

Council of Europe Action Plan for Belarus 2016-2017

Draft progress review report

Document prepared by the Office of the Directorate General for Programmes

Item to be considered by the GR-DEM at its meeting on 12 December 2017

EXECUTIVE SUMMARY

The Council of Europe Action Plan for Belarus 2016-2017 was adopted by the Committee of Ministers (CM) during its 1268th meeting on 18 October 2016. The Action Plan is a joint initiative of the Council of Europe and the Belarusian authorities. The document is a strategic programming instrument, allowing for an inclusive and coherent approach to co-operation.

This Progress Review Report covers the period from 18 October 2016 to 30 September 2017, and presents progress in each sector in the context of clearly defined objectives. This report neither aims at providing reflection on the general political, social and economic situation in the country nor detailed information on individual projects.

The scope of Council of Europe activities in Belarus is narrower than in other Eastern Partnership (EaP) countries, as Belarus is not a Council of Europe member state. Most of the actions of the Action Plan are not fully fledged projects, but rather a series of activities aimed at raising awareness about Council of Europe standards in a wide variety of areas and at building confidence between the Council of Europe and Belarusian authorities with a view to promoting a progressive *rapprochement* with Europe.

In this context, little progress can be reported in terms of specific outcomes, however it is clear that the adoption of the Action Plan boosted co-operation between the Council of Europe and Belarus. Moreover, the engagement of Belarus, including in the European Union/Council of Europe Partnership for Good Governance (PGG)² framework, keeps on growing. This demonstrates an increased degree of commitment towards the co-operation with European institutions and the openness of national institutions to dialogue.

Co-operation with Belarus intensified in 2016, notably in the field of protection of national and ethnic minorities, elections, the fight against corruption and economic crime. A significant political development was the renewal of dialogue with the National Assembly of Belarus. In 2016, an international conference to discuss the death penalty issue was organised in Minsk.

The overall budget of the Action Plan totals approximately €7 million, of which more than €3.4 million (49% of the total budget) has been secured. The donors are the European Union, Poland, United Kingdom, Latvia and Bulgaria. Additionally, Belarus participates in 13 regional projects for six Eastern Partnership (EaP) countries under the PGG.

Co-operation with Belarus should be continued beyond 2017. Due to the fact that the Council of Europe Action Plan for Belarus 2016-2017 was adopted in October 2016, it is proposed to extend the validity of the current Action Plan until the end of 2018 in order to ensure sustainability in areas where good co-operation has been established. Financial resources will be essential to ensure the sustainability of results in areas where achievements have already been noted and to continue efforts to develop meaningful co-operation in other fields.

¹ This document has been classified restricted until examination by the Committee of Ministers.

² Former Partnership Programmatic Co-operation Framework (PCF).

Since 2012 the InfoPoint in Minsk works actively to raise awareness about the organisation and supports the implementation of the Action Plan. It played an important role in the development of co-operation and in raising Council of Europe visibility in Minsk and the regions. Opening of a Programme office in Minsk would significantly facilitate the Action Plan implementation and will allow stepping up co-operation activities.

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LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|----------------|--|
| Action Plan | Council of Europe Action Plan for Belarus 2016-2017 |
| AML | Anti-money laundering |
| BSU | Belarusian State University |
| CEPEJ | European Commission for the Efficiency of Justice |
| CM | Committee of Ministers of the Council of Europe |
| CODEXTER | Committee of Experts on Terrorism |
| Congress | Council of Europe Congress of Local and Regional Authorities |
| CSO | Civil Society Organisation |
| EaP | Eastern Partnership |
| ECHR | European Convention on Human Rights |
| ECRI | European Commission against Racism and Intolerance |
| ECRML | European Charter for Regional or Minority Languages |
| ECSR | European Committee of Social Rights |
| ECtHR | European Court of Human Rights |
| EDC/HRE | Education for Democratic Citizenship and Human Rights Education |
| ESC | European Social Charter |
| EU | European Union |
| GR-DEM | Rapporteur Group on Democracy |
| 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 (the HELP Programme) |
| InfoPoint | Council of Europe Information Point in Minsk |
| INGO | International Non-governmental Organisation |
| MONEYVAL | Committee of Experts on the Evaluation of Anti-Money Laundering |
| NADA | National Anti-Doping Agency |
| NGO | Non-governmental organisation |
| OB | Ordinary budget |
| ODIHR | Office for Democratic Institutions and Human Rights |
| ODGP | Office of the Directorate General of Programmes |
| PACE | Parliamentary Assembly of the Council of Europe |
| PCF | EU/Council of Europe Eastern Partnership Programmatic Co-operation Framework |
| PGG | EU/Council of Europe Partnership for Good Governance |
| PMC | Project management cycle |
| Pompidou Group | Co-operation Group to Combat Drug Abuse and Illicit Trafficking of Drugs |

| | |
|-------------------|---|
| The Commissioner | Council of Europe Commissioner for Human Rights |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| Venice Commission | European Commission for Democracy through Law |
| VC | Voluntary contribution |

1. INTRODUCTION

1.1 GENERAL OVERVIEW

This report describes the impact of the implementation of the Action Plan for Belarus 2016-2017. The Committee of Ministers (CM) adopted the Action Plan at its 1268th session on 18 October 2016. The Action Plan is a joint initiative of the Council of Europe and the Belarusian authorities. The document is a strategic programming instrument, allowing for an inclusive and coherent approach to co-operation. It aims to assist the country in Council of Europe areas of expertise bearing in mind the strategic objective of the *rapprochement* and accession of Belarus to the Council of Europe on the basis of the Organisation's values and principles, pursuant to the Declaration of the 2005 Warsaw Summit.

This report presents progress in each sector, followed by appendices with additional information. It describes activities at the strategic level, and therefore does not provide detailed information regarding individual projects implemented as part of the Action Plan, nor does it aim at providing reflection on the general political, social and economic situation in the country.

1.2 OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard-setting, monitoring and co-operation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Council of Europe's actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.

