

# Council of Europe Action Plan for Belarus 2019-2021





# **Council of Europe**

## **Action Plan for Belarus 2019-2021**

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## EXECUTIVE SUMMARY

The Council of Europe Action Plan for Belarus 2019-2021 is a strategic programming instrument that aims to bring Belarus's legislation, institutions and practices further into line with European standards in the areas of human rights, the rule of law and democracy, bearing in mind that the Organisation's objective remains the rapprochement and accession of the Republic of Belarus (hereafter Belarus) to the Council of Europe on the basis of the Organisation's values and principles. Abolition of the death penalty - and a moratorium, as a first step towards it - remains key in this respect.

Jointly drawn up by the Council of Europe and the Belarusian authorities, the second Action Plan for Belarus takes into account Belarus's national reforms agenda, including the Interagency Plan for implementing recommendations under the United Nations Universal Periodic Review.

In this Action Plan the Council of Europe and the authorities of Belarus agree to jointly foster, through co-operation programmes, dialogue on the death penalty, to enhance the effectiveness of the judiciary and introduce a mediation mechanism, promote European human rights standards, combat corruption and money laundering, promote children's rights, protect personal data and fight cybercrime. It has also been agreed to promote human rights education for young people, develop democratic and inclusive environments in schools and enhance dialogue between national authorities and civil society, while paying particular attention to gender equality.

This Action Plan builds on the outcomes of the previous Action Plan for Belarus 2016-2018, under which positive developments were reported in areas such as the training of legal professionals, promoting human rights in biomedicine, the rights of minorities, constitutional justice, the fight against corruption and cybercrime, data protection, good governance and fostering dialogue between the State authorities and civil society.

The overall budget for this Action Plan totals €8.6 million. Funding amounting to €2.3 million has been secured. Further funding is essential to address areas that have remained unfunded, along with emerging priorities identified in this Action Plan for 2019-2021.

The Council of Europe and Belarus will continue their co-operation to improve the existing legislative frameworks, to ensure their effective implementation and to enhance the capacities of national institutions with a view to bringing the country's legislation and practice closer to European standards, in order to strengthen the rule of law and to promote human rights and democratic principles of governance.

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**LIST OF ACRONYMS AND ABBREVIATIONS**

Action Plan	Council of Europe Action Plan for Belarus 2019-2021
AML/CFT	Anti-Money Laundering/Combating the Financing of Terrorism
BSU	Belarusian State University
CAHAMA	Ad hoc European Committee for the World Anti-Doping Agency
CAHDI	Committee of Legal Advisers on Public International Law
CDCJ	European Committee on Legal Co-operation
CDCPP	Steering Committee for Culture, Heritage and Landscape
CDCT	Council of Europe Committee on Counter-Terrorism
CDDH	Steering Committee for Human Rights
CDEJ	European Steering Committee for Youth
CDMSI	Steering Committee on Media and Information Society
CDPPE	Steering Committee for Educational Policy and Practice
CM	Committee of Ministers of the Council of Europe
CODEXTER	Committee of Experts on Terrorism
The 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
EHEA	European Higher Education Area
EPAS	Enlarged Partial Agreement on Sport
ESC	European Social Charter
EU	European Union
GR-DEM	Rapporteur Group on Democracy of the Committee of Ministers
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)
HEREIN	European Cultural Heritage Information Network

HRM	Human Resource Management
InfoPoint	Council of Europe Information Point in Minsk
INGO	International non-governmental organisation
Medicrime	Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-governmental organisation
OB	Ordinary Budget
ODGP	Office of the Directorate General of Programmes – Council of Europe
PACE	Parliamentary Assembly of the Council of Europe
PC-OC	Committee of Experts on the Operation of European Conventions on Co-Operation in Criminal Matters
PGG	European Union/Council of Europe Partnership for Good Governance
PMM	Project Management Methodology of the Council of Europe
Pompidou Group	Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs
SDGs	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
VC	Voluntary contribution
Venice Commission	European Commission for Democracy through Law

## PART I – INTRODUCTION

### 1.1 GENERAL OVERVIEW

#### 1.1.1 BELARUS AND THE COUNCIL OF EUROPE

In its reply to the Parliamentary Assembly of the Council of Europe Recommendation 1992 (2012) “The situation in Belarus”, adopted at its 1149<sup>th</sup> meeting (14 September 2012), the Committee of Ministers of the Council of Europe (CM)<sup>1</sup> reiterated that its strategic objective remained 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.

