegovina¹³⁵ noted that “Although there have been more investigations and prosecutions of child begging, GRETA is concerned by reports that the authorities do not always react appropriately to cases of child begging and child marriages, especially if they concern the Roma community, and urges the authorities of Bosnia and Herzegovina to ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, including by actively involving, wherever necessary, qualified persons from the Roma community”.

In the co-operation field, there is anecdotal evidence suggesting that the Council of Europe pays attention (within its limited budget availabilities) to the fulfilment of the rights of the most vulnerable persons. The evidence focuses on initiatives undertaken at the output level, while we have found no evidence about their results at the outcome level.

- ▶ The study RESidency STATUS: Strengthening the protection of trafficked persons, co-financed by the Council of Europe under its ordinary budget, analysed the right to obtain legal residence status and/or international protection for trafficked third-country nationals in Europe. The study of the legislation, gaps, challenges and practices that exist in different EU countries were identified and recommendations were made to improve effective access to this right.¹³⁶
- ▶ The translation into Romani language for dissemination among different Roma communities of materials of awareness-raising campaigns on THB for labour exploitation, financed under “Promoting good governance and Roma empowerment at local level” (ROMACTED), a co-operation project that is implemented by the Council of Europe’s Roma and Travellers Team and the Office of the Directorate General of Programmes.¹³⁷ Reportedly, the campaign involved Roma NGO activists in the campaign.

The evaluation team asked staff of the Council of Europe, members of the THB-CP and key partners: “In your opinion, is the work of the Council of Europe in the area of THB contributing to the fulfilment of human rights for the most vulnerable groups?”.

The responses are reported in the Table 21 and are overall largely positive; opinions of the three groups tend to coincide with each other much more than in the case of the contribution to gender equality.

Table 21 – THB, contribution to fulfilment of human rights

<i>In your opinion, is the work of the Council of Europe in the area of THB contributing to the fulfilment of human rights for the most vulnerable groups?</i>	Yes	No	I do not know
Council of Europe staff	95.5%	--	4.5%
Members THB-CP	84.6%	--	15.4%
Partners	77.4%	3.8%	18.9%

Source: Evaluators’ own findings based on survey data

11.6.2 Cybercrime

Survey respondents highlighted that the Budapest Convention was built around the principles and values of the Council of Europe to uphold human rights, which are implicitly embedded within the convention. Fundamental rights and cybercrime were said to be intertwined to include data protection issues; privacy and freedom of expression for all victims of cybercrime.

133. Published [here](#).

134. Published [here](#).

135. Published in June 2022 (outside the scope of the present evaluation) and available [here](#).

136. Report published [here](#).

137. For a description of the programme, please see [here](#).

The Council of Europe encourages states to consider victims in their domestic legislation (prevention, protection and punishment). An interesting reflection shared during primary research is that in the 2008 the Court judgment *K.U. v. Finland*¹³⁸ the Court underlines that combating and preventing cybercrime is a matter of protecting personal safety and security of individuals and legal entities; and by extension their rights.

In terms of vulnerable groups, the main attention of the work on cybercrime seems to focus on children's protection from crimes committed online. This is an area where the legal provisions of the Budapest Convention intersect with those of the Lanzarote Convention.¹³⁹ The work done includes the previously mentioned project *abuse@Europe* as well as several other initiatives quoted and accessible from the Council of Europe web page "Cyberviolence against children".¹⁴⁰

Apart from this considerable work we could not find further evidence of action in the area of cybercrime directed towards the protection of human rights of other vulnerable groups.

The evaluation team asked staff of the Council of Europe, members of the T-CY and key partners: "In your opinion, is the work of the Council of Europe in the area of C-C contributing to the fulfilment of human rights for the most vulnerable groups?"

The responses are reported in the following table and are very positive. A considerable percentage of respondents do not have an opinion on the matter; this is particularly acute in the case of partners (40.1%). This confirms the findings from primary qualitative research, where interviewees and respondents to the surveys had difficulties in providing examples of such contributions.

Table 22 – C-C, contribution to fulfilment of human rights

<i>In your opinion, is the work of the Council of Europe in the area of C-C contributing to the fulfilment of human rights for the most vulnerable groups?</i>	Yes	No	I do not know
Council of Europe staff	68.2%	9.1%	22.7%
Members THB-CP	73.9%	4.4%	21.7%
Partners	59.3%	--	40.7%

Source: Evaluators' own findings based on survey data

138. Judgment published [here](#).

139. Quoted; Source available [here](#).

140. Published [here](#).

12. Efficiency (evaluation question 2)

Text box 2 – Evaluation question 2 (Efficiency)

To what extent are the initiatives of the Council of Europe in the areas of cybercrime and trafficking in human beings implemented efficiently and can provide lessons for implementing the most recent conventions included under the sub-programme? In particular:

- ▶ (2a) To what extent did the initiatives deliver the outputs indicated in the Programme and Budget documents and other relevant documents? What were reasons for not meeting the indicated targets (if relevant)?
- ▶ (2b) To what extent are modalities of implementation [including instruments and internal management (arrangements, processes and policies)] supporting or hindering the achievement of objectives? To what extent is there potential for efficiency gains by changing these?
- ▶ (2c) To what extent are gender equality and the human rights approach mainstreamed in the operations?
- ▶ (2d) To what extent can the experiences gained in implementing the Budapest Convention (ETS No. 185) and the preparation of the Second Additional Protocol (CETS No. 224) by the T-CY; and the THB Convention be used as a source of inspiration during the implementation of recent and future conventions, regarding:
 - strategies and processes to attract new signatory states;
 - processes leading to the evolution over time of the conventions (including the existence of feedback loops from monitoring and co-operation);
 - modalities of monitoring;
 - mobilisation of private funds and the mechanisms to safeguard the independence and public interest of the Council of Europe;
 - the setting up of a specific central co-operation office (with reference to the C-PROC in Bucharest).

12.1. EQ 2A: DELIVERY OF OUTPUTS, REASONS FOR DELAYS

12.1.1 Technical co-operation

To what extent are the co-operation activities of the Council of Europe in C-C and THB delivering as planned at the output level? While there is no question that some activities were delayed and some projects have been extended, we have found no sufficient secondary analysis to provide quantitative data on accumulated delays in terms of postponement of activities and delivery of outputs.

When interviewing the Council of Europe staff about the main causes of the present delays in execution (if relevant to their case), the response is unanimous: the Covid crisis. The pandemic is also the main factor that caused the need to extend the duration of some projects.

The response makes sense if we observe the period from March 2020: in the co-operation field, projects were disrupted or delayed worldwide, affecting all bilateral and international organisations.

The effects of the first global pandemic in modern history have been catastrophic. As reported in the Sustainable Development Report 2022,¹⁴¹ for two years in a row (2020 and 2021), the world has made no progress to achieve the Sustainable Development Goals, and this is predicted to have very large impact on the attainment of the global goals.

To reduce the impact of the Covid crisis on capacity building, both the areas of work of the Council of Europe assessed in this report moved some of their traditional co-operation activities online; this was, for instance,

¹⁴¹. Sustainable Development Report 2022, available [here](#).

the case for the delivery of training and proved to be an effective measure. However, trainers interviewed during this evaluation reported that two years of online training resulted in online fatigue with decreased commitment and engagement by trainees.

Interviewees at judicial training institutions underline that the experiences over the last few years reveal that the training focused on theory could be done online. At the same time, their practical modules (involving role-playing and simulations) are better delivered in person.

The online European Programme for Human Rights Education for Legal Professionals (HELP) system for training was reported to be an essential tool to assist the Council of Europe in adapting to delivering online training. In 2020, the course was translated and launched in Bosnia and Herzegovina, North Macedonia, Romania, the Slovak Republic, Spain, Serbia and Türkiye. It was reported that a hybrid model, both online and in person, would be much better to contextualise the training and increase engagement with training materials. To widen the target groups and to encourage specialisation in trafficking in human beings issues, the HELP courses¹⁴² were also opened up to law students. We found evidence of this in Bosnia and Herzegovina and Serbia, and for the members of the national members of Bar Associations in Bosnia and Herzegovina, North Macedonia and Morocco.

The reactivity and adaptability of the Council of Europe's unit managing HELP were appreciated; as we heard from the Council of Europe's staff in Bosnia and Herzegovina: "HELP was an incredible source of support, particularly in the area of THB during Covid time. For example, we contacted the Council of Europe's office in Belgrade (they have a HELP correspondent) and managed to include more materials on THB at a very short notice to deliver training to our counterparts; it was a very successful collaboration." This did not go unnoticed, as two judiciary interviewees from the judiciary mentioned and praised the rapid response they received from the Council of Europe in this circumstance.

But, apart from the Covid crisis, what is the relative relevance of the nine most typical factors that cause delays in the execution of technical co-operation projects? We asked this to the staff of the Council of Europe involved in co-operation activities in the two thematic areas, and the results are reported in the following tables (one for each thematic area). They are sorted in decreasing order under the column "Entirely relevant".

Table 23 – THB, relevance of factors causing delays in co-operation

THB staff: relevance of some factors that can determine non-delivery or delays in the delivery of outputs in co-operation activities	Entirely relevant	Slightly relevant	Scarcely relevant	Not relevant
Scarce local ownership/political will	43.8%	18.8%	31.3%	6.3%
Changes in national policy agendas	43.8%	12.5%	18.8%	25.0%
Delays in finalising preliminary agreements with local partners	25.0%	31.3%	18.8%	25.0%
Difficulties in hiring/mobilising project experts	25.0%	25.0%	25.0%	25.0%
Difficulties in hiring/mobilising project co-operation staff	25.0%	18.8%	12.5%	43.8%
Limited/insufficient skills of project experts	25.0%	12.5%	25.0%	37.5%
Limited/insufficient skills of project co-operation staff	18.8%	18.8%	18.8%	43.8%
Challenges in co-ordinating with donors	6.3%	37.5%	12.5%	43.8%
Challenges in co-ordinating with international organisations	0.0%	31.3%	25.0%	43.8%

Source: Evaluators' own findings based on survey data

Table 24 – C-C, relevance of factors causing delays in co-operation

C-C staff: relevance of some factors that can determine non-delivery or delays in the delivery of outputs in co-operation activities	Entirely relevant	Slightly relevant	Scarcely relevant	Not relevant
Delays in finalising preliminary agreements with local partners	38.10%	38.10%	19.05%	4.76%
Scarce local ownership/political will	38.10%	28.57%	28.57%	4.76%
Changes in national policy agendas	38.10%	38.10%	19.05%	4.76%
Difficulties in hiring/mobilising project experts	33.33%	42.86%	14.29%	9.52%
Difficulties in hiring/mobilising project co-operation staff	28.57%	28.57%	33.33%	9.52%
Limited/insufficient skills of project experts	23.81%	19.05%	38.10%	19.05%
Challenges in co-ordinating with international organisations	19.05%	33.33%	33.33%	14.29%
Limited/insufficient skills of project co-operation staff	9.52%	33.33%	38.10%	19.05%
Challenges in co-ordinating with donors	4.76%	28.57%	42.86%	23.81%

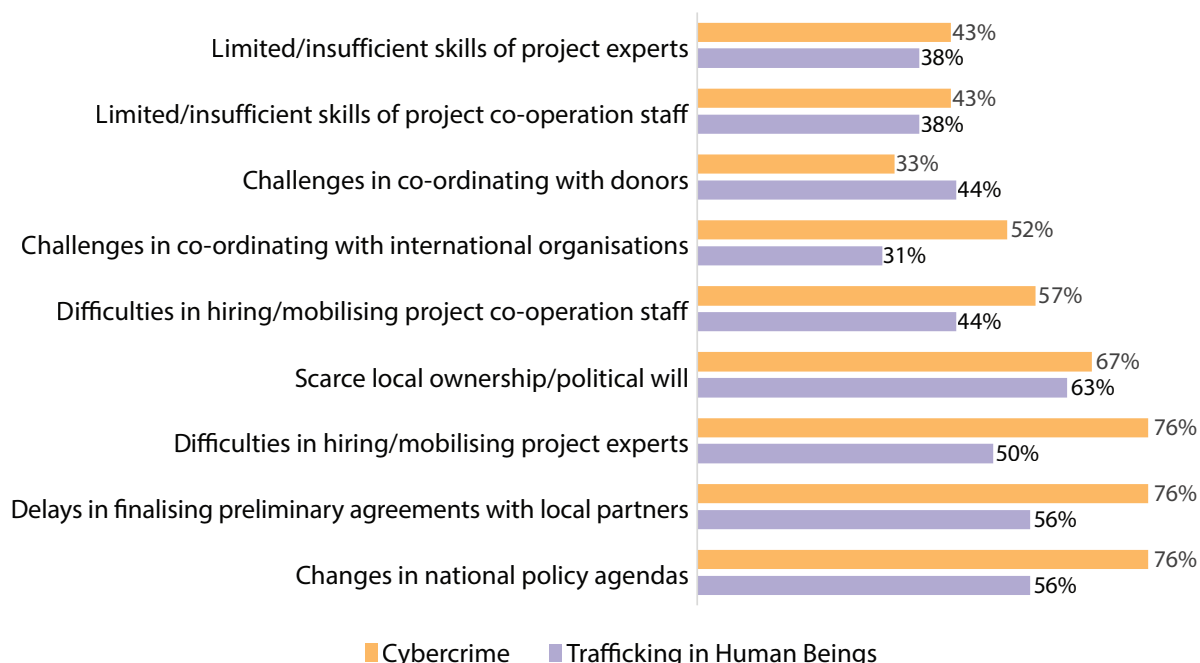
Source: Evaluators' own findings based on survey data.

¹⁴². Source available [here](#).

While the relative position of the different factors in the two tables tends to coincide, we notice some remarkable differences, if the score of the two columns “Entirely relevant” and “Slightly relevant” are totalled.

This emerges from the chart in Figure 14 that shows that in eight out of nine cases staff involved in cybercrime co-operation activities feel the pressure of these factors more than their colleagues involved in co-operation in the area of trafficking in human beings.

Figure 14 – Most relevant factors causing delays, C-C and THB staff views



Source: Evaluators' own findings based on survey data

12.1.1.1 Specific additions – THB

We asked the same staff that participated in the survey to indicate in free-text format their additional comments on factors leading to delays; those that were most frequently mentioned in the area of THB relate to: lengthy bureaucratic procedures and approval processes in the Council of Europe; limited financial resources; capacity of absorption by the partner institutions; and changing of national priorities.