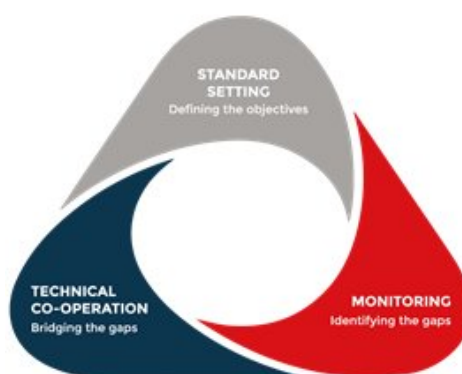


Figure 1: Council of Europe strategic triangle

In the case of Belarus, as a non-member-state of the Council of Europe, monitoring mechanisms will not apply until this country becomes a contracting party of relevant conventions. Currently, Belarus is under regular monitoring of the Group of States against Corruption (GRECO) as its full member. Belarus is also monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA) as a party to the Convention on Action against Trafficking in Human Beings (CETS No.197).³

Council of Europe actions in Belarus in the framework of the Action Plan do not consist of fully-fledged projects, but rather of a series of activities aimed at raising awareness about Council of Europe standards in a given area and at building confidence between the Council of Europe and Belarusian authorities.

It is clear that the adoption of the Action Plan boosted co-operation between the Council of Europe and Belarus. Whereas little progress can be reported in terms of specific outcomes, most importantly the engagement of Belarus, including in the European Union/Council of Europe Partnership for Good Governance framework, keeps on growing. This demonstrates an increased degree of commitment towards co-operation with European institutions and the openness of national institutions to dialogue. In addition to

³ GRETA's first report on Belarus was published on 3 July 2017. Based on GRETA's report, the Committee of the Parties of the Anti-Trafficking Convention adopted on 13 October 2017 a recommendation addressed to the Belarusian authorities, asking them to report back on measures taken to implement GRETA's conclusions by 13 October 2019. A round-table meeting to discuss GRETA's report and recommendations was organised in Minsk on 26 September 2017 by the public association Gender Perspectives/La Strada Belarus, with the support of the Ministry of Internal Affairs and the Commonwealth of Nations of Great Britain, and the participation of a member of GRETA.

initiatives launched in 2014-2015, before the adoption of the Action Plan, co-operation with Belarus intensified in 2016, notably in the field of protection of national and ethnic minorities, the fight against corruption and economic crime, elections and local governance. A significant political development, facilitated by the PGG initiative on inter-parliamentary co-operation on election-related matters, was the renewal of dialogue with the National Assembly of Belarus. In 2016 the Belarusian authorities engaged with the Council of Europe in dialogue on a possible moratorium and subsequent abolition of the death penalty. Projects to train legal professional on human rights issues and on judicial reform were launched in 2017.

As of September 2017, there were three country-specific projects run under PGG. Belarus also participates in 14 regional actions, 13 of which are also implemented under the PGG. The full list of projects/actions is provided in Appendix I to this report.

2. SECTOR REVIEW

2.1. PROTECTING AND PROMOTING HUMAN RIGHTS

2.1.1. FOSTERING DIALOGUE ON THE DEATH PENALTY ISSUE

No progress can be reported as regards the abolition of the death penalty in Belarus. A step forward in the discussion was made at the conference “Abolition of the Death Penalty and Public Opinion”, which took place on 13 December 2016 in Minsk and that was organised in co-operation with the Ministry of Foreign Affairs of Belarus. Participants included high-level representatives of the Belarusian government and the National Assembly,⁴ Council of Europe experts and the Parliamentary Assembly (PACE), the EU, UN and other international organisations, Council of Europe member states, Belarus Orthodox Church, international and Belarusian NGOs, media and academia. However, representatives of the judiciary, including the Supreme Court, were absent.

The conference participants discussed ways to influence public opinion, and the role authorities, media and the civil society can play. They looked at specific aspects of law enforcement practices in the context of the abolition of death penalty and analysed how civil society can help the state to shape the public opinion and deliver important messages.

While there was a clear message neither that the death penalty will be abolished, nor that a moratorium will be introduced in the near future, the climate of the conversation indicated that the authorities were ready to look at the issue.

As it was publicly announced at the conference, a new parliamentary working group on the abolition of death penalty was established in early 2017. The Council of Europe supports the work of this group in 2017, for example by assisting with the organisation of an enlarged meeting of the working group in March 2017 with the participation of the Rapporteur on Belarus of the Parliamentary Assembly of the Council of Europe (PACE), as well as civil society, public authorities and the international community.

2.1.2. HUMAN RIGHTS TRAINING FOR LEGAL PROFESSIONALS AND STUDENTS

It is too early to assess progress in this area. Assessment missions undertaken by the Council of Europe Secretariat in 2016 and 2017 identified the demand for human rights training for students of law and international relations of Belarusian State University (BSU) and law students of regional universities. In close partnership with the Institute for Retraining and Qualification Upgrading of Judges, Prosecutors and Legal Professionals at the BSU (the Institute), the needs of legal professionals in in-depth training on European human rights standards were identified.

In June 2016, the Council of Europe launched the 12-month project “Human Rights for All”, aimed at providing comprehensive training on European human rights standards for a broad range of beneficiaries, including legal professionals, civil servants and students of law and international relations. The project was developed after extensive consultations with the Belarusian authorities and representatives of the academia during an assessment mission in April 2017.

⁴ In particular, Deputy Minister for Foreign Affairs Evgeny Shestakov opened the Conference. Mr Andrei Numovich, Head of the Standing Commission on Human Rights, National Relations and Mass Medias of the House of Representatives of the National Assembly of the Republic of Belarus, was one of the key speakers.

This initiative, funded through PGG, is also in line with the “Interagency Plan for implementing recommendations accepted by the Republic of Belarus following the second cycle of the United Nations Universal Periodic Review and recommendations for the period between 2016 and 2019 issued to the Republic of Belarus by Human Rights Treaty Bodies”.

Previously, the Council of Europe has closely co-operated with the Faculty of International Relations of BSU, notably by supporting Belarusian law professors and students who participated in the *René Cassin* moot court competition (the team was supported in 2016 and 2017).

2.1.3. ASSISTANCE IN TAKING DECISION ON THE OPTIMAL MODEL OF THE NATIONAL HUMAN RIGHTS INSTITUTION

The creation of a well-functioning human rights institution does not appear to be a priority of the Belarusian authorities at this stage. The Council of Europe stands ready to provide all the necessary assistance in this respect as soon as our interlocutors indicate they are ready to consider the establishment of this body.

