

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

Management response & Action plan

May 2023

DIO-EVA(2023)40

Name of Evaluation Report:	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		
Date of Evaluation Report:	27 March 2023	Date of the Action Plan:	23 May 2023

Overall management response to the evaluation:

The Council of Europe's work under the sub-programme "Cybercrime" encapsulates all the Organisation's activities on the issue of cybercrime. At its centre is the "Budapest Convention", the only internationally binding instrument on this topic. Having a global ambition, the Convention (and its two additional protocols) are the most relevant legal instruments for fighting cybercrime and disclosing electronic evidence. This is complemented by the Cybercrime Programme Office (C-PROC) in Bucharest (Romania) which supports countries worldwide through capacity-building programmes.

The Council of Europe's work under the sub-programme "Trafficking in Human Beings" encapsulates all the Organisation's activities on the issue of human trafficking, ranging from standard setting around the Council of Europe Convention on Action against Trafficking in Human Beings, the monitoring of state parties' obligations under the Convention, and co-operation projects to support states in the implementation of the relevant standards. Monitoring and co-operation projects contributed to states parties increasing their capacity to comply with the provisions of the Anti-Trafficking Convention.

As the present evaluation establishes, there is unequivocal evidence proving that both sub-programmes have been highly successful. This generally very positive evaluation of these two areas of work of the "Action against Crime and Protection of Citizens Sub-programme" is to be welcomed. The Secretariat recognises the utility of the recommendations issued as a result of the present evaluation with a view to further enhancing the Organisation's relevance, effectiveness, efficiency and coherence in this essential field. All but one recommendation has been accepted and three recommendations are under active consideration by the management. The actions envisaged for their implementation are set out in the Action Plan below.

ACTION PLAN

Management Decision ¹	Entity in Charge	Planned Actions (determined by Entity ²)	Justification for Non-Acceptance ³	Target Date for Action	Person Responsible for Action
Recommendation 1: To redefine the scope of the sub-programme and its Theory of Change, aligning it with management structures for greater coherence. (High⁴) <p>The Council of Europe Directorate of Programme and Budget (DPB) is recommended to reflect on the expected added value of the sub-programme “Action against crime and protection of citizens” in consultation with the relevant directorates and divisions: what should the sub-programme dimension add to what is being already achieved by the sum of its individual components? Results from this reflection should inspire the development of an implementable, monitorable and evaluable Theory of Change and inform the decision on structuring the sub-programme, including its management consequences. The hiring of an external resource to accompany this challenging process is suggested.</p>					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DPB (in consultation with DGI and DGII)	Reflections are underway with Directorate General for Human Rights and Rule of Law (DGI) and Directorate General of Democracy and Human Dignity (DGII) to review the Programme and Budget structure for 2024-2027 in the light of the 4th Summit outcomes. Due attention will be paid to the coherence between programme and organisational structures as far as possible.		31/12/2023	Director DPB

1. The Management decision concerns the Recommendation (Accepted, Rejected, Under consideration).

2. For implementing accepted recommendations.

3. For recommendations that are rejected or under consideration.

4. Recommendations have been classified as either “high”, “medium” and “low” in terms of the assessment of their importance following the evaluation