Changes in national priorities are often mentioned as a factor contributing to delays and issues in implementation; this is sometimes linked with the countries that adopted restrictive migration policies, which often can work against implementing the required protective measure for victims of trafficking. It was further mentioned that the use by some political candidates or coalitions during electoral campaigns of the argument of border control could have implications for the onboarding of the THB-CP recommendations further to GRETA monitoring, thus impacting delays in the execution of co-operation projects.

The complex institutional architecture of different countries has also been reported to affect the efficiency of work, given the different tiers of engagement/hierarchies and bureaucratic procedures that sometimes need to be navigated to obtain endorsements.

Furthermore, it was mentioned that it can be challenging to engage certain states parties, especially those with limited budgets, which may not see the fight against THB as a priority. Staff turnover at national counterparts remains a challenge because once extensive lobbying has been done by staff at the Council of Europe, staff changes may mean restarting the relationship-building process.

12.1.1.2 Specific additions – C-C

In the area of C-C, the additional factors that are most frequently mentioned are: workload of the Council of Europe staff; capacity of absorption by the partner institutions and their fatigue; internal Council of Europe's tendering processes, which are considered lengthy and complex; and lack of human resources' accountability.

Further to this, staff members highlighted that the national level context often affects their work such as: few responses to tenders from service providers; local political elections; and conflicts.

There was a notable number of survey respondents who highlighted an overplanning issue (too many scheduled initiatives). This was reported to result in tight timelines to deliver outputs, with reports of limited flexibility resulting in a heavy workload on staff, negatively affecting the quality of delivery and the ability to spotlight critical events. However, of most significant concern was reporting of fatigue from national counterparts who cannot absorb the support being provided especially given that many other organisations also have similar co-operation activities. One interviewee highlighted that cybercrime is cross-sectoral, with no designated unit for cybercrime. Thus, having many activities placed a further strain on national authorities. This point is illustrated by a survey respondent who stated that “there are more and more conventions, but personnel of states parties is not increased accordingly. Thus, there is less input from states parties.”

12.1.2 Assessment in C-C

As described in other parts of this report, after the last assessment report published in the area of C-C (2017), the assessment work was put on hold to focus on preparing the Second Additional Protocol to the Budapest Convention.

The delay in the assessment work is not due to external factors but rather to a choice of prioritisation, which is fully adequate given the importance of the definition of the Second Protocol and the limited available resources (within the T-CY and those of the Council of Europe’s supporting staff).

12.1.3 Monitoring in THB

In the area of THB monitoring, significant delays in the number of GRETA visits during the Covid-19 crisis are reported in the Council of Europe’s Progress Review Report 2020:¹⁴³ “The number of state[s] parties having received a report following GRETA’s evaluation and the number of Committee of the Parties’ recommendations adopted on the basis of GRETA’s reports will not reach the target set (=21) as GRETA could carry out only 3 of the 11 country visits planned. In respect of two countries, GRETA organised a series of online meetings, reserving itself the possibility of organising physical visits whenever possible”. The mentioned Progress Review Report envisages that the accumulated delays could caught up with the monitoring cycles from 2024 on, and replanning of the scheduled monitoring missions was done.

Reportedly, there was an attempt to pilot some GRETA monitoring online; however, this was unsuccessful as it did not allow for direct interaction with key interested parties, which is an essential component of the GRETA visits. As we heard from an interviewee: “Covid gave us the false illusion that we could do the same monitoring work online, no, thousand times no, this cannot be done online for a Human Rights monitoring mechanism, especially for trafficking. The request for doing online monitoring could get back again, we should be very careful in saying no to those member states that may ask so.”

The repercussions of the delays in carrying out the planned visits were mitigated by GRETA. The monitoring mechanism adapted its working methods and organised plenary and other meetings online and adopted several reports under a written procedure.

Some relevant and timely initiatives were undertaken to warn member states of the perverse effects that the Covid crisis could have caused in the area of trafficking.

- ▶ On 2 April 2020, GRETA released a statement to member states¹⁴⁴ reminding them of the plight of trafficked persons and highlighting their moral and legal obligations. “The Council of Europe Convention on Action against Trafficking in Human Beings continues to apply during the emergency measures. Under the convention, states parties have an obligation to identify victims of trafficking and to adopt measures to assist them in their physical, psychological and social recovery, taking into account their safety and protection needs”.
- ▶ In early November 2020, at an online event¹⁴⁵ organised jointly by the Council of Europe and OSCE, the risks created by the pandemic and some good practices for the human trafficking crisis were highlighted.
 - Experts noted that high-risk sectors, including agriculture and food-processing industries, opaque recruitment procedures, low qualification requirements and low wages created favourable conditions for traffickers.

143. Report presented at the 1404th Minister’s deputies meeting, 12 May 2021, available [here](#).

144. Source available [here](#).

145. Source available [here](#).

- Lockdown measures and movement restrictions contributed to a surge in some forms of exploitation, particularly online child exploitation and “webcam exploitation”. Participants recognised that these forms of exploitation made victims increasingly “invisible” to the law-enforcement systems and harder to reach with support services.
- There have also been delays in the criminal justice system, which is enforcing health protection measures to the detriment of victims’ rights in many states.
- The meeting focused on solutions to the challenges posed by the pandemic, including broader use of trafficking hotlines, an increased law enforcement presence online and more on-site labour inspections in high-risk sectors.

The discussions held with some interviewees gave us a chance to learn of two other causes for possible delays in implementing the recommendations following the GRETA evaluations.

- ▶ Some interviewees, during field visits, mentioned the impact of suspected cases of corruption¹⁴⁶ that were widely covered by the media and attributed to political figures as a cause for delays in addressing some of the GRETA recommendations.
- ▶ While the reputational and peer pressure for countries to adhere to THB-CP recommendations further to GRETA recommendations is high, it has been reported that the impossibility for the Council of Europe to open infringement procedures on member states is a factor impacting negatively on the implementation of the recommendations.

12.2. EQ 2B: MODALITIES OF IMPLEMENTATION AND EFFICIENCY

12.2.1 Experiences of staff

In the experience of Council of Europe staff, the relation between modalities of implementation and efficiency¹⁴⁷ is not always idyllic, as emerges from primary research.¹⁴⁸

We notice that staff dissatisfaction with the internal processes of the Council of Europe that are not specific to the two thematic areas is quite a common “leitmotiv” in the area of THB, while staff working in C-C are slightly more positive in terms of both administrative and managerial processes.

In general, staff express dissatisfaction and sometimes even frustration with administrative and bureaucratic processes, which are described as excessively slow and complex.

- ▶ This is particularly the case for field-level staff in the offices for which the approval processes are centralised in Strasbourg, who report significant bureaucracy due to a long chain of authorisations and relevant control mechanisms. There was an apparent frustration among staff regarding the impact on the timeline, flexibility and speed of carrying out activities.
- ▶ Several voices report suffering from delayed answers to questions and approvals from internal management. As reported by staff working in a local office, this sometimes creates frustration: “At the field level, we sometimes need to respond quickly to national demands. Unfortunately, lengthy procedures forbid us from doing so.”
- ▶ Some indicated a long chain of command as one of the causes of the lengthy processes: “More autonomy/ flexibility should be given to “divisions” (lower management units), the level of departments could be removed from the chain of authorisations with directors assuming some of the supervisory functions”. “Departments should depart, directors should direct. This would increase effectiveness and efficiency, reduce hierarchies and make the organisation more dynamic.”
- ▶ However, evaluation findings also suggest a high capacity of adaptation in delivery, as proved during the Covid-19 crisis.
- ▶ Some indicated the process to be undertaken for hiring consultants as excessively lengthy and cumbersome: “Sometimes our focus shifts from the content of the work to the compliance with the process.”

¹⁴⁶. Under investigation; references cannot be disclosed.

¹⁴⁷. To what extent processes and procedures support efficient delivery.

¹⁴⁸. Quantitative results from the survey are not presented for this question 2b. This is because they contradict the qualitative responses to the survey, maybe due to a wrong formulation or understanding of the question. Priority is therefore given to qualitative findings, which are more detailed and confirmed through triangulation with findings from interviews.

- ▶ While many members share the dissatisfaction with internal processes and procedures, one voice remarked that one project office that recently was given a higher level of autonomy is now experiencing administrative delays: "Approvals that in the past took two hours of work in Strasbourg now take up to two weeks."
- ▶ Some underlined a lengthy adaptation process to the situation caused by the Covid pandemic. In particular, they lament the fact that only a minority of staff was provided with corporate laptops during confinement, obliging staff to work from their personal computers. Others lament a disparity of treatment among staff at the headquarters and staff in local offices.

12.2.2 Experiences of THB-CP and T-CY members

The impact of the current operating procedures of the THB-CP and the T-CY is positively valued by their members. When asked, "In your opinion, do the current operating procedures and rules allow for the proper functioning of your committee?", the response was positive.

Also, in this case, satisfaction is higher in the area of cybercrime.

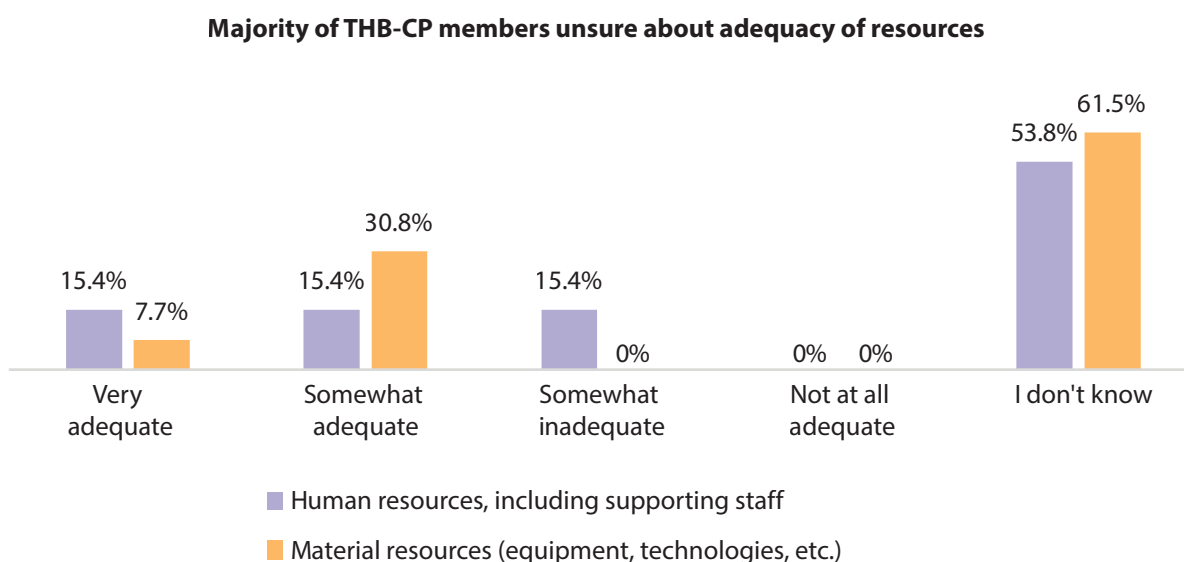
Table 25 – Impact of operating procedures and rules on the work of THB-CP and T-CY

<i>In your opinion, do the current operating procedures and rules allow for the proper functioning of your Committee?</i>	Yes	No	I do not know
THB: Committee of the Parties	69.2%	--	30.8%
C-C: T-CY	86.7%	--	13.3%

Source: Evaluators' own findings based on survey data

With regard to the adequacy of resources (human and material) for the work of the THB-CP, the members that participated had no strong positions; the majority of them did not express an opinion, while those that did so were satisfied, as shown in Figure 15.

Figure 15 – THB-CP, adequacy of resources

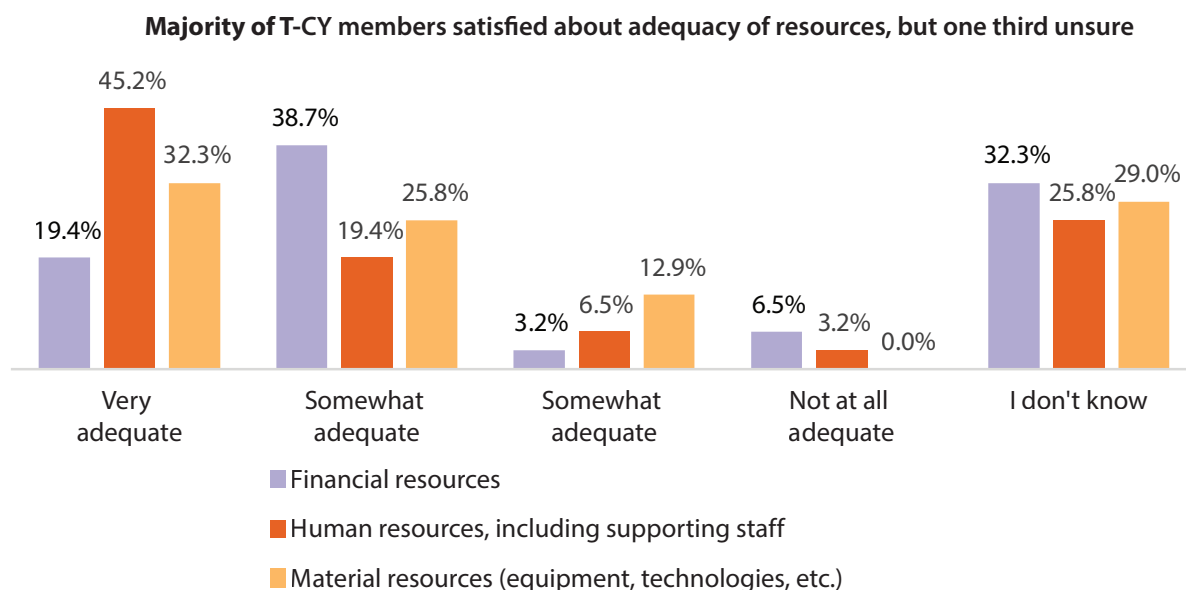


Source: Evaluators' own findings based on survey data

The situation is substantially different when asking the T-CY members the same question. Considering their higher level of involvement in the operation and governance of the C-C area, their opinion about the adequacy of financial resources was sought.

The T-CY members overall expressed a positive appreciation for available resources totalling about 60% (sum of "Very adequate" and "Somewhat adequate"), while about one third were unsure and preferred not to express an opinion (please see Figure 16).

Figure 16 – T-CY, adequacy of resources



Source: Evaluators' own findings based on survey data

12.2.3 Challenges with human and financial resources

Issues with the availability of sufficient human and financial resources are a recurring theme when interviewing staff at the Council of Europe.