2.1.4. BIOETHICS

It is too premature to assess progress in this area, but the Belarusian authorities, in particular the Ministry of Health, and the Parliament show high interest in developing comprehensive activities in the field of bioethics. This was confirmed during a seminar organised by the Council of Europe in Minsk in December 2016⁵ as well as during the meetings and consultations held with Belarusian authorities.

While the specific project activities are developed within the limits of the funding available, Representatives of Belarus participated in the plenary meeting of the Committee on Bioethics (DH-BIO) (June 2017, Strasbourg), in the Conference "Human rights and biomedicine – Ethical and legal aspects of informed consent" (June 2017, Moscow) and in the seminar on the course of the European Programme for Human Rights Education for Legal Professionals (HELP) in bioethics. A working meeting with the representatives of Belarus was held in Strasbourg to specify and schedule the activities within the framework of the Action Plan. A work plan is now under preparation.

2.1.5. REGIONAL AND MINORITY LANGUAGES

In 2016 and 2017, Belarusian and Council of Europe experts, in cooperation with national minority NGOs, the Ministry of Foreign Affairs and other national and local authorities, carried out a comprehensive analysis of the Belarusian legislation pertaining to national minorities and relevant practice. This work resulted in the selection of the provisions of the European Charter for Regional or Minority Languages (ECRML) that are most adapted to the relevant minority languages of Belarus. Belarus now disposes of the core elements (list of undertakings) for ratification instrument on the ECRML and is technically ready to request an invitation to accede to this treaty.

In parallel, awareness-raising activities were organised with a view to informing national minority representatives and authorities about the ECRML and European best practice in the field of minority language promotion.

2.1.6. VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE, VIOLENCE AGAINST CHILDREN, TRAFFICKING IN HUMAN BEINGS

Due to the lack of financial resources country-specific actions were limited to those implemented in 2017 under the PGG Project “Improving Women’s Access to Justice in the Eastern Partnership Countries”; (see below section 2.1.11 on Gender Equality). The training seminars for judges and prosecutors, organised under this Project, presented the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and allowed the national legal professionals to discuss its compatibility with national legislation.

⁵ “Seminar on challenges in the field of bioethics”, 14 December 2016, Minsk.

DATA PROTECTION

The Council of Europe analysed the concept for draft data protection legislation in Belarus and its comments and conclusions were discussed during a seminar with representatives of all administrations and bodies concerned. Some progress can be noted in this area, in particular with declared intentions to gear legislation and practice closer to international standards. It would be advisable to continue supporting Belarus efforts in 2018.

2.1.7. INFORMATION SOCIETY AND INTERNET GOVERNANCE

Belarus attends events in the framework of the regional PGG action that aims at bringing legislation and/or policy in the field of internet governance closer to Council of Europe standards. No progress can however be reported to date.

2.1.8. PROMOTION OF CO-OPERATION IN THE MEDIA SPHERE

In the PGG framework, the regional network of self-regulatory bodies continued to provide the platform for the exchange of experience and knowledge in the European self-regulatory sector and increased capacities of its members through the establishment of the cross border advisory commission, entrusted to deal with cross border complaints from general public on alleged unethical behaviour of journalists in EaP countries.

Participation of the Belarusian representatives in this network is increasing. No country-specific actions have been developed.

In addition, Belarusian journalists representing six regional media participated in a visit to the Council of Europe on the occasion of the 32nd session of the Congress of Local and Regional Authorities. A group of Belarusian journalists visited Strasbourg during the June PACE session on the occasion of the presentation of the report on Belarus⁶ by Mr Rigoni, PACE *Rapporteur* on Belarus. The selection of the group was ensured by the Council of Europe in consultation with Belarusian authorities who presented their nominations for State sector media (on the 50/50 basis).

2.1.9. SOCIAL RIGHTS

Activities in this area are to be developed provided sufficient funding is available.

2.1.10. GENDER EQUALITY

In 2017 Belarus took part in the activities of the regional PGG Project “Improving Women’s Access to Justice in the Eastern Partnership Countries” 2015-2017. The Project developed a “Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice” in cooperation with the national judicial and prosecutorial training institutions. Representatives of the Belarusian authorities and legal professionals participated in several regional platforms, which presented and discussed on-going challenges and good practices in removing obstacles to women’s equal access to justice.⁷ Two pilot training seminars were organised in Minsk with the National Institute for the Qualification of Judges, Prosecutors and Legal Professionals. An extensive training programme covered issues of judicial gender stereotyping, international and national standards on violence against women and gender-based discrimination, gender-sensitive court proceedings and the role of judges and prosecutors in advancing women’s equal access to legal protection and remedies.

The regional activities within PGG pay special attention to reforming electoral legislation and practice that put in place measures to increase the number of women candidates for elections. A group of researchers from EaP countries, including Belarus, prepared a regional study on “Women’s political representation in the Eastern Partnership countries” with a view to suggesting evidence-based policies, country-specific

⁶ Report | Doc. 14333 | 06 June 2017 adopted on 27 June 2017.

⁷ More than 50 judges and prosecutors took part in the seminars. Participants included representatives of the Supreme Court of Belarus, the Office of the Prosecutor General, and the Ministry of the Internal Affairs.

recommendations, and recommendations to governments and political parties. The study suggests that national commitments on gender equality in politics should be translated into clear and tangible outcomes and should be accompanied by improved legislation and policies, financial incentives, coordination and leadership.

2.2. ENSURING JUSTICE

2.2.1. CONSTITUTIONAL JUSTICE

Belarus continued to take part in the regional project to reinforce peer networking among constitutional courts, including by reporting cases to the CODICES database. Some progress can be noted here - the Constitutional Court of Belarus reported nine references to international case-law in its judgments, including the Universal Declaration of Human Rights, Council of Europe Parliamentary Assembly Resolutions and the International Covenant on Civil and Political Rights. No country-specific actions were developed in Belarus in this respect.

2.2.2. CRIMINAL AND CIVIL JUSTICE

Some positive developments can be reported as regards assistance in the field of judiciary. In line with the Action Plan objectives, the Council of Europe carried out a needs assessment visit to discuss the progress of the judicial reform in Belarus and identify the scope of possible Council of Europe assistance for strengthening the quality of the judicial system in line with the standards and recommendations of the Council of Europe. Based on the information provided by the national authorities during the meetings, the international experts will prepare a report with proposals and recommendations for possible areas of future co-operation. This concerns in particular the implementation of the Interagency Action Plan of the Republic of Belarus with regard to the judiciary. Conclusions of the report may serve as a basis for developing a comprehensive country-specific action in the field of justice.