The CM also reiterated their wish for Belarus to have greater involvement in the common European legal space by committing to its standards, a move that could only benefit the Belarusian people. It further reiterated its call on the Belarusian authorities to take full advantage of their participation in Council of Europe co-operation mechanisms in order to better apprehend the values promoted by the Council of Europe and to apply the Organisation’s standards.

Belarus is currently a contracting party to 11 Council of Europe treaties: the European Cultural Convention (ETS No. 18); the European Convention on Information on Foreign Law (ETS No. 62); the Additional Protocol to the European Convention on Information on Foreign Law (ETS No. 97); the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104); the Anti-Doping Convention (ETS No. 135); the Convention on the Recognition of Qualifications concerning Higher Education in the European Region – the Council of Europe/UNESCO Lisbon Recognition Convention (ETS No. 165); the Criminal Law Convention on Corruption (ETS No. 173); the Civil Law Convention on Corruption (ETS No. 174); the Additional Protocol to the Anti-Doping Convention (ETS No. 188); the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197). Belarus is also a member of four Partial Agreements: the European Pharmacopoeia, the European Commission for Democracy through Law (Venice Commission), the Group of States against Corruption (GRECO) and the Enlarged Partial Agreement on Sport (EPAS).

Furthermore, Belarus participates in 13 intergovernmental committees of the Council of Europe: the Steering Committee for Educational Policy and Practice (CDPPE); the Lisbon Recognition Convention Committee; the Steering Committee for Culture, Heritage and Landscape (CDCPP); the European Steering Committee for Youth (CDEJ); the Steering Committee for Human Rights (CDDH) and its subordinate bodies; the European Committee on Legal Co-operation (CDCJ); the Steering Committee on Media and Information Society (CDMSI); the Committee of Legal Advisers on Public International Law (CAHDI); and the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), and others.

Previously, Belarus has also benefited from Council of Europe co-operation programmes. Most of the actions under the previous Action Plan were a series of activities aimed at raising awareness of Council of Europe standards in a wide variety of areas and building confidence between the Council of Europe and the Belarusian authorities, with a view to promoting a progressive rapprochement with Europe.

Past programmes were implemented to protect national and ethnic minorities, fight economic crime, train legal professionals on human rights issues and assist in the reform of the judiciary and local governance. A significant political development has been the renewed dialogue with the National Assembly of Belarus, in particular on the issue of abolishing the death penalty, which remains a priority for the Council of Europe and the CM.

The previous Action Plan for Belarus, concluded for the 2016-2017 period, provided a more strategic framework for co-operation with the Council of Europe. In January 2018 the CM decided to extend the Action Plan until the end of 2018, due to the delay in beginning its implementation.<sup>2</sup>

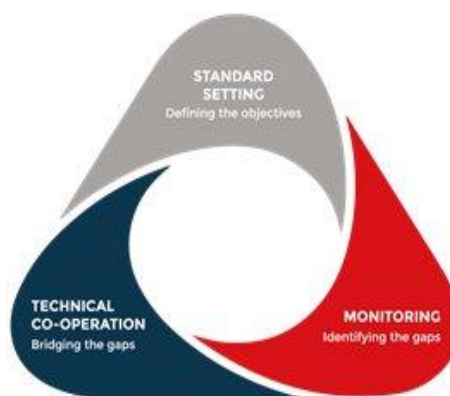
<sup>1</sup> CM/AS(2012)Rec1992-final

<sup>2</sup> At the 1303<sup>rd</sup> meeting on 10 January 2018.



### 1.1.2 ADDED VALUE OF THE ASSISTANCE PROGRAMMES OF THE COUNCIL OF EUROPE

Council of Europe 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 to their monitoring by independent mechanisms and supplemented by co-operation to facilitate their implementation. The Council of Europe's actions are developed and implemented in areas where the Organisation 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, a series of monitoring mechanisms will not apply until the country becomes a contracting party to the relevant conventions. Currently, Belarus is undergoing regular monitoring by the Group of States against Corruption (GRECO) as a full member. Belarus is also monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA) as a Contracting Party to the Convention on Action against Trafficking in Human Beings (CETS No. 197).