The THB Division laments the missing replacement of one member of staff that retired in 2018 and the insufficient number of staff dealing with the co-operation portfolio.

As reported, in two cases (Romania and Türkiye), staff at the project offices were paid salaries substantially lower than the average salaries that are paid in the same country to the staff of other organisations with equivalent qualifications and duties.

This had substantial repercussions in terms of staff retention, and it was a cause of difficulty in recruiting staff to replace those who left.

Furthermore, it negatively reverberates on the local reputation of the Council of Europe as an employer; during the field visit to Bucharest, some interviewees from other organisations mentioned the recent difficulties of the C-PROC office in retaining and recruiting staff and the situation of low salaries.

As a result of a recent negotiation and following reports from the C-PROC management to Human Resources and a UN salary survey that concluded that salaries at the C-PROC were on average 43% lower than salaries paid by other international organisations to their staff for equivalent positions, salaries for the staff working at the Bucharest office were increased by 40%.

In turn, the difficulties in recruiting staff because of the salary issue create an increasing workload for existing staff, resulting in a poor morale among personnel. Workload has been mentioned several times by staff during primary research as an essential issue that impacts the capacity to maintain a sustainable work-life balance.

Apart from the issue discussed above, recruiting staff with the right skills and expertise is not always easy, and this is particularly acute when searching for highly technical skills in local and limited markets.

There was a suggestion from staff working in a project office to centralise finance and procurement tasks in a unique office unit rather than duplicating these activities at the project level. This would create some synergies and allow for more proper staff training.

Some staff of the project offices reported the absence of common onboarding procedures and lamented that they had not been properly trained on internal processes, but instead they had to learn on the job or ask their colleagues.

The limited financial resources of the co-operation activities of the Council of Europe are a constant factor emerging from dialogue with staff. On several occasions, it was mentioned that the financing of co-operation projects under a non-ordinary budget and therefore the unpredictability of the available resources is a critical

factor and severely limits the possibility for the Council of Europe to provide targeted assistance in a sustainable manner. Furthermore, with regard to THB, it was noted that higher budgets for co-operation would increase the visibility of the Council of Europe and, consequently, its standing as a visible and critical partner.

12.2.4 Communication

Internal and external communication is another recurring topic emerging from primary research.

Internal communication (within the sub-programme and outside it) is slightly differently valued by staff at the headquarters and in the project offices. Generally, it follows informal, unstructured channels based on personal networks and knowledge. It is possible because of the limited size of the Council of Europe and (as unanimously confirmed by every interviewee) is facilitated by a constructive attitude of staff: colleagues help colleagues in a professional and friendly way, and this seems to be the practice of the majority of staff. In other words, informal communication works. However, this is facilitated by direct and interpersonal connections.

Staff in Strasbourg generally report that they have no problems in rapidly identifying “the right colleagues to help on a specific issue” for Strasbourg-to-Strasbourg communication. They also report that it is very easy for them to identify the right project staff at the local office level: the Strasbourg-to-local-office dialogue is not an issue.

On the contrary, the rapid identification of colleagues that could help on specific issues seems slightly more complex for staff working in the local offices, as very few of them have developed direct connections and networking in Strasbourg. Many of them have never visited Strasbourg, or if they have their time spent at the headquarters was not long enough to allow the building of direct networks. Consequently, when consulting colleagues at the headquarters, they pass through “gate keepers” that facilitate direct contact or act as intermediaries. This process of local-office-to-Strasbourg communication generally works but is slightly longer. No problems were reported in internal communication within local offices, as their size is minimal and exchanges are the rule.

Some report local-office-to-local-office communication can be complex, mainly when in another country: “we do not know each other, we know little if any of what is done on the same theme in other local offices and we do not exploit to its best the opportunities to learn from each other’s experiences in the area of co-operation.” This issue seems mainly to affect staff from local offices in different geographic regions, while the problem seems much less acute between offices from the same geographic region.

External communication (communication with local citizens and civil society) in some local offices is delegated to staff hired as communications officers. Some staff raised the issue of not having dedicated communications officers, which is an obstacle to effectively communicating with media, partners and the local communities: “We don’t even have social media accounts, we use our owns to advertise our initiatives, and when hiring communication agencies for a specific campaign we spend more resources to let them understand what we do and what we need than what we would spend if we could hire a dedicated comms officer.”

12.3. EQ 2C: GENDER MAINSTREAMING AND HUMAN RIGHT FULFILMENT IN DESIGN

This sub-question has been merged and responded under sub-question 1d.

12.4. EQ 2D: PREAMBLE

Sub-question 2d requires reflecting (from a lesson learned perspective) on experiences gained in implementing the THB and the C-C conventions under five different processes:

- i. the strategies to attract new states parties to the conventions
- ii. the processes leading to the evolution over time of the conventions
- iii. the modalities of monitoring
- iv. the mobilisation of private funds and the processes to ensure that the independence of the Council of Europe is safeguarded
- v. the setting up of the C-PROC office.

For the readers’ convenience, each of these analyses is done in a different chapter.

12.5. EQ 2D-I: STRATEGIES TO ATTRACT NEW STATES PARTIES

12.5.1 Trafficking in human beings

During the period covered by the evaluation, the THB convention had only one additional accession (Israel, 28/05/2021). The convention was promoted through co-operation in the South-Mediterranean region; Tunisia asked to be invited to accede to the convention and was invited by the Committee of Ministers in February 2018.

12.5.2 Cybercrime

During the period covered by the evaluation, the Budapest Convention registered a significant membership growth. Similar considerations apply to the First Additional Protocol, while the preparatory activities initiated during and immediately after the process leading to the Second Additional Protocol started to have an effect as from May 2022.

As described, these results were mainly possible thanks to the combined and co-ordinated efforts of the advocacy and co-operation work. We want to underline that one key factor of the effectiveness of the advocacy work was the availability of the Cybercrime Division management to travel worldwide, both to visit potential partners and to participate in the most relevant international forums on cybercrime. In addition, the support from the more active members of T-CY was a further strategic element of success.

Regarding the co-operation work, we underline that the global coverage of some projects (such as Octopus) and the flexibility of their Theory of Change were critical factors for allowing the implementation of global and multiregional initiatives that contributed to the awareness and attractiveness of the convention.

Peer pressure and regional emulation seem to be additional elements that contributed to the spread of the number of states parties to the convention, particularly in Latin America and the Caribbean, as well as in Africa. In both geographic areas, the first countries that became parties to the convention had a catalysing effect that helped attract other countries from within the same regions.

One further and contingent factor (the Russian invasion of Ukraine and the subsequent expulsion of Russia in 2022) was repeatedly mentioned as an additional factor that increased the attractiveness of the convention.

12.6. EQ 2D-II: EVOLUTION OF CONVENTIONS

12.6.1 Trafficking in human beings

Over the period covered by the evaluation, the convention on THB has not been modified.

However, there has been an extremely interesting development that is worth analysing from the perspective of lessons learned; this is the Council of Europe's work in the area of trafficking in human beings for labour exploitation.

This story reveals the dynamism of the work of the Council of Europe and its capacity to identify new trends and adapt to new challenges by developing innovative thinking, creating partnerships and promoting targeted initiatives.

In their Seventh General Report for 2017, published in 2018,¹⁴⁹ GRETA highlighted the particular challenges of trafficking for labour exploitation and published a self-standing thematic chapter entirely devoted to the topic.

THB-LE started to emerge as an upward trend since the first and second rounds of GRETA monitoring. However, in different country reports, it was observed that many victims of labour trafficking were not being identified and not afforded access to legal assistance and protection. Furthermore, GRETA found that several domestic courts failed to understand the nexus between labour exploitation and human trafficking.

The seventh General Report on GRETA's activities and its thematic chapter on THB-LE functioned as a wake-up call and received substantial media coverage (*Politico*, *New Europe*, *DW*, *ANSA*, *DPA*, *ZDF*, *Deutschlandfunk*, *APA*, *EFE*, *It La Vanguardia*, *The Irish Independent*, *The Irish Times*, *ANP*, *HINA*, *Kathimerini*, *Unian*, *SDA/ATS*, etc.).

¹⁴⁹. March 2018, 7th General Report on GRETA's Activities, Council of Europe, Strasbourg.

Several different milestones followed the seventh GRETA report, revealing the co-ordinated action of the Council of Europe on this matter.

- ▶ April 2019 – the former Secretary General Thorbjørn Jagland’s report to the 129th Session of the Committee of Ministers (“Ready for Future Challenges – Reinforcing the Council of Europe”) identified trafficking for labour exploitation as one of the major challenges in Europe (“trafficking for the purpose of labour exploitation is on the rise across Europe – hence the need for renewed action based on common European standards”).
- ▶ April 2019 – following the report from the Secretary General, the Committee of Ministers at the end of its 129th Session “agreed to continue analysing the protection provided by existing European standards with a view to identifying gaps and developing sector-specific recommendations, guidelines and codes of conduct” and instructed its deputies “to examine ways of strengthening action against trafficking in human beings”.
- ▶ July 2019 – at its 35th meeting, GRETA concluded that there was no need for a new legal instrument and that the Council of Europe Convention on Action against Trafficking in Human Beings, together with the European Convention on Human Rights, provided an adequate legal basis for action in the area of human trafficking for the purpose of labour exploitation.
- ▶ November 2019 – following the decisions at the 129th Session of the Committee of Ministers, the newly elected Secretary General Marija Pejčinović Burić announced a road map for strengthening action against the trafficking in human beings for the purpose of labour exploitation.¹⁵⁰
- ▶ June 2020 – GRETA published a guidance note¹⁵¹ on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection. The guidance note highlights the criteria that may entitle victims of trafficking, and those at risk of being trafficked, to international protection, including complementary protection. It further aims to guide relevant authorities, agencies and organisations with the objective that no such person should be compelled to return to their own country if such a return would threaten their lives or freedom and jeopardise their rights, in particular, the right not to be subjected to slavery, forced labour or servitude and the right not to be subjected to torture, inhuman or degrading treatment.
- ▶ August and December 2020 – GRETA set up an ad hoc working group which prepared a compendium of good practices¹⁵² and a guidance note¹⁵³ on preventing and combating human trafficking for labour exploitation. The compendium highlights effective measures that the parties to the convention have taken to prevent and combat trafficking for the purpose of labour exploitation, together with actions that could be taken in the future. The guidance note covers a range of issues, including the concept of “exploitation” within the criminalisation of human trafficking, the role of labour inspections, targeted prevention for at-risk groups, the identification of victims, their access to assistance and effective remedies, and building criminal cases of trafficking for labour exploitation.
- ▶ December 2020 – at its 27th meeting, the Committee of the Parties on THB agreed to propose preparing a Committee of Ministers’ recommendation for all member states, which would supplement the provisions of the convention and codify the necessary guidance.
- ▶ April 2021 – at its 1401st meeting, the Committee of Ministers set up the Drafting Committee on Trafficking for the Purpose of Labour Exploitation,¹⁵⁴ under the authority of the CDDH, to prepare a draft recommendation of the Committee of Ministers on preventing and combating trafficking in human beings for the purpose of labour exploitation. For the first time in the history of the Council of Europe, a group of independent experts (GRETA) was included among the participants in a working group preparing an intergovernmental paper.
- ▶ July 2022 – in a new report,¹⁵⁵ GRETA provided evidence that the internet and social media play a significant role in recruiting victims, especially following the Covid-19 pandemic.

150. Roadmap on strengthening action against trafficking in human beings for the purpose of labour exploitation (SG/Inf(2019)34).

151. June 2020, [Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection](#), Council of Europe, Strasbourg.

152. GRETA, August 2020, [Compendium of Good Practices in Addressing Trafficking in Human Beings for the Purpose of Labour Exploitation](#), Council of Europe, Strasbourg.

153. GRETA, December 2020, [Guidance Note on preventing and combating trafficking in human beings for the purpose of labour exploitation](#), Council of Europe, Strasbourg.

154. [Terms of Reference Drafting Committee on Trafficking for the Purpose of Labour Exploitation](#) (CDDH(2021)05).

155. July 2022, [11th General Report on GRETA’s Activities](#), Council of Europe, Strasbourg.

- 27 September 2022 – at their 1444th meeting, the Committee of Ministers’ Deputies adopted Recommendation¹⁵⁶ CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation.
- We shall add to this list of milestones the constant attention to THB-LE of the Council of Europe co-operation projects, which substantially helped the modification of policies, laws and practices (see on this point the analysis of immediate and intermediate outcomes done in Chapter 11.2.1).

Interviewees with whom labour exploitation was discussed reported that the Council of Europe raised the attention and awareness among states parties about labour exploitation and trafficking in human beings, with anecdotal evidence of benefits being seen to both domestic and migrant victims. International organisations stated that the Council of Europe is responsible for raising awareness of this issue in their own region and highlighting the need to identify urgent solutions, including promoting the role of labour inspectors. Notably, few interviewees mentioned or showed awareness of the compendium or guidance notes that had been developed as a precursor to the Council of Ministers, recommendation.

The Committee of Minister’s recommendation was known to several interviewees, who stated it was an essential contribution to combating labour exploitation in the context of trafficking in human beings. Furthermore, some observers praised the consultation process leading to the development of the recommendation, stating that it was well-organised and inclusive.

Furthermore, through the discussion, significant concerns of different member states were voiced, which provided a unique opportunity for other authorities and organisations to understand their positions and concerns. A recent decision by the European Court of Human Rights in 2021, *Zoletic and Others v. Azerbaijan*,¹⁵⁷ was praised in Bosnia and Herzegovina as a meaningful decision for bringing about awareness of this thematic focus.

The evaluation team found that labour exploitation concerning the trafficking in human beings is a crucial discussion topic being raised by stakeholders from national authorities, international organisations and Council of Europe staff members.

Interviewees reported that the lack of a formal definition or understanding of the concept of “labour exploitation” in the context of trafficking in human beings resulted in challenges with identification and prevention, together with discrepancies in terms of interpretation from courts in different jurisdictions of what are exploitative labour conditions and what constitutes trafficking in human beings.

Some interviewees (particularly from civil society and law-enforcement bodies) underlined the difficulty in identifying the victims of THB-LE and the resistance from their site to report the crime of which they are victims as this would mean losing the job they have (even if illegal).

In the absence of significant statistics, interviewees in the visited countries agree in characterising the phenomenon as a type of crime mainly targeting male victims.

International organisations, such as the FRA, the Council of Baltic Sea States, the International Organization for Migration, the Organization for Security and Co-operation in Europe and the United Nations Office on Drugs and Crime, held several prominent events which echoed the same concerns and the call to action developed by the Council of Europe.