2.3. COMBATING THREATS TO THE RULE OF LAW

2.3.1. INTERNATIONAL LEGAL ASSISTANCE

The Council of Europe continues to raise the awareness of the Belarusian national authorities of the European legal instruments available. In this context, representatives of the legal services of Belarusian state authorities carried out two study visits to the Council of Europe.

2.3.2. FIGHT AGAINST CORRUPTION

PGG country-specific and regional actions aim at further aligning the legal framework with international standards and developing a national anti-corruption mechanism.

Some progress can be reported within country-specific actions. The anti-corruption project in Belarus, which started in 2016, contributes to on-going initiatives to identify and address corruption risks in public sector institutions and to improve investigations into economic crime. 17 public sector institutions developed an understanding on how to carry out a general and sectoral corruption risk assessments, while law enforcement bodies were trained on the liability of legal entities to facilitate implementation of recently introduced administrative sanctions. The latter activity is the first in the series of efforts aimed at developing national policy framework and national capacities to address corporate economic crime.

The regional project represented an important tool for regional capacity development and cross-border co-operation involving all six EaP countries. To complement the efforts being taken under the country-specific project, Belarus will have the opportunity to conduct an education sector governance risk assessment under the regional project. After initial challenges with formulating the scope of the proposed initiative on the part of Belarus authorities, the assessment will be going forward in the second half of 2017. It is expected to raise local capacities in conducting sectoral risk assessment and will also provide policy recommendations for improvements, where needed. In the same way, a corruption risk assessment in the health sector conducted in 2017 identified corruption risks and vulnerabilities in the country's health sector and recommended actions to improve control of these risks.

2.3.3. FIGHT AGAINST MONEY LAUNDERING

In addition to the country-specific actions on fighting corruption, the project raised capacities on national anti-money laundering and countering financing terrorism (AML/CFT) risk assessment through a training attended by ten key public institutions involved in AML/CFT prevention and enforcement. Belarus at the same time participated in the regional PGG discussions on linkages between corruption and money laundering addressed in workshops on liability of legal entities and investigation and prosecution of complex economic crime.

2.3.4. FIGHT AGAINST TERRORISM

Two representatives of Belarus were invited to participate in an International Conference on Terrorism and Organised Crime held in Malaga, Spain, on 21 and 22 of September 2017, organised by the Criminal Law and Counter-Terrorism Divisions of the Council of Europe in co-operation with the City Hall and the University of Malaga. The conference brought together high-level national representatives from the authorities and sectors involved from all Council of Europe member States, representatives of international organisations and policy makers, all competent in the questions of preventing and fighting both terrorism and organised crime.

2.3.5. CYBERCRIME

Some progress can be reported in the field of cybercrime. Belarus has benefited from targeted Council of Europe capacity building opportunities on cybercrime and electronic evidence through regional projects aimed at supporting international and public/private co-operation in this field in line with the Budapest Convention on Cybercrime (Belarus participates in meetings of the Cybercrime Convention Committee as an ad-hoc observer).

Country-specific recommendations for improving international co-operation have been developed, follow up was provided through a series of international, regional and in-country activities, and specific tools were made available to the Belarusian authorities.⁸

Similarly, the Council of Europe supported Belarus in addressing the challenges of co-operation between the law enforcement and the private sector.

Furthermore, in response to the request of Belarusian authorities, the Council of Europe organised a series of events on criminal law reform, including procedural powers and the necessary rule of law safeguards as per Article 15 Budapest Convention.

Overall, skills and tools for the investigation and prosecution of cybercrime and other offences involving electronic evidence in Belarus have improved considerably. The ability of Belarus to co-operate internationally remains hampered by the country not being a Party to the Budapest Convention.

An analysis of the current state of play (as at June 2017)⁹ with respect to cybercrime strategies, procedural powers and specialised institutions in Belarus suggests that in spite of progress made, challenges remain, including safeguards limiting law enforcement powers.

2.3.6. DRUG USE

Belarus opted out of the PGG regional action on drug prevention in prisons and asked to develop country-specific actions targeting this issue. Such proposals were drawn up by the Council of Europe, but they currently lack financial support.

Nevertheless, under the auspices of Pompidou Group, a practical workshop/training for the canine team of the customs authorities of the Republic of Belarus was delivered by representatives of the Belgium Customs Service in May 2017.

⁸ Standard templates for access to stored computer data and data preservation/provisional disclosure, Octopus Community online resources, studies, etc.

⁹ Report on "Cybercrime strategies, procedural powers and specialized institutions in the Eastern Partnership region – state of play", June 2017.

2.3.7. FIGHT AGAINST COUNTERFEITING OF MEDICAL PRODUCTS AND SIMILAR CRIMES

Belarus has been invited to accede to the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention, CETS No. 211). The invitation expires in March 2019.

In order to raise awareness about the Convention and in response to requests by the Belarusian authorities, an information seminar was organised in Minsk in June 2016. No response of the national authorities on the date of a possible signature of the Convention has been received.

2.4. PROMOTING DEMOCRATIC GOVERNANCE AND PARTICIPATION

2.4.1. DEMOCRATIC GOVERNANCE AND HIGHER EDUCATION REFORMS

The regional project on Education for Democratic Citizenship and Human Rights (EDC/HRE) focused on bilateral support to capacity building and awareness-raising for educational professionals in four EaP countries, including Belarus. The bilateral activities with Belarus targeted in-service and initial teacher training institutions to develop manuals that will be used in the new school year 2017/2018.

In parallel, the Council of Europe facilitates discussions and supports meetings of the advisory group on support for the Roadmap accompanying the 2015 accession of Belarus to the European Higher Education Area (Bologna Process). The advisory group has met five times, twice in Minsk. The Council of Europe has met major stakeholders in higher education, including the Ministry of Education, the Rectors' Conference and officially recognised student organisation as well as non-recognised higher education organisations. The group will submit its report in late 2017.