#### **Main results of the previous Action Plan**

This Action Plan takes into account the outcomes of the previous Action Plan for Belarus 2016-2018:

- the Parliament renewed its discussions on the issue of a moratorium on the execution of death sentences and its subsequent abolition;
- legal expertise for draft laws on transplantation of human organs and tissues and on personal data protection was provided;
- awareness of the European Convention on Human Rights (ECHR) was raised among more than 200 legal professionals, 150 law students and 20 academic staff from the Belarusian State University (BSU) following specialised training sessions. A HELP focal point in Belarus was designated;
- an assessment of the Belarusian legislation pertaining to national minorities and of relevant practice was prepared and shared with the authorities. Belarus now has the core elements (list of undertakings) of a ratification instrument for the European Charter for Regional or Minority Languages (ECRML) and is technically ready to request an invitation to accede to this treaty.
- Belarus continued reporting cases to the Information Database on Constitutional Case Law (CODICES) of the European Commission for Democracy through Law (Venice Commission). The Constitutional Court reported on references made to international case law in its judgments;
- seventeen public sector institutions developed an understanding of how to carry out a corruption risk assessment, while law enforcement bodies, in particular the General Prosecutor's office, were given training regarding the responsibility of legal entities to facilitate the implementation of recently introduced administrative sanctions;
- the Academy of Public Administration adapted and piloted several Council of Europe programmes and tools<sup>3</sup> – focusing on public administration, human resources management (HRM) and leadership development – by drawing on the Council of Europe Toolkits. More than 35 local public officials in Belarus benefited from the HRM programme with a view to enhancing their local administration's efficiency and administrative capability.

<sup>3</sup> Human Resources Management tools are being adapted and piloted with Minsk Oblast. Other regional authorities can also join at a later stage.

## Consultation process

This Action Plan has been prepared following consultations with the Belarusian authorities. On 27-28 September 2018 representatives of the Council of Europe Secretariat and the Belarusian authorities held in-depth consultations in Strasbourg in order to reflect on the implementation of the previous Action Plan and outline priorities. These meetings were followed by a technical meeting with the Ministry of Foreign Affairs of Belarus on 4 October 2018 in Minsk.

Consultations with international partners, particularly the European Union (EU), also took place during the preparation of this document.

On 11 December 2018 the Committee of Ministers of the Council of Europe (CM) examined the final report<sup>4</sup> on the implementation of the previous Action Plan, took note of its outcomes and instructed the Secretariat to prepare a new Action Plan for Belarus covering the period 2019-2021.

## 1.2 ACTION PLAN GOALS

The present Action Plan is a strategic programming instrument for the period from 1 January 2019 to 31 December 2021. Its **goal** is to support reforms in Belarus which will contribute to bringing Belarusian legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy, thereby supporting Belarus's efforts to draw closer to the common European legal space. In meeting its objectives, this Action Plan will also contribute to the implementation of the UN 2030 Agenda for Sustainable Development.

The Action Plan **areas of co-operation** are listed below:

The Council of Europe will support the Belarusian authorities in progressing with (and completing where possible) the reforms undertaken in strategic areas, notably:

- fostering dialogue on the death penalty issue;
- raising awareness of the European Convention on Human Rights (ECHR) system;
- promoting equality and human dignity and fighting discrimination;
- promoting women's and children's rights;
- promoting human rights in biomedicine;
- promoting social rights;
- raising standards in the areas of independence and efficiency of justice;
- strengthening the profession of lawyer;
- enhancing constitutional justice;
- promoting internet governance and data protection;
- fighting corruption, money laundering/terrorism financing, falsified medical products, and cybercrime;
- supporting fight against terrorism;
- promoting international legal assistance;
- fighting trafficking in human beings;
- combating drug abuse, illicit trafficking and trafficking in human organs;
- promoting integrity in sports;
- supporting the dialogue with the Parliamentary Assembly of the Council of Europe (PACE);
- promoting democratic governance;
- promoting dialogue between the authorities and civil society;
- supporting the higher education reform;
- promoting democratic citizenship and youth participation;
- providing support in the areas of culture, nature and heritage.

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<sup>4</sup> GR-DEM(2018)17.

The Action Plan will cover all three pillars of co-operation – human rights, the rule of law and democracy – providing expert assistance in the promotion of Council of Europe standards in priority areas and in enhancing the capacity of relevant national institutions to function effectively. This includes the capacity to address gender issues and facilitate constructive dialogue between the authorities and civil society. Particular attention will be paid to raising the Organisation's visibility in the country via the presence and activities of the Council of Europe Information Point in Minsk (InfoPoint).

Promoting gender equality is a priority of the current Action Plan. Gender mainstreaming, based on international standards and Council of Europe recommendations, will help better address the needs of individuals living in Belarus, without discrimination, and enhance the quality and effectiveness of the Action Plan's implementation.

## **PART II - PROPOSED ACTIONS FOR 2019-2021**

### **2.1 HUMAN RIGHTS**

The Council of Europe's actions in this area aim to promote the Organisation's human rights standards in Belarus. The proposed actions take into account the fact that Belarus is a Contracting Party to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), in addition to the Belarusian Government's interest in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence – Istanbul Convention (CETS No. 210) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse – the Lanzarote Convention (CETS No. 201).