Attention to the issue is already having an effect at the level of intermediate outcomes: Chapter 11.2.1.3 lists the 153 changes reported in states that are parties to the convention on THB following the GRETA monitoring: at least 16 (10.5%) of them are specific to the topic of THB-LE.

Apart from the above case concerning THB for labour exploitation, there are other cases that, well before the period covered by the present evaluation, witnessed the dynamism of the work of the Council of Europe in THB and the timeliness of its reaction to emergent phenomena. This work linked well with standard setting, monitoring and awareness raising. We very briefly mention the following.

- The beginning of exploring the relationship between THB and trafficking in human organs. Important to this purpose was the 2009 study “Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs”.¹⁵⁸

156. September 2022, [Recommendation CM/Rec\(2022\)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation](#), Council of Europe.

157. *Zoletic and Others v. Azerbaijan*, Application No. 20116/12, 7 October 2021.

158. Joint Council of Europe and United Nations publication, available [here](#).

- ▶ The relationship between THB and trafficking in human organs is of an extreme actuality, and during field visits, the evaluators were informed of ongoing criminal investigations trying to shed light on suspect cases of victims of THB that, after a few years of sexual exploitation became victims of non-consensual organ transplant, with organs being sold on the illegal market.¹⁵⁹ Reportedly, the study was of importance to the EU as well, where there was limited experience.
- ▶ The work on electronic evidence gathering for the purpose of THB. The first reflection on the issue seems to be the study “Trafficking in human beings: Internet recruitment” published in 2007,¹⁶⁰ while GRETA, given the acceleration of recruitment using the internet since the Covid-19 pandemic, published in April 2022 a further instrument entitled “Online and technology-facilitated trafficking in human beings”.¹⁶¹

The emergence of new forms of crime seems to be a never-ending phenomenon; we would like to mention here that during the evaluation some interviewees from different countries expressed the wish for the Council of Europe to produce a short update of the definitions of different forms of crime linked with THB. Furthermore, this publication is expected to support the work of adjustment of practices among states parties and clarify any misconceptions.

12.6.2 Cybercrime

On 17 November 2021 the Committee of Ministers of the Council of Europe adopted the Second Additional Protocol to the convention on enhanced co-operation and the disclosure of electronic evidence (Budapest Convention). It was the end of a long journey, officially started in June 2017 with the definition by T-CY of the Terms of Reference for the preparation of the protocol, but, in reality, it began with preparatory consultations initiated some years before.¹⁶²

Several elements of this process make it unique in terms of drafting modalities, inclusiveness, ownership and capacity to adaptation to the challenges brought about by the Covid-19 crisis. However, while all institutional partners and drafters we interviewed praise the process and its results, some criticisms are raised by CSOs working in the area of digital rights.¹⁶³

- ▶ **The originality of the drafting process** – “The Protocol was prepared by a Protocol Drafting Group (PDG) and a Protocol Drafting Plenary (PDP) established by the Cybercrime Convention Committee (T-CY). The PDG consisted of experts appointed by the parties of the convention; the PDG in turn, setup a number of subgroups to work on specific articles”.¹⁶⁴ An important element of originality of the drafting process is that (unlike in most international negotiations) the work of the PDG sub-groups progressed (sometimes in parallel) article by article. It was not based on a “zero draft” prepared by supporting staff. Instead, the sub-groups started their work “from a white page”, based on the results of preliminary consultations. This required a very high time commitment from members of the sub-groups and may have had an impact on the duration of the exercise, but (in the unanimous views of the drafters we interviewed) was one of the key elements enhancing the level of ownership of the resulting text.
- ▶ **Inclusiveness, key figures** – The drafting work was carried out by no less than 64 people¹⁶⁵ from five continents, representing 14 countries plus the Council of Europe, the T-CY and the European Commission. On top of ordinary meetings, the PDG sub-groups¹⁶⁶ convened 66 times, the PDG had 16 meetings and the PDP had 10 plenaries. Six open stakeholders’ consultations were organised during the process, and over 620 representatives from 75 countries¹⁶⁷ and eight observer organisations participated in the process.
- ▶ **Criticisms from civil society** – CSOs active in the area of digital rights sent their contributions on the Second Protocol on several occasions¹⁶⁸ since the consultation process prior to the drafting work. In February 2018, the European Digital Rights (EDRI) and the Electronic Frontier Foundation, together with 91 NGOs from around the world addressed the Secretary General of the Council of Europe expressing

159. As criminal investigations are reportedly ongoing, the details were not disclosed to evaluators.

160. Source available [here](#).

161. Source available [here](#).

162. A detailed reconstruction of the process leading to the Second Protocol is included in the publication “Second Additional Protocol to the Convention on enhanced co-operation and the disclosure of electronic evidence”, Special edition dedicated to the drafters of the protocol, Council of Europe, 2021

163. This chapter is mainly based on primary evidence gathered through interviews with drafters of the Second Protocol, institutional partners that participated in different phases of the consultation and civil society. It has been supplemented by secondary research.

164. “Second Additional Protocol to the convention on enhanced co-operation and the disclosure of electronic evidence”, quoted.

165. Some drafters preferred to remain anonymous.

166. And ad hoc groups.

167. This includes the 66 countries that were part of the convention by May 2021 plus nine observers.

168. See [here](#) for a collection of position papers, contributions, blogposts, and press releases maintained by EDRI.

their concern that “the current negotiation of a second ‘additional protocol’ to the Cybercrime Convention raises multiple challenges for transparency, participation, inclusion and accountability”¹⁶⁹ and asked to be invited to participate in the preparation of the protocol as co-drafters, which did not happen. Through their participation in the six rounds of public consultations, different CSOs (mainly organised under the coordination of EDRi and the Electronic Frontier Foundation) sent their reactions and comments to the draft articles. Their sentiment at the time of the evaluation is one of frustration, they regret that their voice was not heard and have the impression that their comments were not taken into consideration and complain that they were not included in the process. They also regret that the issue of their higher concern (the link between data protection and fundamental rights) was only addressed at the end of the process, when the process itself was accelerated to meet the deadline for the CM approval, thus not allowing civil society a proper process of internal consultation. In July 2021 the Electronic Frontier Foundation called on PACE to hear the criticisms of CSOs before the approval of the protocol.¹⁷⁰ In April 2022, on behalf of their network of 45 European NGOs, EDRi called “on the European Parliament to use its power under Article 218(11) of the Treaty of the Functioning of the EU to request the opinion of the Court of Justice of the EU on the compatibility of the Second Additional Protocol of the Council of Europe Cybercrime Convention with the Treaties, including the Charter of Fundamental Rights”.¹⁷¹ More recently, when commenting on the ongoing process for the development of a UN Cybercrime Treaty, an article published by Human Rights Watch commented that the space given to civil society to participate in the process “stands in stark contrast to the experience some of us had during the negotiations of the new Protocol to the Budapest Convention”.¹⁷²

- ▶ **Public consultation** – The process of public consultation (based on six rounds) was progressive, where interested parties could provide comments as soon as a new section of the protocol was drafted. This modality of consultation was widely appreciated, even by those CSOs that raised the critiques mentioned above. Commenting on the process, more than one interviewee compared it with the consultations organised by the European Commission, where in general, consultations are carried out on complete legal texts, thus making more difficult to suggest changes.
- ▶ **Adaptations to the Covid-19 crisis** – The last face-to-face meeting of the process was held in February 2020; since that date, all work has been conducted remotely, and an estimated 75 meetings have been held. This was the first time ever in the history of the Council of Europe that an important part of an international negotiation to produce a global legal instrument was conducted in this way. The opinions of the interviewees are unanimous: while at the beginning, the remote negotiation work was challenging, participants got used to the new instruments quite soon, even if everybody regrets the absence of direct interaction and parallel, informal negotiations. All interviewees also underline that remote work increased participation for two concurrent reasons: the elimination of budget barriers due to travel costs and the fact that remote work is less disruptive to the main job of the participants.

12.7. EQ 2D-III: MODALITIES OF MONITORING/ASSESSMENT

The respective description of the modalities of monitoring for THB and assessment for C-C are described in Chapter 2.3.2. (for THB) and Chapter 2.2.2. (for C-C) of this report. This chapter identifies some lessons from their practice.

12.7.1 Legal basis and consequences

These two mechanisms are based on acts with a different power in terms of a hierarchy of sources:

- ▶ the monitoring mechanism in the area of THB is defined in Chapter VII of the THB convention;
- ▶ the assessment mechanism in the area of C-C is described in the Rules of Procedure of the Cybercrime Convention Committee (T-CY).¹⁷³

This fact is not without consequences: if the legitimization of the THB monitoring mechanism is higher than the legitimization of the assessment in C-C¹⁷⁴, the regulation of the C-C assessment mechanism through a regulatory act gives much more flexibility and the possibility to adapt the process based on results from practice.

169. Letter [available here](#).

170. See [here](#), ‘Council of Europe’s Actions Belie its Pledges to Involve Civil Society in Development of Cross Border Police Powers Treaty’ – by Karen Gullo and Katitza Rodrigues, Electronic Frontier Foundation.

171. Petition [available here](#).

172. See [here](#).

173. The current version (16 October 2020) is published [here](#).

174. Because described in an upper-level source.

- ▶ The modifications to the THB monitoring mechanism require an amendment to the convention (described in Article 41 of the convention and requiring the unanimous consensus of all parties and discretionary power of the CM). No modifications to the conventions have been adopted since its entry into force (2005).
- ▶ The modifications to the C-C assessment mechanisms can be decided by the T-CY through a modification of its Rules and Procedures, which is a leaner and faster mechanism. This is proved by the fact that the present version is its fourth since 2013.¹⁷⁵

12.7.2 Monitoring v. assessment

Monitoring (THB) and assessment (C-C) are two instruments that share a common objective, which is to understand the level of compliance of states parties of the conventions with the conventions' prescriptions. Monitoring and assessments are performed in rounds and each round focuses on a different topic. Usually, these rounds are performed every two to three years.¹⁷⁶

Every state party of the convention is, therefore, subject to monitoring/assessment several times, each time on a different topic.

They (may) result in recommendations to the state being monitored/assessed on ways to better align with the convention. In both cases, the recommendations are issued by the respective committee representing the states parties. The states being monitored (THB) or assessed (C-C) are given a reasonable deadline to respond to the recommendations.

If these are the most important, common elements of monitoring and assessment, there are important differences between the two instruments; without any claim to be exhaustive, the two most important differences are as follows.

- ▶ Monitoring (THB) is performed by a body composed of independent experts (GRETA), while assessment (C-C) is a peer-review mechanism. Monitoring is, therefore, a true external and independent evaluation of compliance, while assessment is a process where the progress of each state party is analysed by peer representatives of other parties' institutions.
- ▶ Monitoring (THB) involves in situ visits to the countries being analysed by GRETA. During the visits, GRETA experts have a wide series of consultations with all interested parties (including civil society), collect their contributions in a different format (including through shadow reports if relevant) and conduct interviews. Assessment (C-C) does not involve visits to the countries being analysed or any other type of direct consultation with national stakeholders and interested parties.

There is no evidence to suggest whether one model "works better" than the other; it is rather the contrary, both models work and are extremely well valued by the interested parties.

12.7.3 Cybercrime: resuming of assessment work

As mentioned, the assessment work on cybercrime will be resumed in early 2023 and the assessment cycles should follow every two to three years.

During primary research some informed parties expressed concern about the capacity of T-CY to deal with the number of states parties, which since the last assessment exercise considerably increased. This was expressed both in terms of resource availability and in terms of expertise. One interviewee highlighted that, considering the increased number of countries to be assessed, the assessment mechanism might not adequately represent the situation on the ground, reducing its influence to enable adherence to the convention.

12.7.4 Responses to questionnaires

In both cases, the process of monitoring (THB) or assessment (C-C) is triggered by the sending to the states being monitored or assessed of a questionnaire seeking factual data needed by the monitoring or assessing body to perform their task. Considering the different focus of the monitoring/assessment rounds, each

¹⁷⁵. As indicated in the present version of the Rules and Procedures: "The Rules of Procedure, adopted by the 10th Plenary of the T-CY (3 December 2013), had subsequently been revised by 12th Plenary (3 December 2014), 18th Plenary (28 November 2017), 21st Plenary (8 July 2019) and via written procedure (16 October 2020)".

¹⁷⁶. As discussed in other parts of the report, the C-C assessment activity was put on hold from 2017 to 2022 due to the preparation of the Second Additional Protocol of the Budapest Convention.

questionnaire is specific to the topic selected for that specific round. The questionnaires are produced in English and (limited to THB) in French.

The gathering of the data to respond to the questionnaire is a complex exercise, which requires the majority of states to translate the questionnaire into their own languages, to consult with a number of national stakeholders and in the majority of cases to translate back the answers into the language of the questionnaire.

While this process is in general very much appreciated for its inclusiveness, it is reported that, at times, it represents a challenge for countries with an articulated, multilayered institutional structure (where evidence has to be gathered from different institutional “layers”) and for multilingual countries (particularly when the different linguistic communities contribute to their own language). It furthermore represents a serious challenge for small countries, which may be understaffed to respond to the questionnaires of every monitoring mechanism of the Council of Europe and of other international organisations.

12.7.5 Formulation of GRETA reports

As widely referred to in this report, the reports from GRETA are unanimously appreciated for the comprehensiveness and appropriateness of the analysis, as well as for the relevance of the recommendations.

During primary research we heard some voices (from national authorities and civil society) expressing concern and some frustration with the formulation of the reports, which are accused of not sufficiently acknowledging and valuing the progress made.

To better understand the criticism, we analysed the language of different reports and found that in general all of them acknowledge the progress made; we therefore tend to attribute this remark to a cultural factor, which in some contexts could be more acute than in others.

12.7.6 Follow-up to GRETA reports

While in general CSOs appreciate the processes of consultation leading to the production of the GRETA reports, some criticisms were raised on their follow-ups which are considered non-visible: “What happens after the GRETA recommendations? We have no visibility about this, sometimes we read the replies from National Institutions, but we would like to hear back from GRETA to what extent the responses from authorities are relevant and sufficient to address the issues raised in the reports.” Some added that they are not aware if there is any follow-up at all until the next monitoring cycle. This may hide an issue of communication and a need for a higher level of transparency.

12.7.7 Quasi-assessment: the Cybercrime experience

We use the term “quasi-assessment” (which is not an official term employed by the Council of Europe) to designate the Country Wiki,¹⁷⁷ a monumental work of analysis and overview of the relevant policies and legislation of more than 100 states worldwide.