2.4.2. CULTURE

Belarus is a Contracting Party to the European Cultural Convention (CETS No. 018) and as such participated regularly in the meetings of the Steering Committee for Culture, Heritage and Landscape. Belarus also participated actively in the multilateral Council of Europe/European Union programme "Community-led Urban Strategies in Historic Towns" (COMUS), completing the necessary technical documents for the pilot town of Mstislav. Belarus participated in a Faro Convention Lab in Georgia, linking the outcomes of this COMUS project to the principles of the Faro Framework Convention on the Value of Cultural Heritage for Society. Furthermore, the Belarus delegation expressed its interest in further exploring the Faro Convention in a future Action Plan. Additionally, in September 2017, the Council of Europe supported an international event "European Heritage Days" in the framework of celebrating "Heritage and Nature".

Moreover, Belarus participated as an Observer in the 9th Council of Europe Conference on the European Landscape Convention organised under the auspices of Cyprus' Chairmanship of the Committee of Ministers in March 2017. Accession to the European Landscape Convention remains an option for Belarus.

2.4.3. YOUTH

Co-operation with Belarus in the field of youth policy was initiated, but postponed due to changes in the Ministry of Education of the Republic of Belarus, notably the appointment of a new Minister and subsequent structural changes.

Negotiations on holding the planned activities will continue in autumn 2017 with the new team of the Ministry of Education.

The current Action Plan includes educational activities for youth leaders and youth workers focused on promoting human rights education and the recognition of youth work and non-formal education. These should be implemented in 2018.

As a State party to the European Cultural Convention, Belarus is a member of the youth sector's intergovernmental committees. Furthermore, young people from Belarus regularly take part in activities organised by the Council of Europe Youth Department.

2.4.4. SPORTS

Following an evaluation visit on compliance of Belarus with commitments under the Anti-Doping Convention (CETS 135) held in 2015, the Belarus authorities invited an expert workshop in November 2016 on legislation, prevention and planning of the doping control program, The Council of Europe ensured participation of experts from Finland, Germany, Russian Federation and Denmark.

In September 2017, a seminar on raising the awareness of anti-doping issues among representatives of sports movements of the Republic of Belarus was organised together with the Ministry of Sports and Tourism of Belarus and the National Anti-Doping Agency (NADA). Senior officials from anti-doping agencies from Austria, Malta, Poland and the United Kingdom as well as the Council of Europe explained to the participants the roles and the responsibilities of all the actors in ensuring fair and clean sport.

In parallel, a meeting of the Advisory Group on Education of the Anti-Doping Convention took place in Minsk co-organised by the Council of Europe, the Ministry of Sports and Tourism of Belarus and the NADA. During the meeting, the development of international standards for anti-doping education was discussed and models of best practice presented and shared. 31 representatives from anti-doping organisations from Austria, , Belgium, Czech Republic, Denmark, Finland, Germany, Greece, Ireland, Lithuania, Malta, Republic of Moldova, Norway, Romania, Russian Federation, Slovakia, Spain, the United Kingdom and Belarus took part in the event.

2.4.5. BERN CONVENTION-BASED ACTIVITIES

In 2016, in the frame of the EU/Council of Europe Joint Programme Emerald Network of Nature Protection Sites, Phase II, the Belarusian Public Association “Ecological Initiative” received a final tranche of funding to complete the national efforts required to identify possible Emerald Network sites (areas of special nature conservation interest). The final event of the Joint EU/Council of Europe Programme¹⁰ was held in Minsk in October 2016.

On 18 November 2016, at the request of the national authorities, the Standing Committee to the Bern Convention officially adopted 155 Emerald sites on the territory of Belarus. Belarus is thus one of three countries to have seen their candidate Emerald sites officially adopted at the level of the Convention. The country is now requested to initiate Phase III of the Emerald Network constitution process and to consider how the 155 Emerald sites are going to be designated at national level and what conservation objectives and management measures will be implemented for the areas.

2.4.6. CIVIL SOCIETY

Co-operation with civil society is slow due to the political sensitivity of this area. Nevertheless, within regional actions, steps were taken towards democratic decision-making, expanding the interaction between civil society and the authorities. Representatives of Belarusian civil society and of the authorities participated in the PGG regional project Civil Participation in Decision-Making in the Eastern Partnership Countries.

The project reinforced regional co-operation between civil society and the authorities to improve the environment for the functioning of NGOs, to create mechanisms for their active participation in democratic decision-making and to promote a culture of civil participation. Extensive research and analysis¹¹ of existing laws and policies were conducted and generated important practical knowledge, highlighting the most effective mechanisms for interaction and consultation between the authorities and civil society. On this basis, a regional strategy document was adopted. An informal multi-stakeholder network was established at regional level aimed at seeking solutions for shared or similar problems, with the input and combined leverage of both public authorities and NGOs.

Representatives of Belarusian civil society attended sessions of the PACE and of the Conference of INGOs.

¹⁰ Conference “Reaching concerted site conservation at pan-European level: progress, challenges and future of the Emerald Network”. Mr Igar Kachanovsky, Deputy Minister, Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, was present.

¹¹ Civil Participation in Decision-Making in the Eastern Partnership Countries. Part One: Laws and Policies; Civil Participation in Decision-Making in the Eastern Partnership Countries. Part Two: Practice and Implementation; Measures for strategic development of Civil Participation in decision making in the Eastern Partnership Countries.

2.4.7. LOCAL DEMOCRACY

The Council of Europe continued to provide expert advice to Belarus for improving the consistency and efficiency of the legislative frameworks and provision of services at local and regional levels. Representatives of Belarus attended all regional events and study visits organised by the Council of Europe in the framework of a regional PGG action.

Belarus joined the “Community of practice,” established in January 2016, which is a network of experts and practitioners in the field of local self-government, representatives of national associations of local authorities and civil society.

To enhance the effectiveness and administrative capacities of the local administration in Belarus, more than 35 local public officials benefited from the Human Resource Management programme. This programme aims at improving the quality of municipal services to citizens and raising elected officials’ awareness about the need to maintain and strengthen their professional skills. In 2017, training for senior municipal officials and mayors on how to face and respond to labour markets challenges at local level (in co-operation with the European Institute for Public Administration) was also organised.

The Belarusian partners are very interested in developing closer co-operation in this area. In particular, in July 2017, the Rector of the Public Administration Academy officially requested a fully-fledged project on Good Governance and Human Resource Management (HRM).