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Recommendation 2: To revise the co-operation strategy in trafficking in human beings to unleash its potential. (High) a. The Trafficking in Human Beings Division is recommended, in co-ordination with the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties of the Convention on Action against Trafficking in Human Beings (THB-CP), to identify priority countries and types of initiatives based on a mapping of states where co-operation is most needed and where it could be most successful. The mapping should also consider the presence of other institutions offering similar initiatives in the same thematic area and possible synergetic effects. Based on this analysis, it is recommended to seek additional resources to enhance the co-operation offer, even considering possible private contributors (e.g. trade unions, business associations and private businesses) in the area of trafficking for labour exploitation, taking advantage of the experiences acquired by the Cybercrime Division. b. The Trafficking in Human Beings Division, jointly with the Capacity Building and Co-operation Projects - South-Med Region Unit, are recommended to facilitate exchanges of experiences and cross-fertilisation among local and central co-operation staff working in the same thematic area. Initially, this could take the format of monthly, global remote conversations on experiences delivering similar types of co-operation “models”, success factors, showcasing of experiences and exchange of outputs. This could materialise into ideas for innovative collaborations across regions and offices. It is recommended to analyse this initiative’s results and present them to other services of the Council of Europe that could be interested in replication also beyond the co-operation field.					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	a. Trafficking in Human Beings Division (in consultation with GRETA and THB-CP’s members)	GRETA is preparing a stock-taking of the third evaluation round of the Anti-Trafficking Convention, which will provide a horizontal review of the implementation of the Convention, identifying promising practices, common challenges and remaining gaps after three rounds of evaluation. The result will be presented to the THB-CP and discussed with a view to identifying further action. Joint activities are already taking place with a number of other organisations. As action against human trafficking is a very dynamic area with many contributing organisations, an updating mapping of “who does what” will be prepared. As regards considering funding from private sources, this is part of Directorate of Programme Co-ordination (DPC) remit.		31/12/2023	Head of Trafficking in Human Being Division
	b. Trafficking in Human Beings Division (in consultation with Capacity Building and Co-operation Projects -South-Med Region Unit)	Regular internal co-ordination between the Trafficking in Human Beings Division and the Capacity Building and Co-operation Projects - South-Med Region Unit is a current practice. It will be further strengthened through monthly exchanges (online) between Strasbourg and the Council of Europe Offices in Tunis and Rabat, in particular as regards enhancing the existing regional South-Med co-operation in fighting trafficking in human beings.		31/12/2023	Head of Trafficking in Human Being Division

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Recommendation 3: To develop a strategy of alliances to support legislative change, including engagement with media. (High) a. Based on the results from this evaluation, the management of both divisions of Trafficking in Human Beings and Cybercrime and their hierarchies are recommended to reflect on their strategies to achieve legislative change and to prioritise alliances as relevant with the more relevant supporters of change. In addition, they are recommended to share the results of this analysis with their staff and gather feedback on strategies to maximise alliances for change based on implementation experience. b. Both divisions of Trafficking in Human Beings and Cybercrime are recommended to consult with the competent services within the Council of Europe to develop an appropriate strategy to engage with media at the central and local field office level. Special consideration should be given to developing an appropriate narrative of the issues that the Council of Europe seeks to address, targeted to the media. c. The Directorate of Programme Co-ordination (DPC) (and other services as appropriate) is recommended to provide local project offices with relevant expertise to implement the media engagement strategy at the local level.					
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	a. DGI	Through C-PROC project activities, backed up by Cybercrime Convention Committee (T-CY), the Council of Europe co-operates with multiple stakeholders and has established alliances in individual countries as well as with organisations (including exchanges of letters between C-PROC and ECOWAS, African Union Commission, or FOPREL). Moreover, the Cybercrime Division keeps track of developments worldwide through a global survey on the state of cybercrime legislation in the 193 UN member states. There is thus ample evidence of legislative change achieved through the activities of the Council of Europe in a large number of states. The Division will nevertheless reflect on how to further improve impact.		30/06/2024	Head of Cybercrime Division
	a. DGII	Action against Trafficking in Human Beings is the 8th strategic priority of the Organisation (KSP8). Legislative change is indeed part of the sub-programme theory of change as described in the Programme and Budget Tool (PBT) and detailed as an intermediate outcome therein to ensure impact. DGII will make sure that strategies leading to legislative change and alliances with supporters of change, developed by the Organisation, are reflected in the relevant PBT tool.		30/06/2024	Head of Trafficking in Human Being Division