The Wiki makes publicly available one “fiche” per country containing a description of the national cybercrime policies/strategies, the state of cybercrime legislation, the channels of co-operation, international co-operation and case law.

This work assists law enforcement and prosecutors worldwide in co-operating with signatories and non-signatories of the Budapest Convention; the utility of this tool under this perspective has been confirmed during interviews.

Although not an assessment tool, it is also a further instrument of shared knowledge on the evolution of the cybercrime legislation worldwide.

12.8. EQ 2D-IV: MOBILISATION OF PRIVATE FUNDS: CYBERCRIME

This chapter analyses the experience of the Cybercrime Division, as no private funds were used in the area of trafficking in human beings.

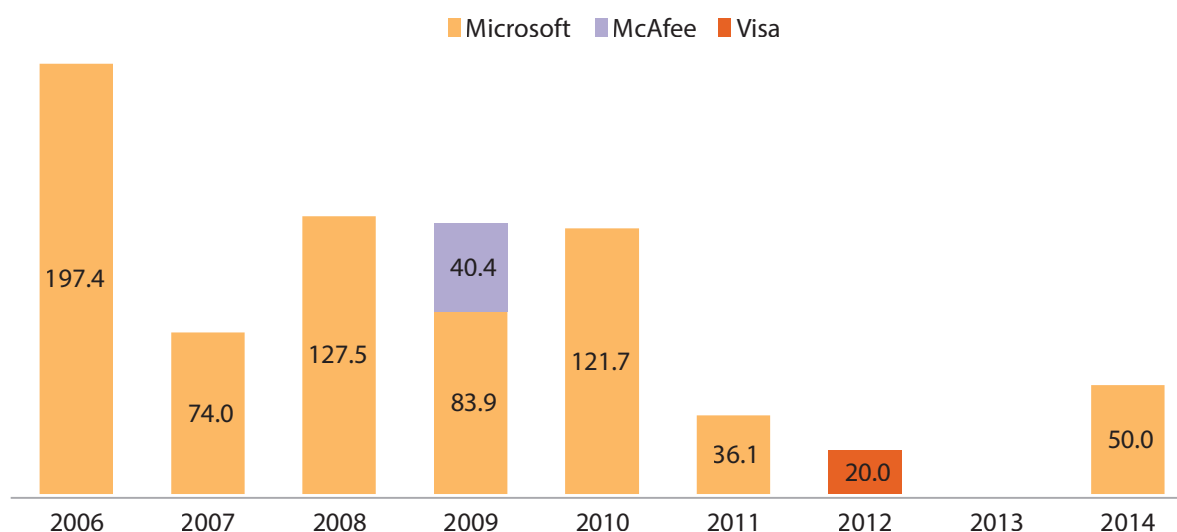
Over the period 2006 to 2014¹⁷⁸ the Cybercrime Division mobilised a total of €751 000 in private funds to support three of its projects. No further private funds were mobilised before or after this period in this thematic area.

¹⁷⁷. Source available [here](#).

¹⁷⁸. This analysis considers this period, as no funds were mobilised during the years 2018 to 2021, covered by this evaluation.

The three private firms providing funds were Microsoft Corporation (92% of the overall contributed budget), the McAfee Endowment Fund (5.43%) and Visa Europe (2.7%).¹⁷⁹ The contribution was uneven over the years and its evolution is summarised in the following Figure 17, in thousands of euros (k€).

Figure 17 – Private contributions to C-C projects 2006-2014 (k€)



Source: Evaluators' own statistics based on official data received from the Council of Europe

Private contributions represent a tiny minority of the voluntary contributions budget of the Council of Europe; according to official data provided by the Council of Europe, in 2021 they totalled €42 500¹⁸⁰ over an overall budget of €63 933 574 (6.6%) for the entire organisation.

However, if well targeted to specific project activities, private contributions can make an (important) difference.

This has been the case in cybercrime, where private funds were essential to finance initial activities that allowed a fast growth of the thematic area such as the first international conferences on cybercrime¹⁸¹ and advocacy costs that resulted in the increasing number of states parties to the Budapest Convention. This is visible if we observe the sources of voluntary contributions that financed the two projects that delivered the mentioned activities during the period 2006 to 2012 (see the following table, based on official Council of Europe data and reporting figures in euros; private contributions are reported *in italics*).

Table 26 – C-C, voluntary contributions 2006-2012

	Project VC 864			Project 2009-2012 (no VC ref in PMM)			
Donor	2006	2007	2008	2009	2010	2011	2012
Estonia			50 000		10 000	10 000	
Japan						45 000	
Monaco					15 000	10 000	
McAfee				40 358			
Microsoft Corporation	197 410	74 025	127 478	83 889	121 732	36 109	
Visa Europe							20 000

Source: Evaluators' own figures based on official data received from the Council of Europe

- The overall private contributions to the PMM project id 864 amount to €398 912 over a global voluntary contributions budget of €448 912 (88.9%).
- The overall private contributions to the second project amount to €302 089 over a global voluntary contributions budget of €392 089 (77.0%).

¹⁷⁹. In the following charts and analysis, they are respectively called Microsoft, McAfee and Visa.

¹⁸⁰. In the official report grouped together with contributions from non-member states, for an overall €77 510.

¹⁸¹. Thanks to these conferences (that are now known as the Octopus Conferences) the Council of Europe positioned itself as a world leader on cybercrime.

The process leading to the acceptance and use of private funds has been developed with the double objective of preventing interactions with companies of questionable reputation and to protect the Council of Europe from undue pressure.

Even if not formally identified as such, this process can be synthesised in five steps:

- ▶ identification
- ▶ preparation of the due diligence analysis
- ▶ due diligence
- ▶ approval mechanisms
- ▶ rules to safeguard independence.

12.8.1 Identification

The service in charge of the implementation of the projects for which a private co-funding is sought is responsible for the identification of the potential donor and the initial contacts aimed at understanding their interest and availability.

Reportedly, in the past the possibility was considered of creating a centralised unit in charge of the identification of private funders to the advantage of the entire Council of Europe. The idea was abandoned as it was considered that this process is best dealt with by the present approach as private sponsorship is meant to support specifically identified projects. The service in charge of the project implementation was considered the most suitable one to identify potential private funders that could have an interest in the project in reason of their mission/mandate.

During these initial contacts the service in charge (in this case, the Cybercrime Division) explains the objectives of the project and the basic rules for private sponsorship.

If the basic rules are not acceptable to the potential sponsor, the negotiation is stopped; reportedly, this happened in the past with Google, as they did not accept the visibility policy of the Council of Europe (see below, Chapter 12.8.5).

12.8.2 Preparation of the due diligence analysis

If the negotiation is not stopped, the service in charge collects information about the potential private sponsor. Although not yet formalised, this is done by using the template reproduced in Appendix P.

The process aims at gathering evidence on the financial standing of the potential sponsor, on its mission and activities, on ethical elements of its action, on previous co-operation with the Council of Europe and other international organisations and on elements linked with its social initiatives, links with political organisations, legal controversies and others things that could be incompatible with the moral standing of the Council of Europe and its independence or could have consequences in terms of reputational damage to the Organisation.

The due diligence template seems largely complete, but it misses one important element, which is the identification of the project(s) to be supported and the reasons why the potential sponsor decided to support the project(s).

12.8.3 Due diligence

The template is shared with the DPC, Donor Partnerships unit, for the due diligence check, which may require interactions and sometimes long negotiations with the potential donor.

The process concludes with a recommendation to the DPC hierarchy on whether the acceptance of the private donor is suggested.

12.8.4 Approval mechanisms

Based on the recommendation from the Donor Partnerships unit, the DPC hierarchy decides whether to present the sponsorship option to the PO.

The Secretary General has the authority to accept or refuse the offer; however, in doubtful cases or in presence of commercial interests of the potential funder s/he presents the option to the Committee of Ministers for endorsement.

This has been the case for the initial sponsorships of Microsoft (approved at the 974th CM Meeting, September 2006) and McAfee (approved at the 1048th CM Meeting, February 2009).

12.8.5 Rules to safeguard independency

The Council of Europe has adopted very few but strict rules to safeguard its independence from the agenda of the private sponsors and avoid undue pressure.

- ▶ Only projects that have already been defined and approved can be (co)funded by private bodies. It derives that private funders have no voice to influence the Theory of Change and or the implementation modalities of the projects.
- ▶ The relations are defined in a voluntary contribution agreement, which respects a standard text formulated by the Council of Europe.
- ▶ The Council of Europe has adopted a no-logo policy, meaning that no logo of private contributors will be used in any communication or dissemination material and that the private contributor cannot use the logo of the Council of Europe for any purpose.
- ▶ Voluntary contributions are acknowledged with a standard text on relevant materials.

12.9. EQ 2D-V: SETTING UP OF A SPECIFIC CENTRAL CO-OPERATION OFFICE

This chapter refers to the experience of the Cybercrime C-PROC office, located in Bucharest, which is a unique model in the Council of Europe.

The Council of Europe started assisting countries worldwide in implementing the Budapest Convention in 2006 from the Strasbourg headquarters.¹⁸² The decision was made to group all project staff together in order to create a centre of competence in the cybercrime field.

With the increasing of its project portfolio over the years, the Cybercrime Division needed to hire additional staff and find further office space. However, office spaces in Strasbourg had very high costs and an alternative solution was sought.

In October 2013¹⁸³ the Government of Romania offered the Council of Europe the opportunity to host the C-PROC office in the Bucharest UN House building, at a time when the UN was reducing their in-country presence. The offer was accepted and the office started its operations in April 2014. This solution allowed substantial renting and salaries savings as the office spaces are offered as a gratuity from the Government of Romania and the Cybercrime Division could hire the needed extra staff in Romania.

The C-PROC is supported by three staff in Strasbourg and the Head of the Cybercrime Division is also Director of the C-PROC, thus commuting between the two locations.

During the evaluation we could witness that the physical presence under the same roof of the Cybercrime project staff has a positive effect in terms of cross-fertilisation among projects and facilitates exchange of ideas and expertise that are applied across the spectrum of all countries that are supported.

Its geographic remoteness from Strasbourg is evident but the frequent commuting of the Head of the Cybercrime Division and Director of the C-PROC as well as the increasing use of remote working practices started to decrease this distance.

Remoteness of the office is more perceived at the level of the local project offices, as all project management on C-C is centralised in Bucharest. During the evaluation this has been remarked on by both Council of Europe staff in project offices and by some staff of the EU delegations. The C-PROC reports that plans are underway to consider posting staff in some local offices such as in Tunisia, Ukraine, Georgia or the Republic of Moldova for new projects planned to start in 2024. This should help reduce this “distance”.

All relevant interviewees (staff, T-CY members and partners) praise the C-PROC as a centre of excellence and recognise in its staff a high level of content-related and project management skills.

¹⁸². A factsheet on the C-PROC office is available [here](#).

¹⁸³. The initial idea was to open the office in Vienna for reasons of proximity to the UNODC, but the Austrian Government could not offer the needed office space.

13. Coherence

(evaluation question 3)

Text box 3 – Evaluation question 3 (Coherence)

To what extent are the interventions in the areas of cybercrime and trafficking in human beings coherent with other interventions within and outside the sub-programme and to what extent does co-ordination with other actors operating in the same thematic areas exist? In particular:

- ▶ (3a) To what extent did the areas of cybercrime and trafficking in human beings benefit from being part of the sub-programme?
- ▶ (3b) To what extent does co-ordination and co-operation take place between the different structures covered by the sub-programme? What synergies, if any, have been created?
- ▶ (3c) To what extent does co-ordination and co-operation take place with other parts of the Council of Europe working on the two themes of cybercrime and trafficking in human beings?
- ▶ (3d) To what extent does the Council of Europe co-ordinate and co-operate with other external actors operating in the two thematic areas? What synergies, if any, have been created?
- ▶ (3e) What is the specific Council of Europe added value in comparison with other external actors operating in the two areas of cybercrime and trafficking in human beings?

13.1. EQ 3A: BENEFITS FROM BEING PART OF THE SUB-PROGRAMME

Since the very beginning of this evaluation, the evaluation team tried to understand the added value of the sub-programme “Action against crime and protection of citizens” and its working mechanisms and, in our unplanned Flash Report issued in June 2022, we concluded that the sub-programme per se was not evaluable and we recommended the discontinuation of its evaluation.

This conclusion was mainly based upon two concurrent perspectives.

- ▶ The absence of a clear added value of the sub-programme as such, separated from the value of each of its components. As we wrote in that report, the description of the objectives of each area of work under the sub-programme corresponds to the description of the institutional mandate of the Council of Europe under each of these areas.¹⁸⁴ This led the evaluation team to reflect on the additionality/added value of the sub-programme. In other words, what is expected to be achieved by the sub-programme in addition to what the Council of Europe would be expected to achieve, in the absence¹⁸⁵ of the sub-programme? The analysis of this element was done mainly during the scoping interviews, as the secondary sources did not provide relevant information for the evaluation team to answer this question. The responses were almost unequivocal: the sub-programme is an “administrative decision”, a “cosmetic exercise”, an “omnibus entity”, it is part of “bureaucratic speak”, and it does not bring additional value or advantages. The evaluation team observed that a couple of interviewees had difficulty in identifying the sub-programme while having no difficulty in describing their area of work. Some interviewees underlined that the source of the legitimacy of their work is not to be found in the sub-programme or a strategy, but rather in higher-level sources such as the conventions they are tasked to implement and the mandate of the Council Organisation. Opinions about the most important achievements during the period of the evaluation and their determining factors slightly differ among interviewees. However, all of them agreed that what has been achieved would have been achieved in the absence of the sub-programme. Similarly, opinions

184. The Cybercrime Division (e.g.) in any case would promote capacity building initiatives and aim at widening up the number of the parties to the Cybercrime Convention, even if the sub-programme were not here. The same goes for the Division dealing with Money Laundering etc.

185. It is not uncommon for organisations to adopt (sub)programmes, or setup task forces that cross-cut different lines of service in order to better build on synergies for the achievement of some objectives that are either of an operational level or of a strategic nature. In these cases, the objectives of the programme (or of the task force) are different from the ‘sum’ of the institutional mandate of each of the involved parties of the organisation, and additional to them. In general, a (sub)programme is given a specific timeframe.

slightly differ regarding the effectiveness of the horizontal co-ordination between DGI and DGII and/or the different Departments and Divisions during the period, but this is regarded as independent from the existence of the sub-programme.