2.4.8. ELECTORAL ISSUES

Prior to the parliamentary elections in September 2016, a round table on electoral standards and electoral process improvement in Belarus was held in Minsk. It provided the framework for a general agreement with the national authorities on the necessity to harmonise the national electoral process with European standards and to deepen electoral assistance accordingly. It is premature to speak about any specific results in this area, but the fact that the dialogue has been re-launched can be considered a positive development.

Within PGG regional actions, Belarusian authorities and civil society participated in two regional conferences.¹² In both cases, international organisations and Belarusian civil society welcomed the fact that the Council of Europe provided a space for dialogue for state authorities and CSOs.

2.5. COUNCIL OF EUROPE INFORMATION POINT IN MINSK

The Council of Europe Information Point in Minsk (InfoPoint) remains a unique instrument, due to the specific relations with the Republic of Belarus. The aim of the InfoPoint is to raise awareness of government institutions, non-governmental organisations, mass media, universities and other higher education institutions as well as citizens of Belarus and to provide them with information on fundamental values, legal instruments, achievements, policies and activities of the Council of Europe.

During the period under review, the InfoPoint organised and/or supported 38 events of the Council of Europe in Belarus (Minsk and some regions). Solid partnerships with national institutions are already in place. Regular contacts with students, academia, journalists, NGOs and representatives of the specialised professional sectors are established.

The InfoPoint organised or logistically supported a range of activities implemented in the framework of the current Action Plan, including: death penalty issues; students’ initiatives and students’ governance; co-operation against cybercrime; fight against trafficking in human beings; fight against terrorism and organised crime; journalists and freedom of media; intercultural dialogue; action against corruption; gender equality; combat of drug abuse and illicit trafficking in drugs; bioethics; Council of Europe conventional framework; and human rights education for legal professionals and students. More than 2000 participants took part in those activities, in which active participation was encouraged. Special attention was paid to involving youth and academics in Council of Europe activities, by organising the *René Cassin* moot court competition, the

¹² Regional conference “Follow up to the recommendation of International Election Observation Missions in the countries of the Eastern Partnership”, Venice (Italy), 24-25 October 2016; and on “Money in Politics”, Tbilisi (Georgia), 19-20 June 2017.

national competition “*Erga Omnes: Law of the Council of Europe*”, as well as youth contests on combating hate speech and on dialogue and security in the online environment.

It should be noted in particular, that the InfoPoint maintains contacts with the working group on death penalty issues of the National Assembly with a view to facilitating further dialogue and bringing together representatives of authorities and non-state actors. The InfoPoint participates regularly in the meetings of the informal diplomatic community working group against the death penalty in Minsk composed of representatives of various embassies of Council of Europe member-states and the EU Delegation with the lead of the United Kingdom embassy. This group co-ordinates the efforts of the international community in Belarus on promoting the abolition of the death penalty.

3. IMPLEMENTATION AND CO-ORDINATION

The Council of Europe’s Committee of Ministers (CM) assesses the overall Action Plan implementation through its Group of Rapporteurs on Democracy (GR-DEM).

The overall coordination of technical co-operation implemented by the Council of Europe is ensured by the Office of the Directorate General of Programmes (ODGP), which steers the programming of and fund-raising for co-operation actions.

The InfoPoint in Minsk works to raise awareness about the organisation and supports the implementation of the Action Plan.

Expertise, the basis of co-operation projects’ added value, comes from relevant services in the entire Organisation. Project implementation can involve needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. The methodology aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

The Council of Europe implements projects in close co-operation with authorities in Belarus, targeting governmental stakeholders, parliaments and civil society.

The Council of Europe co-ordinates closely with relevant international partners, notably the European Union (EU) and the United Nations Organisation (UN) in Minsk. To ensure efficiency and avoid overlapping of activities, the Council of Europe also coordinates with member state development agencies and all other relevant actors.

3.1. TRANSVERSAL ISSUES

The Council of Europe prioritises a human rights approach at all levels and stages of its activities. Its *acquis*, including Council of Europe legal instruments and institutions, combined with the principles of equality, non-discrimination, balanced participation (both gender-based and from civil society) brings further added value to Council of Europe activities.

As a component of this human rights approach, the Council of Europe emphasises gender mainstreaming throughout its project activities. For more information, see the Council of Europe’s *web page* on gender mainstreaming. The Council of Europe also promotes civil society participation, as outlined in the *Guidelines on civil society organisations’ participation in Council of Europe’s co-operation activities*.

The gender dimension is considered throughout the Action Plan implementation, and is pursued in most activities in line with the Council of Europe Gender Equality Strategy 2016-2017. The Strategy seeks to analyse national and international frameworks to gather data and identify the obstacles women encounter in gaining access to national courts and to international justice, and to identify, collect and disseminate existing remedies and good practices to improve the situation. In particular, PGG actions promoted gender equality, although ensuring gender balance is challenging given the overall low representation of women in the target institutions in Belarus. Women’s participation in most activities stood at about 27%.

As described above, work with CSOs in Belarus remains an extremely sensitive area. Nevertheless, the Council of Europe involves CSOs wherever possible in its activities by promoting civil society participation throughout all thematic areas, by assuring their contributions to regional and bilateral projects alike, and by including them in the different types of intervention. The Council of Europe supports and aims to expand the engagement of Belarusian civil society representatives in Council of Europe activities in Belarus. CSOs representatives are invited to attend PACE sessions in Strasbourg.

In the PGG framework, regional activities took steps towards democratic decision-making, expanding the interaction between civil society and the authorities. Representatives of Belarusian civil society took part in the regional project that reinforced regional co-operation to improve the environment for the functioning of NGOs, creating mechanisms for their active participation in democratic decision-making and promoting a culture of civil participation. Two regional studies were prepared and provide the basis for a regional strategy document.

In Belarus, the ECRML and the European practices for protecting and promoting minority languages, in particular in education, were promoted among the national and regional authorities and institutions, and CSOs. A comparison of the Belarusian minority legislation and related practice with European standards was carried out.

3.2 RISK MANAGEMENT AND SUSTAINABILITY

Due to the nature of its mandate, the Council of Europe sometimes operates in complex and unstable environments that expose it to risks. The analysis of risks relevant to the implementation of the Action Plan and possible mitigation strategies are made on the basis of the Council of Europe risk-management *guidelines*.