The main priorities in this sector, as identified by the Belarusian authorities and the Council of Europe, include:

- capacity building for judges, prosecutors and lawyers on specific themes relating to the European Convention on Human Rights (ECHR) and the European Social Charter (ESC), the European Court of Human Rights' (ECtHR) case law and the decisions and conclusions of the European Committee of Social Rights (ECSR);
- raising awareness of European human rights standards among students, academics, civil society and the general public;
- fostering dialogue on the death penalty issue;
- development of legal and policy frameworks to eliminate all forms of violence against women and children and domestic violence;
- activities to promote equality and anti-discrimination measures.

#### **2.1.1 PROTECTING HUMAN RIGHTS**

##### **➤ Fostering dialogue on the death penalty issue**

The abolition of the death penalty in Belarus remains a top priority for the Council of Europe and a major obstacle in the process of becoming a Council of Europe member State. In this regard, the Council of Europe continues to maintain dialogue and to work together with Belarusian stakeholders to raise awareness of the importance of abolishing the death penalty. Moreover, the dialogue between the Parliamentary Assembly of the Council of Europe (PACE) and the National Assembly of the Republic of Belarus was renewed regarding the protection of human rights and human dignity by abolishing the death penalty.

Through the proposed action, the Council of Europe will be able to disseminate information about the European Convention on Human Rights (ECHR) and European experience of abolishing the death penalty, while raising awareness of the issue of the death penalty with a view to changing public opinion towards its abolition.

➤ **Raising awareness of the ECHR system**

As a result of the close co-operation between the Council of Europe and the Institute for Retraining and Qualification Upgrading of Judges, Prosecutors and Legal Professionals (the Institute) at the Belarusian State University (BSU), distance learning courses might be included in the Institute's curriculum that use tools and methodology provided by the Council of Europe HELP Programme. Building on the previous successful co-operation developed between the Council of Europe and the Institute, these activities, implemented as part of the Action Plan, will enable a sustainable approach to human rights training for legal professionals and law enforcement officers. Regular training sessions and seminars will be organised at the Institute's premises in Minsk.

Another action envisaged in this sector consists in developing and providing self-learning materials on the Council of Europe and its human rights system, study visits to the Council of Europe, including the European Court of Human Rights (ECtHR), and HELP distance learning courses. The Council of Europe will also continue its efforts to further develop the capacity of judges, prosecutors, lawyers and investigators to use applicable Council of Europe human rights standards in national proceedings, including through the introduction of HELP tools and methodology in the continuing education provided by the Institute. The introduction of HELP tools will increase awareness of the Council of Europe's human rights standards, the ECHR system and ECtHR case law among the target audience.

The Council of Europe will continue co-operating with higher education institutions in order to engage law students and teaching staff in awareness-raising activities including by organising extracurricular activities for students, elaborating the human rights training methodology and practical materials, arranging study visits to the Council of Europe and the ECtHR, and proposing occasional lectures by Council of Europe experts. The Council of Europe will engage in supporting legal clinics throughout Belarus. Additionally, it will continue to support the preparation of a group of students for the annual René Cassin competition. The Council of Europe will also continue to organise the recently launched annual national Human Rights Competition "Erga Omnes: Council of Europe Law".

**Expected outcomes:**

*Fostering dialogue on the death penalty issue:*

- ✓ awareness is raised among executive, legislative and judicial authorities, civil society, the media and the general public of the need to introduce a moratorium on the execution of death sentences and the subsequent abolition of the death penalty;
- ✓ dialogue is strengthened between the relevant Belarusian authorities and civil society on the introduction of a moratorium on the execution of death sentences and the subsequent abolition of the death penalty.

**Main national partners: the Parliament, academics with the involvement of civil society groups and legal professionals.**

*Raising awareness of the ECHR system:*

- ✓ thematic training on human rights will be included in the continuing training of legal professionals;
- ✓ human rights issues will be introduced in the law curriculums of higher education institutions;
- ✓ Belarusian students will be offered training sessions to enable them to participate in the René Cassin competition and other international moot court competitions on human rights issues;
- ✓ self-learning materials and online courses offered by the Council of Europe HELP Programme will be available.

**Main national partners: the BSU, the Institute for Retraining and Qualification Upgrading of Judges, Prosecutors and Legal Professionals, and law departments in Belarusian universities.**

## 2.1.2 PROMOTING HUMAN RIGHTS AND DIGNITY

### ➤ Equality and human dignity

Gender equality is mainstreamed throughout Council of Europe co-operation projects, in line with the Gender Equality Strategy of the Council of Europe and is supported by the Council of Europe Gender Mainstreaming Toolkit for Co-operation Projects, along with other available tools.

