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## **Joint First and Second Rounds Evaluation**

### **Summary of the *Interim Compliance Report* on Belarus**

Adopted by GRECO  
at its 72<sup>nd</sup> Plenary Meeting  
(Strasbourg, 27 June – 1 July 2016)

The publication of Evaluation and Compliance Reports shortly after their adoption is a long-standing practice among GRECO member States. This serves two important purposes: ensuring overall transparency of the GRECO process and facilitating the implementation of recommendations at domestic level by raising awareness of GRECO's findings across society.

The Joint First and Second Round Evaluation Report on Belarus was adopted by GRECO at its 56<sup>th</sup> Plenary Meeting (June 2012) and the authorities were invited to authorise, as soon as possible, its publication, to translate it into the national language and to make the translation public. At its 62<sup>nd</sup> Plenary Meeting (December 2013), given the absence of an authorisation from the authorities of Belarus to publish the entire Evaluation report, GRECO decided that a summary would be made public on 3 February 2014 ([Greco Eval I/II \(2013\) 1E](#)) pursuant to Rule 34 paragraph 2 of the [Rules of Procedure](#).

In the follow-up procedure, the Joint First and Second Round Compliance Report – assessing the measures taken by the authorities of Belarus to comply with the recommendations contained in the above report – was adopted by GRECO at its 64<sup>th</sup> plenary meeting (June 2014). GRECO concluded that only four of the twenty-four recommendations contained in the Evaluation Report of June 2012 had been implemented – i.e. less than a fifth of these – and that the very low level of compliance with the recommendations was “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the [Rules of Procedure](#). It therefore decided to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report. It also invited the authorities to make the document public under the same terms as above but again, in the absence of such an authorisation, GRECO decided at its 67<sup>th</sup> meeting (March 2015) that a summary would be made public on 27 May 2015 ([Greco Eval I/II \(2015\) 2E](#)).

Subsequently, the first *interim* Compliance Report was adopted at the 68<sup>th</sup> plenary meeting (June 2015). GRECO concluded that the level of compliance was still very low and remained “globally unsatisfactory”. It also invited the authorities to make the document public under the same terms as above. At its 76<sup>th</sup> meeting (May 2016), the Bureau noted, with particular concern, that Belarus had still not authorised the publication of the above reports including the most recent *interim* report. It thus urged the Belarusian authorities again to authorise, as soon as possible, the publication of these three reports. The Bureau also instructed the Secretariat to prepare a summary of the *interim* compliance report with a view to its adoption by the plenary at its 72<sup>nd</sup> meeting (27 June – 1 July 2016) and subsequent publication.

At the above 72<sup>nd</sup> meeting, GRECO decided that this summary of the *interim* Compliance Report would be made public on 1 September 2016 in the absence of authorisation by the authorities to publish the said report in full.

As a result of the above decision, the following thus contains the conclusions from the Joint First and Second Rounds *Interim* Compliance Report on Belarus<sup>1</sup>:

107. (...) **GRECO concludes that of the twenty recommendations considered pending in the Compliance Report on Belarus none have been implemented satisfactorily or dealt with in a satisfactory manner.**
108. Specifically, only recommendation xxiv has been upgraded to partly implemented. Otherwise, recommendations i, ii, x, xix, xx and xxi remain partly implemented, and recommendations iii, iv, v, viii, ix, xi, xii, xiii, xv, xvi, xvii, xviii and xxii remain not implemented.

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<sup>1</sup> Greco RC-I/II (2015) 2E

109. The only area where progress has been recorded concerns the introduction of administrative liability of legal persons for money-laundering offences, which only partly meets the requirements of Article 18 ETS 173. Regrettably, since the adoption of the Compliance Report, examples of where meaningful action has not been demonstrated include the lack of an evidence-based comprehensive strategy and plan of action for the fight against corruption, and of a mechanism that does not only involve the law enforcement agencies to monitor its implementation independently, comprehensively and objectively. No initiatives have been taken to strengthen the independence of the Office of the Prosecutor General and of all other prosecutors from undue influence, nor to strengthen the independence of the judiciary notably by providing for legislative guarantees for the non-removability of judges and revising the procedure for termination and dismissal from office and for initiating disciplinary actions. Presidential immunity has not been limited to the term in office and the number of officials who benefit from specific procedures that limit the extent to which they can be investigated/prosecuted for corruption offences still goes beyond what is required in a democratic society. A mechanism entrusted both with the independent monitoring and promotion of the proper implementation of the legislation on access to public information and instituting an independent Ombudsperson with a mandate to tackle complaints from the general public on maladministration within state authorities are further examples of what is still needed.
110. GRECO is disappointed by the significant volume of information submitted by the authorities that is not relevant for the purposes of assessing the compliance of Belarus with the recommendations that are pending, which undermines faith in the country's commitment to the process of mutual evaluation as defined in GRECO's Statute and Rules of Procedure.
111. Above all, apart from several draft laws the exact relevance of which for the purposes of the compliance procedure could not be fully ascertained, no concrete projects or proposals seem to be under way that could contribute substantially to improve this situation in the near future and it looks as if the process of implementation of improvements has been halted. GRECO urges the authorities to take tangible steps with a view to addressing the outstanding recommendations.
112. Under the circumstances described above, GRECO must conclude once again that the current very low level of compliance with the recommendations remains "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. Therefore, in accordance with Rule 32 paragraph 2(i) of its Rules of Procedures, it asks the Head of the Belarusian delegation to provide a report on progress in implementing the outstanding recommendations (i.e. all recommendations) as soon as possible, however – at the latest – by 31 March 2016.
113. In accordance with Rule 32, paragraph 2 subparagraph (ii) (a), GRECO invites the President of GRECO to send a letter, with a copy to the President of the Statutory Committee, to the Head of Delegation of Belarus, drawing his attention to the non-compliance with the relevant recommendations, and the need to take determined action with a view to achieving appreciable progress as soon as possible.
114. Finally, GRECO urges the authorities of Belarus to authorise, as soon as possible, the publication of this Interim Compliance Report as well as the related the Compliance and Evaluation Reports, to translate them into the national language and to make the translations public.