When the Action Plan was adopted, the Council of Europe obtained the commitment of the Government of Belarus to implement it.

The most important risk was and is a lack of political will of the national authorities to co-operate with the Council of Europe, in particular in such areas as possible abolition of the death penalty, civil society and independent media.

Lack of technical possibilities to conduct effective long-distance negotiations with the EU Delegation in Minsk slows down co-ordination of actions.

The Council of Europe faced a number of challenges linked to implementation of activities in the country, in particular linked to heavy bureaucracy and long internal approval routes, which are not always compatible with the logic and functioning of the project management cycle (PMC).

Additionally, due to the sensitivity of the situation in the country there is certain reluctance of donors to fund comprehensive action in Belarus.

A number of challenges of organisational and financial order are still encountered by the InfoPoint. The InfoPoint is not a separate legal entity and functions as an entity of the Belarusian State University (BSU). It has to follow all internal legal regulations applicable to the BSU, which are also not always compatible with the PMC. This makes it difficult, sometimes impossible, to organise the financial management of events on the ground and this has to be done from Strasbourg. The InfoPoint has undertaken steps to remedy such situations to the extent possible. The experience also revealed obstacles in the technical and financial distribution of the materials published by or with the support of the Council of Europe.¹³

Being part of the BSU is also problematic when it comes to the organisation of politically-sensitive events, such as events on the abolition of the death penalty and public opinion¹⁴ and the events on Belarus' obligations under the Bologna Process.¹⁵ This was justified by the fact that the BSU is an academic entity and shall remain neutral and not involved in any politically-sensitive issue or acute matter.

¹³ Due to customs regulations in place and the absence of any kind of immunities for the Council of Europe, numerous difficulties were encountered with the shipment of Council of Europe materials to Belarus (costs, incumbent customs procedure with its length and costs).

¹⁴ e.g. refusal to publish the information about this event on InfoPoint website, which is based on the BSU server.

¹⁵ The Bologna Process is a European reform process aiming at establishing a European Higher Education Area.

It appears that the current status of the InfoPoint under the Belarusian legislation will not help overcome these difficulties. In order to ensure an efficient framework for cooperation with Belarus, a Council of Europe Programme Office would be helpful to solve these issues.

The Council of Europe maintained permanent dialogue with the authorities and continues its funding efforts. ODGP closely co-ordinates with the European Union, both via Brussels and with the EU Delegation, with member and observer states and with the international community in general, in particular with resident UN organisations.

3.3 LESSONS LEARNED

The Council of Europe's results-based management methodology requires the looking at lessons learned. Lessons learned from the implementation of this Action Plan during the period of reference include the following:

- There is a clear need to invest more time in raising awareness among national authorities in Belarus about the Council of Europe, its values and its acquis and, most importantly, its added value is vital for successful co-operation in this country;
- Sustainable and results-based assistance in order to bring about change requires long-term funding and effective co-ordination mechanisms among national and international partners;
- Regional actions have been instrumental to raise awareness of and promote sensitive subjects;
- Action Plan level funding allows flexibility for allocating funds where they are most needed;
- Development of capacities of national partners remains an important element of the technical assistance programmes;
- The Council of Europe can play an important bridging role between various state and non-state actors, in particular civil society and the media;
- Although InfoPoint provides its regular support, attempts to develop more comprehensive co-operation under the Action Plan have shown the legal limits of this arrangement;
- Without a Council of Europe Programme Office in Minsk, cooperation and assistance are difficult to organise and implement, despite the support – where possible – of the InfoPoint;
- Other lessons learnt referred to in reports for other Council of Europe Actions Plans are also relevant in case of Belarus.

4. FUNDING AND PARTNERS

Country action plans and co-operation documents describe strategic priorities of co-operation and the resources needed to achieve them. This valuable tool serves to pool voluntary contributions that are not earmarked or that are broadly earmarked.

The overall budget of the Action Plan is slightly over € 7 million, of which about € 3.4 million (49%) has been secured mostly through Partnership for Good Governance (country-specific and regional projects) and the ordinary budget (AP Provision). Limited funds were secured through voluntary contributions (see Figures 2 and 3).

The remaining proposed actions will require additional fundraising in the amount of about € 3.6 million. Fundraising is on-going.

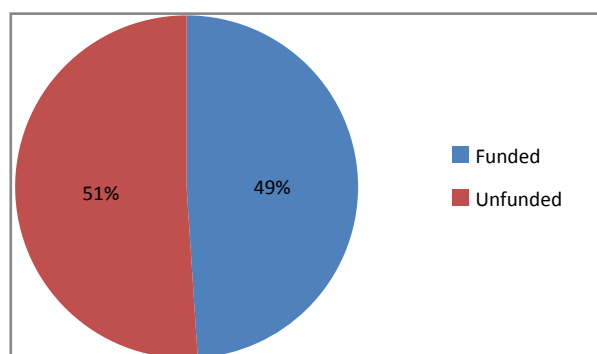


Figure 2: Funding situation of the Action Plan for Belarus 2016-2017 (in millions of euros) as of 15 September 2017

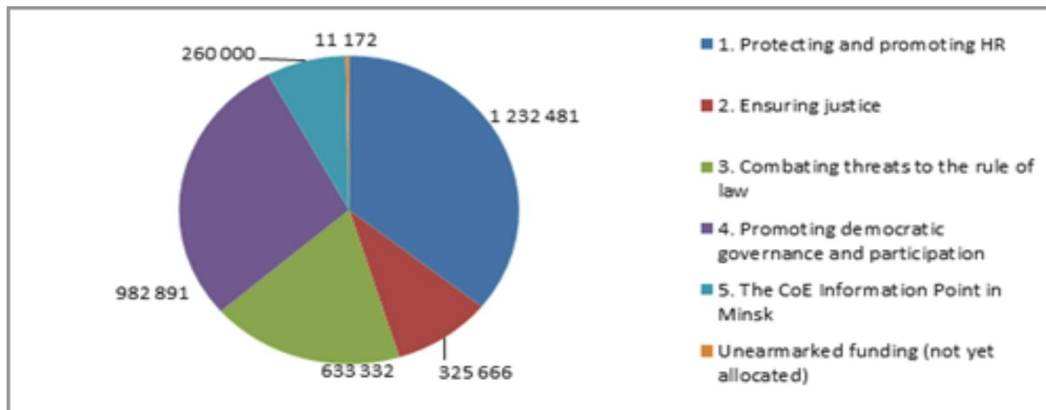


Figure 3: Funding situation per sector of the Action Plan for Belarus 2016-2017 (in millions of euros) as of 15 September 2017