- ▶ The absence of a sub-programme management structure and co-ordination mechanisms. As we wrote in that report: "While a sub-programme budget exists, we found no evidence of a sub-programme management structure, either centralised or de-centralised. An interviewee reported that from the time of the establishment of the sub-programme in 2018, there have not been co-ordination or management meetings at the sub-programme level, further confirming the absence of sub-programme management processes".

Six months later, at the conclusion of this evaluation, and based on extensive analysis, we confirm what we wrote in that initial report. Throughout the evaluation we searched for evidence of an added value for the areas of work THB and C-C due to their belonging to the sub-programme, and we could not find any. We furthermore tried to understand whether the belonging of THB and C-C to the same sub-programme resulted in enhanced value of their work and results, and we found no evidence of this, either.

Interviewed about the sub-programme, staff during field visits admitted that they ignored the existence of the sub-programme until they received the invitation to participate in this evaluation and could not identify any added value brought in by the sub-programme to their area of work.

Regarding the absence of a sub-programme management structure and co-ordination mechanisms (at that time this was mentioned by just one interviewee), this is widely confirmed by the evidence we gathered during the evaluation. "There have been no attempts to hold meetings with staff from the different areas of crime included in the sub-programme." "There are no internal sub-programme management structures in place, nor any planning processes."

Transversality is a key reform principle of the Council of Europe. And transversal co-operation is practised with regularity, based on needs: this entire report is full of cases of transversal co-operation within and (mainly) outside the sub-programme. We found no evidence that this has been facilitated or triggered by the existence of the sub-programme.

13.1.1 Sub-programme Theory of Change

The Programme and Budget document 2018-19 does not contain a Theory of Change of the sub-programme. Some basic, undifferentiated and largely incomplete elements of a Theory of Change are included in the Programme and Budget document 2020-21, but the Theory of Change as such is not formulated. Interviews with relevant staff confirm that during the two biennia no official Theory of Change was adopted.

A Theory of Change of the sub-programme was formulated and included in the Programme and Budget document 2022-25.

As mentioned, this period is outside the temporal scope of the present evaluation, but, as requested, we carried out in any case a short analysis of this Theory of Change; we remark that it is affected by errors that make its operationalisation, monitoring and evaluation impossible.

The majority of these errors are a consequence of the issues touching upon wrong the conceptualisation of the sub-programme¹⁸⁶ the ToC should help the conceptualisation of the sub-programme while being its graphic representation.

Among these errors, we remarked upon the following.¹⁸⁷

- ▶ The objective to include under the same sub-programme streams of action that tend towards the same end (protection of citizens from serious crimes) is a necessary but not a sufficient condition to justify the sub-programme. This is proved by the fact that other streams of action tending to the same end are not included under this sub-programme, such as violence against women, racism and intolerance, sexual exploitation and abuse of children and a protection.
- ▶ The ToC represents in a visual format an important issue touching upon the rationale of the sub-programme, without solving it. What is the added value of the sub-programme, i.e. what additional benefits in terms of protection of citizens from serious crimes does the sub-programme bring to the work that would be done under its different thematic areas even in its absence? Benefits emerging from co-ordination

¹⁸⁶. Hence, our conclusion that the sub-programme as such is not evaluable.

¹⁸⁷. We limited ourselves to a high-level analysis of the ToC; a more in-depth analysis might reveal additional areas for improvement.

and transversality are not sufficient to explain this: this evaluation shows evidence that co-ordination and transversality are independent from the sub-programme (i.e., they are already embedded in the working culture of the two thematic areas that have been evaluated and exist within and outside the sub-programme and even before its establishment, thus not being facilitated by its existence).

- ▶ What (types of) activities are planned to produce outputs? Are they relevant and sufficient to the scope? Are sufficient resources available to conduct the planned activities? While the sub-programme budget is detailed in the same Programme and Budget document, this reality check cannot be conducted as the ToC does not include the activities.
- ▶ What are the interplays between activities and outputs? For example, are all activities supposed to start at the same moment or are some of them dependent on the delivery of some outputs? By using arrows and other graphic elements, a ToC can reflect these interdependencies, which have consequences in terms of design, planning, disbursement of funds and monitoring.
- ▶ What are the causal linkages leading to results? The ToC is structured along the outputs to be produced under each of the three elements of the dynamic triangle, where each of these types of outputs is expected to contribute to “its own” immediate outcomes.¹⁸⁸ On the contrary, logic suggests (and this report confirms this with examples) that the different elements of the triangle contribute in a different and dynamic way to the achievement of results even at this level of the ToC. Just one example among many: the co-ordinated action between monitoring/assessment and co-operation contributes to the achievement of the identification by states parties of measures to combat crimes.
- ▶ Are there any “outcome pathways” between immediate outcomes, representing each outcome in relation with the others in a logical and chronological manner, including feedback loops as relevant? In other words, are all immediate outcomes expected to materialise at the same moment or should some of them materialise first in order for other immediate outcomes to materialise?
- ▶ What are the interplays between activities and outputs, the causal linkages and the “outcome pathways” between different thematic areas? This reflection would contribute to solving the question about the added value of the sub-programme. Some examples could better clarify: is there any immediate outcome of the thematic work on cybercrime that could facilitate the delivery of outputs on money laundering? Is there any co-operation activity under trafficking in human organs that needs inputs from outputs produced or outcomes achieved in any of the other thematic areas of the sub-programme?
- ▶ What are the assumptions for the validity of the ToC, at each of its levels? The absence of this analysis makes the ToC very “mechanic”, as a series of “if...then” cycles, where (e.g.) immediate outcomes are achieved if outputs are delivered. However, we know that the reality is way more complex. This reflection is valid for all levels of the ToC, and it is particularly evident for the intermediate outcome of this sub-programme (achieving changes at the legislative, policy and regulatory levels in member states), whose materialisation fully depends on conditions¹⁸⁹ that the Council of Europe aims at influencing but does not control.
- ▶ We have serious doubts about the appropriateness of the formulation of the first immediate outcome (“member states could rely on consolidated and updated standards”) which seems rather an output. Outcomes are changes, outputs are products of an activity, and standards are indeed products, not changes. Changes are what happens following the implementation of the new standards.
- ▶ Likewise, we have serious doubts about the appropriateness of including in the ToC two impacts instead of one. This is due to the high complexity of envisaging a realistic pathway to change leading to two different impacts instead of one.
- ▶ The previous comment is based on a personal preference grounded on practice. However, it cannot be in principle excluded to develop a ToC with (e.g.) two impacts at the same level of the intervention logic, which is not the case for the ToC that we analysed. In particular, we remark that the first of the two expected impacts (“member states fulfil their obligations under the relevant conventions to prevent and combat serious crimes”) is a reformulation of the intermediate outcome (“member states change their policies, legislation and practices to prevent and combat”). In other words, by adapting their policies, legislation and practices to the relevant convention, member states fulfil their obligations under the convention itself. Therefore, the first of the two expected impacts can be deleted from the ToC with no consequences. This is also confirmed by a concurrent remark: the second of the two impacts (“persons

188. I.e., outputs pertaining to standard setting are expected to produce a specific type of immediate outcomes, which is different from that to be produced by monitoring/assessment and by co-operation.

189. Such as political will of sovereign Parliaments and national Authorities as well as interplay of different social, economic and political factors.

are protected from serious crimes”) cannot materialise in the absence of the materialisation of the first statement: if member states do not fulfil their obligations, citizens are not protected.

- ▶ The Theory of Change should help in formulating indicators of performance and targets. This is the case also for the 2022-25 ToC of the sub-programme. We briefly analysed the indicators selected for THB and C-C at the immediate outcome level and we notice that the majority of them are not suitable to measure outcomes. Out of the six indicators for THB, four represent outputs and only two represent outcomes. Regarding C-C, four out of the nine formulated indicators represent activities, two represent outputs and only three represent outcomes.¹⁹⁰ The remarks we included in the Chapter 11.1 are confirmed: assessing the results of the two thematic areas at the outcome level based on activities and outputs is not of a good service for the Council of Europe, particularly considering the very high capacity of the two divisions to deliver.
- ▶ A last remark: all proposed indicators aim at measuring the performance of the different thematic areas. There is not even a single indicator that tries to measure the performance of the sub-programme as a whole. This is a further confirmation of the fact that the sub-programme has not been developed in order to produce a value that is additional to the sum of the values of its individual components.

Is it realistic to pretend to represent a full Theory of Change of such a complex sub-programme once its added value is (re)defined? Probably not, it would be too complex. Each of its “vertical components” (the thematic areas) is a complex ecosystem that can (and should) be well represented in a complete and distinct Theory of Change. Once this is done, a suitable graphic representation of the sub-programme could be limited to visualise the interplays between its individual components.

13.2. EQ 3B: CO-ORDINATION AND CO-OPERATION WITHIN THE SUB-PROGRAMME

Consultation and co-operation among different parts of the sub-programme exist, but they do not depend on their common belonging to the same sub-programme.

We quote for instance the co-operation between THB and anti-money laundering, and between C-C and THB, which was mentioned multiple times and, in some cases, pre-exist the establishment of the sub-programme.

At the output level, see for instance the reflections on the use of the internet for THB recruitment (co-ordination with C-C), which resulted in the quoted publication of two booklets in 2007 and 2022.

Always at the output level, see the publication of the quoted booklet on links between THB and trafficking in organs (2009), also prior to the establishment of the sub-programme.

However, we found no concrete examples of results attributable to such co-operation during the period covered by the evaluation at the outcome level.

Finally, despite the existence of the sub-programme, there was an unequivocal call for increased communication between the different areas of crime.

13.3. EQ 3C: CO-ORDINATION AND CO-OPERATION WITH OTHER PARTS OF THE COUNCIL OF EUROPE

There are clear and unequivocal signs that co-ordination and co-operation of the two areas of work THB and C-C with other parts of the Council of Europe exist, is usually rapidly mobilised and is effective. As a way of exception, co-operation does not seem to be equally easy between different field offices pertaining to different geographic areas.

It is facilitated by the factors mentioned in Chapter 12.2.4 (Communication), where these processes are analysed.

While a full mapping of the cases of co-operation of each area of work with other parts of the Council of Europe would be impossible, we would like to quote a few cases.

- ▶ The co-operation between GRETA and CDDH to follow up on the call of the Committee of Ministers to prepare a draft recommendation on preventing and combating trafficking in human beings for the purpose of labour exploitation, linking with the priorities set by the Secretary General.
- ▶ The collaboration between the PO and THB to organise for GRETA experts to accompany the Special Representative of the Secretary General on Migration and Refugees to the Slovak Republic, the Czech

¹⁹⁰. The situation is similar for the other thematic areas.

Republic and the Republic of Moldova, which helped to inform country reports assessing member states' needs and make concrete proposals on how the Council of Europe can assist them – especially those affected by a sudden concentration of high numbers of refugees and other migrants.

- ▶ The co-operation between the Cybercrime Division (DGI) and the Children's Rights Division (DGII), which materialised in the project *abuse@Europe* (on online sexual exploitation of children), financed under the budget of the Children's Rights Division but co-managed together with the C-PROC office because of the very intimate links with the work done by the Cybercrime Division. As a by-product of its Theory of Change, the project increased visibility of the work of the Children's Rights Division and of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).¹⁹¹ In turn, this motivated at least two further countries to ratify the Lanzarote Convention (Azerbaijan and Armenia) in 2020 and 2021.
- ▶ The co-operation between the Cybercrime Division and the Data Protection Unit, which have a common and joint interest in ensuring that the respective states parties are aware of the links between the Budapest Convention and Convention 108 (now 108+) for the Protection of Individuals with regard to Automatic Processing of Personal Data.¹⁹² An important moment of co-operation materialised in 2018 at the time of the "modernisation" of the convention through an amending protocol¹⁹³ in order to ensure consistency with the provisions of the Budapest Convention. A similar work to ensure coherence is being carried out in relation with an upcoming instrument on Artificial Intelligence. The constant co-operation between the two divisions materialises also through the financing under the budget of GLACY+ of some expertise needed by the Data Protection Unit for which the unit does not have resources.
- ▶ The increased co-operation between THB and the Directorate Juriconsult of the Court: whenever relevant, the monitoring reports from GRETA are used as an invaluable source of evidence for the background research work done by the Case Law and Research unit for judges. The Court decides based on the submission of cases and does not have resources to conduct field missions; reports often contain relevant evidence that could not be collected otherwise. This is strengthened by the practice – by some GRETA experts, prompted by the Secretariat – to submit third-party interventions during the discussion of relevant cases.
- ▶ Even if this happened outside the temporal scope of the present evaluation, we would like to mention a further and institutional initiative from June 2022 that set up a network of focal points in the Court corresponding with thematic counterparts in the relevant units at the Council of Europe. The guidelines for these focal points specify that "The respective FPs shall endeavour to exchange information and materials on their respective institutions and matters within their competence, subject to the confidentiality and dissemination rules below".¹⁹⁴ Materials shared by the Council of Europe's focal points are published in the Court platform Superior Court Network Knowledge Sharing platform, whose access is granted to FP in the Council of Europe and to the network of Supreme Courts in the member states. The end of the pilot phase (involving 10 focal points) was planned for December 2022, before deployment based on the analysis of results.

13.4. EQ 3D-I: CO-ORDINATION AND CO-OPERATION WITH OTHER ORGANISATIONS

13.4.1 Trafficking in human beings

Co-operation and co-ordination with other organisations exist both at the institutional and at the operational level.

13.4.1.1 Institutional level

At the institutional level, the most frequently mentioned partner institutions are the EU (mostly the EC, but also the FRA), OSCE, UNHCR, UNODC, IOM, ILO, the UN Special Rapporteur on Trafficking in Persons, and ICMPD.

As mentioned by several interviewees from most of these organisations, staff of the Council of Europe and GRETA experts are well-respected members of the global THB community and participate in the most relevant

191. Source available [here](#).

192. Source available [here](#).

193. Source available [here](#).

194. Internal document.

forums of discussion on THB-related issues. This is an important element guaranteeing visibility of the work of the Council of Europe in the thematic area.