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	b. Trafficking in Human Beings Division	<p>To promote legislative changes at national level, the Division already uses a range of instruments and alliances: round-table meetings as a follow-up to GRETA's recommendations, lobbying through civil society, targeted interventions in parliaments, joining forces with other international organisations (e.g. OSCE). Another form of influence to achieve legislative change is through the case-law of the European Court of Human Rights, to which GRETA makes targeted third-party submissions. The revision of the EU Anti-Trafficking Directive in 2023 will provide new impetus for legislative change and closer alliances will be built with the European Commission. Continuing resistance to legislative changes in some states cannot be excluded as it is part of a broader political agenda (related to immigration).</p> <p>The Division has a new communications' officer who is preparing proposals, in co-ordination with the Directorate of Communications, on improved communication and visibility of the work of the Division. For the co-operation projects carried out in different countries, the communication strategy depends to some extent on the funding source, but steps will be taken to align it further.</p>		31/12/2023	Head of Trafficking in Human Beings Division
	b. Cybercrime Division	Further reflection within Cybercrime Division is needed regarding this recommendation, bearing in mind that engagement with media is not necessarily a primary vehicle for legislative change. In any event, all projects have plans and officers for communication and visibility.		30/06/2024	Head of Cybercrime Division
	c. DPC	Ways to strengthen the communication dimension of the co-operation implemented by Council of Europe Offices is being considered. Appropriate resources would also be required.		31/12/2023	Director, DPC

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Recommendation 4: To set up a forum for dialogue with civil society on cybercrime. (High) 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.					
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	Cybercrime Division (in consultation with T-CY)	The forthcoming Octopus Conference (December 2023) could reflect on this recommendation and could identify how civil society organisations could be involved on a more regular basis.		31/12/2023	Head of Cybercrime Division
Recommendation 5: To put in place (for the entire Council of Europe) staff consultation mechanisms and processes. (High) a. The Directorate of Human Resources (DHR) is strongly recommended to give staff (both at the central level and the level of the local project offices) space for expressing their assessment and constructive advice on internal processes, procedures, tools, working practices and management through yearly staff satisfaction surveys. These should allow disaggregation of data per division, unit and individual local project offices. Results from consultations should be accessible to all staff and management (including those at the local project offices). Synthesis of findings should be presented to the Private Office of the Secretary General and the Deputy Secretary General (PO), together with plans for addressing the emerging issues. Plans should also be shared with staff as relevant, their implementation monitored by Human Resources and reported to staff and the PO. b. The DHR is recommended to define common and coherent staff onboarding and retention processes for local field offices (and for staff at the headquarters, if these do not already exist) based on consultations with staff, the relevant thematic directorates and divisions and the management of the project field offices. c. Similarly, the DHR is recommended to define succession planning measures for management, to be implemented by each relevant directorate. d. Finally, the DHR is recommended to supervise and monitor the employment conditions at the local project offices level to ensure that they are aligned with average, current market conditions used by other international organisations in the same places of employment; and to intervene in case of complaints.					
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	a. DRH	Two staff satisfaction surveys are organised in 2023: 1. Organisational culture (1st part of 2023); 2. Staff well-being (2nd part 2023). Findings will be disaggregated by entities and presented to staff. Action plans will be expected from entities to address emerging issues		01/06/2024 (finding and action plans)	Director, DIO (survey 1) Director, DRH (survey 2)
	b. DRH (in consultation with relevant MAEs)	This recommendation will need further reflection depending on the particular contractual status of local field offices staff members. Hence this recommendation is under consideration. The % of turn-over being quite low.		31/12/2024	Director, DRH