Since 2015, Belarus has benefitted from funding secured through the PGG for projects on anti-corruption and on the European Charter for Regional or Minority Languages. Since June 2017, another country-specific action for legal professionals and law students of Belarus is funded through the PGG. Secured funding totals approximately €715 000 under the PGG for country-specific projects within the current programming cycle ending in 2017. Voluntary contributions from Poland, United Kingdom, Latvia, and Bulgaria in the amount of €73.800 went towards actions local self-governance, civil society, abolition of the death penalty and to support the work of the InfoPoint (see Figure 4).

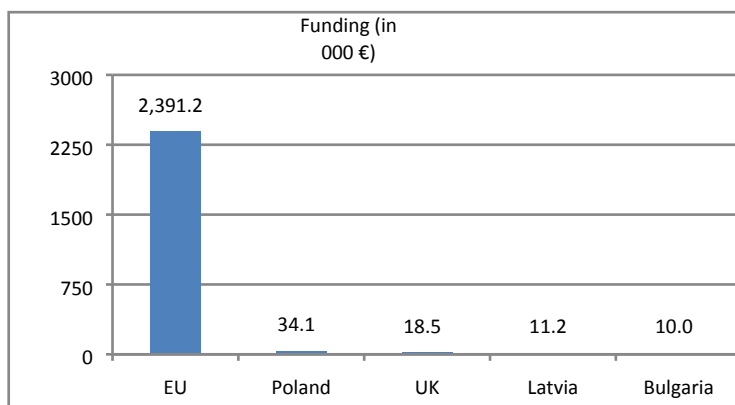


Figure 4: Funding sources for the Action Plan for Belarus 2016-2017 (in millions of euros) as of 15 September 2017

The Council of Europe works in Belarus in very close coordination with other international partners, notably the EU and the United Nations Organisation.

5. APPENDICES

5.1 APPENDIX I: LIST OF PROJECTS

LIST OF ONGOING COUNTRY SPECIFIC PROJECTS:

| Title | Duration |
|---|--|
| Human Rights for all (country specific) | 01/06/2017 - 31/05/2018 (12 months) |
| Bioethics: protection of human rights in biomedicine | 01/06/2017 - 31/12/2018 (19months) |
| Promoting the standards of the European Charter for Regional or Minority Languages (ECRML) in Belarus | 01/01/2016 - 31/12/2017 (24 months) |
| Support to the judicial reform in Belarus | 01/09/2017 - 31/12/2019 (28 months) |
| Good governance and the fight against corruption | 01/01/2016 - 31/12/2017 (24 months) |
| Strengthening civil society and independent media in Belarus | 01/01/2017 - 31/12/2018 (24 months) |
| Functioning of the Council of Europe Information Point in Minsk | 01/01/2016 - 31/12/2017 (24 months) |

LIST OF REGIONAL PROJECTS (funded through EU/Council of Europe PGG):

| Title | Duration |
|---|--|
| Civil participation in decision making in the region | 01/09/2015 - 30/06/2017 (22 months) |
| Improving women's access to justice in 5 EaP countries | 01/02/2015 - 31/10/2017 (33 months) |
| Promoting Education for Democratic Citizenship and Human Rights Education in the Eastern Partnership Countries | 01/01/2015 - 31/12/2017 (36 months) |
| Strengthening constitutional justice | 01/01/2015 - 31/12/2017 (36 months) |
| Fight against corruption and fostering good governance; Fight against money-laundering | 01/01/2015 - 31/12/2017 (36 months) |
| Criminal justice responses to drug dependent prisoners | 01/01/2015 - 31/12/2017 (36 months) |
| Enhancing respect for the protection of human rights online through capacity building , regional co-operation and participation to global Internet governance policies shaping | 01/01/2015 - 31/12/2017 (36 months) |
| Promoting professional and responsible journalism by supporting regional network of self-regulatory bodies | 01/01/2015 - 31/12/2017 (36 months) |
| Reforming electoral legislation and practice; and developing regional co-operation in electoral matters | 01/01/2015 - 31/12/2017 (36 months) |
| Support the full execution of the European Court of Human Rights' judgements and build the capacity of EaP national parliaments towards greater conformity of national legislation with the European Social Charter | 01/01/2015 - 31/12/2017 (36 months) |
| The role of national parliaments in promoting media freedom | 01/01/2015 - 31/12/2017 (36 months) |
| Strengthening the independence and efficiency of justice | 01/03/2015 - 28/02/2017 (24 months) |
| Criminal justice action on cybercrime | 01/05/2015 - 31/12/2017 (32 months) |

OTHER REGIONAL PROJECTS:

| | |
|--|--|
| Community-led urban strategies in historic towns (COMUS) | 01/01/2015 - 30/06/2017 (30 months) |
|--|--|

5.2 APPENDIX II: FUNDING

Funding situation at 28 September 2017 (amounts in €)

| | Sectors | Total budget in Action Plan | Funded OB | Funded JP | Funded VC | Total funds secured | Unfunded |
|--------------|---|--------------------------------|----------------|------------------|---------------|------------------------|------------------|
| 1 | Protecting and Promoting Human Rights | 1 637 332 | 346 397 | 867 571 | 18 513 | 1 232 481 | 404 851 |
| 2 | Ensuring justice | 421 999 | 77 567 | 248 099 | 0 | 325 666 | 96 333 |
| 3 | Combatting Threats to the Rule of Law | 1 233 332 | 63 333 | 569 999 | 0 | 633 332 | 600 000 |
| 4 | Promoting Democratic Governance and Participation | 3 484 458 | 243 279 | 705 512 | 45 272 | 994 063 | 2 490 395 |
| 5 | Council of Europe Information Point in Minsk | 260 000 | 250 000 | 0 | 10 000 | 260 000 | 0 |
| TOTAL | | 7 037 121 | 980 576 | 2 391 181 | 73 786 | 3 445 543 | 3 591 578 |