Considering its uniqueness, the institutional partnership with the EU deserves some additional notes. As already mentioned, “the EU is a crucial partner of the Council of Europe and recognises the value of the convention on THB: the EU Directive 2011/36/EU of 5 April 2011 on “preventing and combating trafficking in human beings and protecting its victims recognises that the Council of Europe’s convention on THB is a crucial step “in the process of enhancing international co-operation against trafficking in human beings”. It furthermore acknowledges the existence of the specific monitoring mechanism of the convention and provides for supporting “Co-ordination between international organisations with competence with regard to action against trafficking in human beings in order to avoid duplication of effort”. EU member states are bound to ensure respect for the directive and the adoption of measures to combat human trafficking is part of the negotiation process for EU candidate countries.¹⁹⁵

The implementation of the EU directive and its monitoring are under the responsibilities of the Office of the EU Anti-Trafficking Co-ordinator based in DG HOME. While the monitoring of the implementation of the directive is largely based on reports from EU member states that are presented and discussed in six-monthly meetings, reportedly the office of the EU Anti-Trafficking Co-ordinator make much use of the reports produced by GRETA, OSCE, UNODC and ILO to inform the EU report. This is viewed as an indirect and unexpected result of the work of the Council of Europe in the field.

While the consolidated institutional links between the two institutions are much appreciated, during the evaluation there emerged a clear interest (from DG HOME) to strengthen and operationalise them by embarking on joint initiatives to better exploit synergies and achieve results of a common interest in the area of THB.

The quality of the co-operation of the Council of Europe with other relevant organisations in the THB field is predominantly assessed by key stakeholders as very good or good. Figure 18 reports the opinions of key partners of the Council of Europe, gathered through a survey.

13.4.1.2 Operational level

At the operational level, the most frequently mentioned partner institutions are the European Commission, OSCE, UNODC, IOM, ILO, the American Bar Association, National Authorities, CSOs and academia.

Co-operation and co-ordination take place both at the project and monitoring level. The following text accounts for some of the most significant cases found during the evaluation and this list is in no way intended to be a complete inventory.

As mentioned, the institutional partnership with the EU (represented by the EC and mentioned in the previous chapter) has a second component, which is visible in the financing (under the EU budget) of a large portion of the co-operation projects of the Council of Europe.¹⁹⁶ Actions in the area of THB during the period covered by this evaluation in the Western Balkans and in Türkiye were financed under the EU/Council of Europe Horizontal Facility II (financed under the EU Instrument for Pre-Accession Assistance (IPA II) for the period 2014 to 2020).

As explained in the “Action Document” of the Horizontal Facility II (HF II): “The overall objective of the action is to contribute to increase compliance of IPA II beneficiaries with European standards and the EU *acquis* in the areas of rule of law, democracy and human rights, and media freedom by supporting reform processes in the areas of rule of law, democracy, human rights and media freedom through the Council of Europe utilising its unique position of offering a highly interconnected system between standard setting, monitoring and technical assistance in these key areas”.¹⁹⁷

It had an overall budget of €38.5 million, 91% financed by the EU and for a three year duration.

The HF II (built on the results of a previous Horizontal Facility) financed 47 different projects, in different thematic areas of common interest of the two institutions, including THB.

It is now coming to an end, and it will be followed up by a third phase¹⁹⁸ of the instrument, the Horizontal Facility III, with an overall budget of €41.175 million, 85% financed by the EU and with a six year implementation

195. The EU Directive is presently under evaluation, and this could lead to its revision.

196. The Horizontal Facility II is managed by the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) of the EC.

197. Please find the “Action document” of the Horizontal Facility II [here](#).

198. Please find the “Action document” of the Horizontal Facility III [here](#).

duration. The action document recognises once more that “The Council of Europe offers a unique methodology of standard setting, monitoring and technical assistance in the areas pursued under this Facility”.

While the budget contributed by the EU remains the same for the two facilities (€35 million), its impact on the overall budget decreases and the duration of the action doubles. This, as confirmed by interviews, is to be put in the context of the considerable budget cuts that affect the EU budget, which have consequences in all fields of action. One of the consequences of these budget cuts is the fact that no further initiatives will be financed under HF III in Bosnia and Herzegovina, in spite of the results achieved.

The Council of Europe continues to be considered by the interviewees as a crucial partner of the EC and, its performance is widely appreciated, particularly in terms of its unique capacity to mobilise appropriate and extremely high-level expertise in the relevant thematic areas.

Flexibility and adaptability are appreciated, as well; this includes also a slight modification of its focus over the period covered by the first two phases of the HF. As said by an interviewee from the EC: “Previously the Council of Europe was very much focused on state authorities (a very law-based approach), now more and more they [have] shifted towards our same EU transformative agenda, we share the same views. There is more attention to the human rights approach, they are more and more attentive to involve civil society.”

The IOM is involved in the THB field from a migration perspective, by providing a series of services to migrant victims at the grass-roots level. Both organisations recognise and value their different types of intervention (IOM staff repeatedly qualify the work of the Council of Europe as “institutional support”) and their co-ordination takes place in the area that is at the crossover between the grass-roots work and the institutional support.

In the visited countries where the Council of Europe is implementing co-operation projects (Morocco, Bosnia and Herzegovina) we have noticed that the two organisations co-ordinated on the provinces where each of them delivers training, thus achieving a higher level of geographic coverage.

As it has been reported by the interviewed IOM staff, their training materials make explicit reference to the legal framework set by the Council of Europe convention and their guidance material.

National partners appreciate this co-ordination effort, while recognising that the training delivered by the Council of Europe is more customised to the national and local situation.

IOM interviewees (both at the central and field level) said that they consider that there is still room for additional work with the Organisation especially in line with their interest to work with private sector, trade unions and in the field of social corporate responsibility.

The institutional partnership with the OSCE has been reaffirmed several times¹⁹⁹ and includes combating trafficking in human beings through (e.g.) the organisation of annual meetings of National Anti-Trafficking Co-ordinators and Rapporteurs of the Council of Europe and OSCE member states. Results at the field level as a consequence of this partnership are many and (in the visited countries) reveal a rare capacity of the two institutions to co-ordinate and achieve synergies. Apart from dynamics similar to those referred when explaining the co-operation with the IOM,²⁰⁰ some cases that emerged during the visit to Bosnia and Herzegovina are particularly worth mentioning.

- ▶ The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (aka the Dayton Agreement)²⁰¹ assigns an important role to the Council of Europe in the setting up of the Human Rights Chamber and several duties to the OSCE, including that of monitoring the evolution of crimes representing a threat to security issues in Bosnia and Herzegovina; this is done every year. Over time, OSCE included THB among the types of crimes they monitor; this is ensured by a network of OSCE specialised staff covering the entire country. While the OSCE monitoring is more frequent but less analytic than the monitoring work done by the Council of Europe through GRETA, the results of the two reports are in general well synchronised and mutually reinforcing, and national partners appreciate this alignment of findings and recommendations. Reports of the two institutions cross-reference the respective report of the other institution, and the OSCE is regularly involved in supporting the preparation of the GRETA monitoring visits.
- ▶ As part of their project work on THB for labour exploitation, the Council of Europe supported the authorities in Republika Srpska in establishing a strike force that includes not only institutional actors but also different civil society representatives, such as trade unions and chambers of commerce. This work was also co-ordinated with the OSCE, which advocates the involvement of civil society in preventing THB-LE

199. See for instance [here](#).

200. Co-ordination in delivering training, mentioning in the IOM training materials of the Council of Europe work and legal instruments.

201. Published [here](#).

as part of their initiatives to assess and address the risks of exploitation throughout supply chains.²⁰² The double pressure from both institutions was a clear case of success in supporting the local authorities in their efforts to fight this plague.

Co-ordination with the UNODC at the operational level seems more visible at the level of monitoring. This is reportedly increasing over time in relation with the work of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (aka the Palermo Protocol²⁰³).

This review has been recently started and, reportedly, makes much use of the GRETA reports wherever relevant.

Co-ordination and collaboration with CSOs take place regularly in all the relevant projects we have analysed.

During primary research, CSOs highlighted that many international organisations tend to co-operate with governments, side-lining civil society from co-operating or influencing initiatives. As reported by some interviewees, engagement of the Council of Europe with CSOs increased over time (“In the past the Council of Europe delivered support to national institutions and had little capacity to involve CSOs, now we are given a voice and a space that we very much appreciate”).

Another interviewee appreciated the capacity of the Council of Europe to engage “without invading the civil society space and freedom of initiative”.

There is clear evidence that – in their projects – the Council of Europe engages with different parts of civil society: NGOs, the private sector (see what is described above in the area of THB-LE) and academia.

The relation with academia emerged very significantly during the visit to Morocco, where different universities were involved and now integrated curricula on THB within their specialisation courses in criminal law. The initiative to organise some competition for a master’s thesis in THB was another element that supported the awareness-raising efforts in higher education.

CSOs showed appreciation for the fact that GRETA regularly takes into account and includes their inputs and opinions in monitoring reports. GRETA processes during monitoring are described as very inclusive and transparent.

Agencies funding the Council of Europe commented on the relationship of the Council of Europe with civil society as a strength and product of its human rights-based approach. There were calls for systematic co-operation with civil society to advance mid-term and long-term goals of the Council of Europe; and potential collaboration with GRETA between the monitoring visits.

The US Department of State every year produces a Trafficking in Persons (TIP) Report. The TIP is the “principal diplomatic tool to engage foreign governments on human trafficking”.²⁰⁴ It has a global coverage and its level of in-depth analysis is lower than the reports produced by GRETA. The majority of the interviewees we have consulted appreciate the fact that in general the main findings of the two reports tend to coincide. However, some voices underline that the TIP missions have a much lower attention than GRETA’s in involving CSOs in consultation and in one case different stakeholders from the same country underlined factual errors contained in the TIP.

Co-ordination with national authorities is in general very highly valued and appreciated; however, the monitoring fatigue is a recurring issue emerging from primary research (as mentioned in another part of this report). THB is a densely populated sector, and, apart from the Council of Europe, other organisations also have monitoring mechanisms in place, which exert pressure on national institutions and partners.

13.4.2 Cybercrime

In the area of cybercrime as well, co-operation and co-ordination with other organisations exist at both the institutional and operational level.

13.4.2.1 Institutional level

At the institutional level, the most frequently mentioned partner institutions are the EU institutions (mainly the European Commission, but also the European Data Protection Supervisor, the EU Agency for Criminal Justice

202. Described [here](#).

203. Published [here](#).

204. Source available [here](#).

Co-operation and the EU Agency for Cybersecurity), Europol, INTERPOL, the EU Agency for Law Enforcement Training, the US Department of Justice and the US Department of State.

The EU is both an institutional partner and a donor for projects implemented by the Council of Europe. Some initiatives have been jointly organised. This is showcased as follows.

- ▶ The EU remains the main donor through joint projects co-funded by the Council of Europe, which include iPROCEEDS 2, GLACY+, CyberSouth, CyberEast and EndOCSEA@Europe. Furthermore, these projects collaborated to implement joint EU–Council of Europe initiatives such as webinars, delivery of training courses, etc.
- ▶ In 2020, a series of joint webinars hosted by the EU and the Council of Europe was offered to facilitate the sharing of experience of practitioners in the drawing up of international policies on cybercrime.²⁰⁵ These webinars were organised within the framework of the EU Cyber Diplomacy Initiative (EU Cyber Direct), which is funded by the Service for Foreign Policy Instruments at the European Commission and “supports the EU’s cyber diplomacy and international digital engagements in order to strengthen rules-based order in cyberspace and build cyber resilient societies”.²⁰⁶ This confirms once more the character of strategic partnership between the EU and the Council of Europe on cybercrime.
- ▶ The Council of Europe conducted several activities jointly with other capacity-building initiatives funded or co-funded by the EU of a regional strategic value that have cybercrime and e-evidence among their topics for ensuring the promotion of international policies on cybercrime. Two notable examples include the Europe Latin America Programme of Assistance against Transnational Organised Crime (EL PaCTO), “an international co-operation programme funded by the EU that seeks to contribute to security and justice in Latin America by supporting the fight against transnational organised crime”²⁰⁷ and the West African Response on Cybersecurity and Fight against Cybercrime (OCWAR-C), which is a regional project implemented by Expertise France under a Financing Agreement between the EU and the Commission of the Economic Community of West African States (ECOWAS).²⁰⁸

Apart from the above-mentioned and consolidated institutional relations, the participation of the Council of Europe in the process leading to the UN International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes (UN Cybercrime Convention) deserves mentioning. The process, formalised by the UN General Assembly Resolution 74/247 (December 2019)²⁰⁹ is presently ongoing and the UNODC, through its Organised Crime and Illicit Trafficking Branch, Division for Treaty Affairs, serves as Secretariat for the Ad Hoc Committee in charge of drawing up the text.²¹⁰

The proposed convention will likely deal with several topics, such as substantive cybercrime provisions, international co-operation, access to potential digital evidence by law-enforcement authorities, including across borders, and human rights and procedural safeguards. It is supposed to be agreed upon by 2024.

Key partners of the Council of Europe highly or very highly value the quality of its co-operation with other relevant organisations. Figure 18 reports the opinions of key partners of the Council of Europe, gathered through surveys.

13.4.2.2 Operational level

At the operational level, the most frequently mentioned partner are the OSCE, UNODC, Europol, INTERPOL, CSOs and the private sector.

By virtue of the location of the C-PROC office in Romania, there is close collaboration with the government of Romania to include the Romanian Ministry of Justice, Romania’s Directorate for the Investigation of Organised Crime and Terrorism (DIICOT) and the Romanian National Police. The Government of Romania not only makes office premises available rent free, but also provides support through expertise with different agencies contributing in substance to project activities, for example: the Romanian Presidency of the Council of the EU in co-operation with the Council of Europe organised the international conference Criminal Justice in Cyberspace, in Bucharest, Romania, on 25-27 February 2019.