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	c. DRH (in consultation with relevant MAEs)	The elaboration of a succession planning for the Organisation will be most likely part of the People Strategy foreseen for 2024-2027.		01/01/2025	Director, DRH
	d. DRH	As part of the reform of the Staff Regulations and its secondary legislation, the DRH has planned to review the conditions of employment of field staff. The analysis of the remuneration and job classification of the staff concerned will be one of the key points of this review.		31/12/2023	Director, DRH
Recommendation 6: To share lessons from implementation and implement recommended adjustments. (High) a. The Directorate of Internal Oversight (DIO) is recommended to share with other relevant parts of the Council of Europe the lessons emerging from the analysis of the implementation of the work of the two divisions, Trafficking in Human Beings and Cybercrime, in relation to: <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. b. The Trafficking in Human Beings Division is recommended to co-ordinate with GRETA to ensure that: <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". 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.					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	a. DIO	DIO Evaluation Division will compile and disseminate lessons learned from this evaluation.		31/03/2024	Head of Evaluation Division

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	b. Trafficking in Human Beings Division (in consultation with GRETA)	GRETA's fourth evaluation round of the Anti-Trafficking Convention, which will be launched in 2023, will develop gender-specific aspects of trafficking from a non-binary perspective. The horizontal stocktaking of the implementation of the Convention referred to under Recommendation 2 will duly acknowledge the progresses achieved. Likewise, the fourth-round reports will contextualise the progress achieved to the specific country under evaluation. As to visibility of the states' initiatives, this will be addressed additionally in the context of THB-CP.		31/12/2024	Head of Trafficking in Human Beings Division
	c. DPC (in consultation with Cybercrime Division)	Voluntary contributions from non-state actors are welcome and due diligence procedures are in place. DPC will look into ways to simplify the scrutiny process of potential donors and shorten its duration with the caveat that the work put into resource mobilisation from non-state actors has to yield a reasonable return on investment.		30/06/2024	Director, DPC
Recommendation 7: To analyse and report on the feasibility of the present assessment model in cybercrime and adopt relevant measures. (Low) 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.					
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	Cybercrime Division (in consultation with T-CY)		The current assessment model has proven to work rather well and to be sufficiently flexible. The Parties to the Budapest Convention insisted to maintain the current assessment model when implementing Article 23 of the Second Protocol. Therefore, it is legally not feasible to deviate from it.		

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Recommendation 8: To redefine modalities for setting the indicators and targets formulated in the Programme and Budget documents to make them more relevant. (Medium) The Council of Europe is recommended to redefine the process for setting the official indicators and targets of the two areas of work through enhanced dialogue and participation of the relevant divisions and directorates. The indicators should better reflect the Theory of Change of each division and, in most cases, should measure the expected changes at the outcome level. The setting of targets at the activity and at the output level is discouraged. Targets should be realistic, unambiguously formulated and easy to be monitored and reported on by the divisions in their yearly reports.					
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DPB (in consultation with DGI and DGII)	The indicators will be reviewed in the framework of the preparation of the draft Programme and Budget 2024-2027. In line with the current practice, indicators and targets will be defined by the relevant persons in charge (head of divisions/department) in collaboration with their respective team in order to ensure ownership. Trainings on indicators will continue to be proposed to ensure that indicators set are easily monitored and can inform the progress review reports.		31/12/2023	Director, DPB

Abbreviations	
C-PROC	Cybercrime Programme Office
DGI	Directorate General for Human Rights and Rule of Law
DGII	Directorate General of Democracy and Human Dignity
DIO	Directorate of Internal Oversight
DPB	Directorate of Programme and Budget
DPC	Directorate of Programme Co-ordination
DRH	Directorate of Human Resources
GRETA	Group of Experts on Action against Trafficking in Human Beings
ECOWAS	Economic Community of West African States
EU	European Union
FOPREL	Forum of Presidents of the Legislative Powers of Central America, the Caribbean Basin and Mexico
OSCE	Organization for Security and Co-operation in Europe
PBT	Programme and Budget Tool
PO	Private Office of the Secretary-General and the Deputy Secretary-General
T-CY	Cybercrime Convention Committee
THB-CP	Committee of the Parties of the Convention on Action against Trafficking in Human Beings (CETS 197)
UN	United Nations