205. Source available [here](#).

206. Source available [here](#).

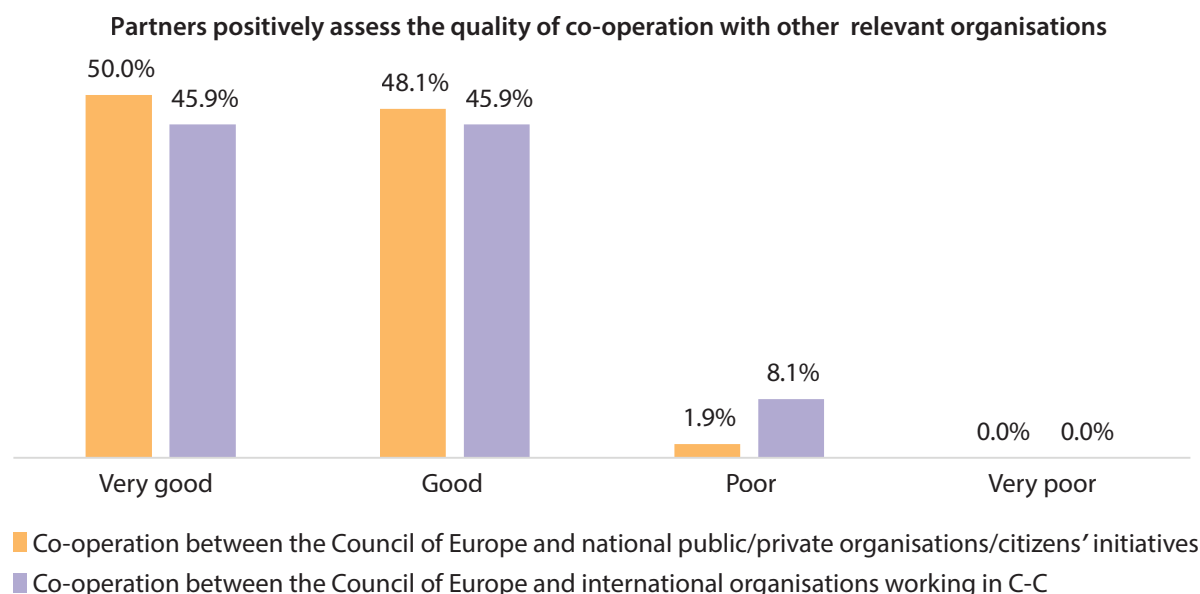
207. Source available [here](#).

208. Source available [here](#).

209. Published [here](#).

210. Please refer to this [UNODC page](#) for an updated situation of the ongoing work and find [here](#) a two page explanation of the main steps involved in the preparation of the UN Convention.

Figure 18 – C-C, quality of co-operation with other relevant organisations



The Council of Europe has stable operational relations with INTERPOL, the African Union Commission and ECOWAS.

INTERPOL in conjunction with the Council of Europe implemented over 40 activities during the period 2018-2021, primarily under the GLACY+ project. INTERPOL, under an agreement with the Council of Europe, is a partner and is leading the implementation of the law-enforcement component of the project. The types of activities delivered included training courses, workshops, webinars, expert group meetings, bootcamps, joint INTERPOL– Europol Cybercrime Conferences and a 2020 report on cybercrime statistics.

The African Union Commission, together with several partnering organisations including the Council of Europe, held (2018) the first continent-wide African Forum on Cybercrime²¹¹ in Addis Ababa, Ethiopia bringing together more than 250 delegates from across the continent. More than 50 African countries took part in the event and agreed on the need to encourage further co-operation and exchange of experience within the African continent, thus establishing the African Forum on Cybercrime as a recurrent initiative, to be organised every two years.

Following the success of the First African Forum on Cybercrime, the African Union Commission, the EU and the Council of Europe (GLACY+ and Octopus Project), in partnership with other international organisations such as UNODC, INTERPOL and others, hosted the second continent-wide African Forum on Cybercrime.²¹² The event took place online in June 2021, and brought together more than 300 delegates from across the continent. In his opening remark, Alexander Seger, Head of the Cybercrime Division of the Council of Europe, noted that “31 states [on the African Continent] are now in line with the Budapest Convention and a considerable growth in the last 18 months has been observed”.

The ECOWAS Commission and the Council of Europe partnered through the West African Response on Cybersecurity and Fight against Cybercrime (please see the previous chapter) and GLACY+ projects to support the strengthening of national and regional judicial capacity in the ECOWAS region through a training programme on cybercrime and electronic evidence.

Between 5 and 8 July 2021, judges and prosecutors from the ECOWAS English-speaking countries – Gambia, Ghana, Nigeria, Sierra Leone and Liberia – participated in the introductory training course Cybercrime for Criminal Justice Authorities, delivered online, in an effort to strengthen the judicial capacity of the ECOWAS region and ensure sustainability by creating a national pool of experts to train in-country prosecutors and judges on this topic. The introductory course gave the future judicial trainers foundational knowledge of cybercrime and electronic evidence. It is planned to become a sustainable part of each country's judicial training programme.

Between 12 and 15 July 2021, some 25 judges and prosecutors from the ECOWAS French-speaking countries – Benin, Burkina Faso, Cote d'Ivoire, Niger, Mali and Senegal – participated in the introductory training course Cybercrime for Criminal Justice Authorities, delivered online, to strengthen the judicial capacity of the

211. Source available [here](#).

212. Source available [here](#).

ECOWAS region and ensure sustainability by creating a national pool of experts to train in-country prosecutors and judges in this area.

13.5. EQ 3D-II: COUNCIL OF EUROPE ADDED VALUE

The Council of Europe's dynamic triangle philosophy that includes standard setting, monitoring and co-operation is seen as its most significant and unique added value.

Even if it is rarely defined as such, when asked about the added value most of the consulted persons refer to the three elements of the triangle. In some cases, they refer only to two of these elements (sometimes standard setting and monitoring, sometimes monitoring and co-operation).

Standard Setting: The THB convention is seen as a gold standard to adhere to by both state and non-state actors. Importantly, the fact the convention is a comprehensive document grounded by a human rights perspective which is applicable to all forms of trafficking is seen as a key characteristic. Some interviewees underline that it is important that the alignment between the convention and the EU Directive is an important factor and most of them are of the opinion that the convention is a step forward from the Palermo Protocol.

In some cases, the legally binding nature of the convention has been highlighted and appreciated, compared with the standards set by the OSCE and the UN.

Monitoring: GRETA is seen as a unique mechanism given that it monitors a legally binding convention for THB that measures member states against standards and no other countries. It is seen to be an inclusive mechanism that is based on credible evidence and allows the opportunity to provide comments on draft reports. Most importantly, it creates pressure on member states to bring about/accelerate change alongside the commitments they made, which is a momentous contribution to the fight against THB. It has become an inspiration for other international organisations to replicate. It was reported that the system in place for monitoring visits ensures continuity and sustainability because some experts from the previous visit were generally present, thus retaining the institutional memory. The compliance and positive progress acknowledged by GRETA reports is seen as a source of pride for many member states, which is quoted in various discussions. For those countries aspiring to accede to the EU, the following recommendations issued by GRETA in their reports were seen as an important motivation. Partners also pointed out that despite the critical feedback provided by GRETA, member states do not refuse to co-operate, conceal information or are sensitive about the country reports being made public. Beyond its monitoring work, GRETA is seen to be an independent, accurate and comprehensive mechanism that simultaneously generates knowledge.

Co-operation: Co-operation projects were seen as a key endeavour to ensuring the visibility of the Council of Europe and maintaining its position as a key international actor. The Council of Europe is seen as adept at navigating slow bureaucratic processes which has made them the preferred partner for co-operation activities. The capacity-building activities of the Council of Europe were seen as important by member states with some saying much of the training material had been incorporated into the national curriculum; and the HELP courses remained available throughout the pandemic. What was also seen as important was the willingness of the Council of Europe to adapt, following feedback from training participants. Importantly, it was seen that the Council of Europe takes a long-term view and not short-term mentality when engaging with partners, which helped with important time-consuming steps, such as lobbying governments to bring about changes in policies and practices.

A respected and influential partner: The Council of Europe was extensively praised for being a respected, reliable and objective partner. Furthermore, the inclusive approach applied in collaboration was seen as an important distinction from other actors. It was especially important to note that the Council of Europe was seen to have a long-term strategic partnership relationship that did not impose a one-size-fits-all approach but encouraged dialogue and flexibility. The high quality and world-class expertise in the thematic area of THB was seen to be a significant contributing factor to the reputation of the Council of Europe. It was seen that the opinion of experts was well informed, taking lessons from across Europe and attending major events which broadened their understanding of the context. This trust has led to the Council of Europe having the power to influence policy makers and those working in the field of anti-trafficking.

Notably, the capabilities of the secretariat and its leadership were extensively praised by external actors. This included the dedication, openness, responsiveness and professionalism of the staff.²¹³

²¹³. No information could be found to show how visible the Council of Europe is to the general public.

The European Court of Human Rights was seen as one of the greatest assets of the Council of Europe especially given the volume of cases focused on THB. The judgments were seen as key resources for interpretation by the international community and a guide to the most advanced thinking on the nuances resulting from THB.

The Parliamentary Assembly of the Council of Europe was – finally - mentioned as a unique mechanism to target important stakeholders at the level of national parliaments.

13.5.1 The dynamic triangle: internal coherence

We have seen that the “dynamic triangle” philosophy is a key characteristic of the Council of Europe that transcends the two thematic areas under evaluation; it is furthermore a recurring theme when asking key informants about the added value of the Council of Europe. We have also seen that evidence proves that internal coherence is visible at the level of outcomes for both areas of work.

But to what extent do stakeholders appreciate the internal coherence between the three elements of the dynamic triangle?

Given the importance of this “institutional philosophy” of the Council of Europe, which directly derives from its mandate, we thought that it was opportune to verify to what extent this coherence is visible in the eyes of its staff, members of the THB-CP and members of the T-CY.²¹⁴

The responses are reported in the following table, by thematic area. The results are impressively positive (none of the respondents used the negative side of the scale to describe this internal coherence), with some nuances between the two thematic areas and (for THB) between the opinions of the staff and those of the THB-CP. However, the number of the respondent THB-CP members is lower than that of the other groups and the overall results resize their impact.

Within the frame of an very positive overall assessment, the 44.2% that responded “Good” suggest that in their experiences there is still some limited room for improvement.

Table 27 – Internal coherence between the elements of the dynamic triangle

<i>How would you assess the coherence of the work done by the Council of Europe in your thematic area between standard setting, monitoring and co-operation?</i>	Very good	Good	Poor	Very poor	I do not know	Totals
Cybercrime – staff	52.4%	42.9%	0.0%	0.0%	4.7%	100.0%
Cybercrime – T-CY	54.5%	36.4%	0.0%	0.0%	9.1%	100.0%
Trafficking in human beings – staff	42.9%	52.4%	0.0%	0.0%	4.7%	100.0%
Trafficking in human beings – THB-CP	23.1%	46.2%	0.0%	0.0%	30.7%	100.0%
OVERALL (C-C + THB)	45.5%	44.2%	0.0%	0.0%	10.3%	100.0%

Source: Evaluators’ own statistics based on official data received from the Council of Europe

214. The same question was not asked to key partners, as their visibility of the actions of the Council of Europe under the three elements of the triangle is uneven and results would have been biased.

SECTION E – APPENDICES

APPENDIX A. ORIGINAL TERMS OF REFERENCE

Link to the Terms of Reference: <https://rm.coe.int/eva-aac-appendixa-tor-2762-9924-3783-v-2/1680ab8b95>

APPENDIX B. MODIFICATIONS TO THE EVALUATION MANDATE

Link to the modifications to the evaluation mandate: <https://rm.coe.int/eva-aac-appendixb-modifications-to-the-evaluation-mandate-2775-2398-05/1680ab8b96>

APPENDIX C. CO-OPERATION PROJECTS DURING THE PERIOD 2018-2021

Link to the co-operation projects: <https://rm.coe.int/eva-aac-appendixc-cooperation-projects-during-2018-2021-2770-2433-3831/1680ab8b97>

APPENDIX D. METHODOLOGY OF THE EVALUATION

Link to the methodology of the evaluation: <https://rm.coe.int/eva-aac-appendixd-methodology-of-the-evaluation-2775-9449-7031-v-9/1680ab8b98>

APPENDIX E. EVALUATION MATRIX

Link to the evaluation matrix: <https://rm.coe.int/eva-aac-appendixe-evaluation-matrix-2777-6240-0263-v-4/1680ab8b99>

APPENDIX F. SAMPLE TOOLS – SEMI-STRUCTURED INTERVIEW GUIDANCE

Link to the semi-structured interview guidance: <https://rm.coe.int/eva-aac-appendixf-sample-tools-semi-structured-interview-guidance-2761/1680ab8b9b>

APPENDIX G. SURVEYS

Link to the surveys: <https://rm.coe.int/eva-aac-appendixg-surveys-2765-3779-4567-v-4/1680ab8b9c>

APPENDIX H. STATISTICS FOR INTERVIEWS AND SURVEYS

Link to the statistics for interviews and surveys: <https://rm.coe.int/eva-aac-appendixh-statistics-for-interviews-and-surveys-2777-2897-6903/1680ab8b9d>

APPENDIX I: LIST OF SECONDARY SOURCES CONSULTED

Link to the list of secondary sources consulted: <https://rm.coe.int/eva-aac-appendixi-list-of-secondary-sources-consulted-2767-8578-3047-v/1680ab8ba6>

APPENDIX J. QUALITATIVE COMPARATIVE ANALYSIS (QCA) – FULL FINDINGS

Link to the full findings of the QCA: <https://rm.coe.int/eva-aac-appendixj-qualitative-comparative-analysis-2784-6343-9111-v-5/1680ab8ba7>

APPENDIX K. QCA TRUTH TABLE: TRAFFICKING IN HUMAN BEINGS

Link to the QCA truth table: Trafficking in human beings: <https://rm.coe.int/eva-aac-appendixk-qca-truth-table-thb-2790-5064-1671-v-4/1680ab8ba8>

APPENDIX L. QCA TRUTH TABLE: CYBERCRIME

Link to the QCA truth table: Cybercrime: <https://rm.coe.int/eva-aac-appendixl-qca-truth-table-cybercrime-2750-7450-7015-v-5/1680ab8bac>

APPENDIX M. TRAFFICKING IN HUMAN BEINGS, CHANGES AT IMMEDIATE OUTCOME LEVEL

Link to the trafficking in human beings, changes at immediate outcome level: <https://rm.coe.int/eva-aac-appendixm-thb-changes-at-immediate-outcome-level-2753-7649-690/1680ab8bad>

APPENDIX N. TRAFFICKING IN HUMAN BEINGS, CHANGES AT INTERMEDIATE OUTCOME LEVEL

Link to the Trafficking in human beings, changes at intermediate outcome level: <https://rm.coe.int/eva-aac-appendixn-thb-changes-at-intermediate-outcome-level-2757-2881-/1680ab8bae>

APPENDIX O. CYBERCRIME, MAIN RESULTS FROM CO-OPERATION

Link to the Cybercrime, main results from co-operation: <https://rm.coe.int/eva-aac-appendixo-cybercrime-main-results-from-cooperation-2755-7782-3/1680ab8baf>

APPENDIX P. MOBILISATION OF PRIVATE FUNDS, DUE DILIGENCE TEMPLATE

Link to the mobilisation of private funds, due diligence template: <https://rm.coe.int/eva-aac-appendixp-mobilisation-of-private-funds-due-diligence-template/1680ab8bb1>

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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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.