As a follow-up to the actions under the previous Action Plan for Belarus, the Council of Europe will aim to strengthen access to justice for women, especially women victims of violence, in line with the Council of Europe Istanbul Convention and with a view to contributing towards Eastern Partnership (EaP) countries' ratification of the latter. By fostering the development of skills in the judiciary and facilitating gender-sensitive attitudes, the project will ease the path towards the signature and ratification of the Istanbul Convention in the EaP countries and to the incorporation of the Convention's standards into the daily work of these legal professionals. A regional dimension will offer the possibility of parallel development of measures to ensure access to justice for women victims of violence while allowing for the sharing of good practices, challenges and lessons learned, and efficiency in developing programmes, including methodologies that incorporate international and European standards within national systems.

### ➤ Anti-discrimination

Based on the results of the work carried out under the previous Action Plan for Belarus, the Council of Europe will continue providing support to develop policies in respect of national minorities, including Roma<sup>5</sup>, and minority languages in Belarus. The Council of Europe will continue to promote the protection of minority languages based on the good practices of the European Charter for Regional or Minority Languages – ECRML (ETS No. 148). It will contribute to further awareness-raising about the ECRML and minority issues in the country and will promote dialogue between relevant stakeholders, with a view to facilitating accession to the ECRML.

Additionally, the Council of Europe will contribute to the improvement of the system of access to justice for victims of discrimination. According to European and international standards, each State has a legal duty to ensure access to justice for victims of discrimination. This obligates the State to prevent human rights violations, provide domestic remedies, investigate alleged human rights violations, prosecute those suspected of having committed them and punish those found guilty, and provide restitution or compensation to victims of human rights violations (redress).

Belarus is not subject to the European Commission against Racism and Intolerance (ECRI) monitoring. According to the latest monitoring report (December 2017) by the UN Committee on the Elimination of Racial Discrimination, there is no specialised anti-discrimination legislation in Belarus. Country-specific actions designed for Belarus will aim to help the country develop legislation on anti-discrimination.

Regional actions will seek to improve access to justice for victims of discrimination, hate crime and hate speech through non-judicial redress mechanisms in EaP countries, including Belarus. This regional approach will facilitate the development of synergies and regional networks to address these issues and will contribute to sustainability through peer-to-peer co-operation.

### ➤ Children's rights

In the framework of the Programme "Building a Europe for and with Children" and in line with the Council of Europe Strategy for the Rights of the Child (2016-2021), the Council of Europe is committed to supporting authorities and professionals in Belarus in their efforts to guarantee children a childhood free from violence and to establish a holistic approach towards combating violence against children, including in the digital environment. Nowadays some

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<sup>5</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

precedents of violence against children have still not been registered in Belarus. Some children have become victims of violence both at home and in public institutions requiring stronger prevention and reporting systems.

Council of Europe co-operation with regard to children's rights in Belarus will promote the standards of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse – Lanzarote Convention (CETS No. 201), and relevant guidelines adopted by the Committee of Ministers of the Council of Europe (CM) on the protection of children's rights and promotion of child-friendly practices. Support will focus on strengthening institutional and operational capacities of authorities and professionals and improving legal and policy frameworks to protect children from violence, including in the digital environment, in line with international and European standards. A strategic focus will be placed on strengthening co-operation between State institutions and civil society in order to prevent and combat violence against children.

### ➤ **Bioethics**

In the framework of the Council of Europe Action Plan for Belarus 2016-2018, the Council of Europe launched activities to promote the implementation of Council of Europe standards of human rights in biomedicine among judicial, executive and legislative authorities, in addition to legal and medical professionals.<sup>6</sup> The follow-up actions will contribute to the efforts of the Belarusian authorities to bring the relevant legal norms and law-enforcement practices in the biomedical field into line with the principles enshrined in the Convention on Human Rights and Biomedicine – Oviedo Convention (ETS No. 164). Special attention will be paid to the technological development and the introduction of e-health in line with European human rights standards. The Council of Europe will also propose to the higher educational institutions and other actors to include relevant courses and issues in academic curriculums.

#### **Expected outcomes:**

##### *Equality and human dignity:*

- ✓ effective prevention and protection standards and mechanisms are introduced to address violence against women and domestic violence;
- ✓ awareness of the Istanbul Convention provisions among the Belarusian authorities is raised;
- ✓ awareness of the rights of women victims of violence and of the remedies available to them is raised;
- ✓ a gender perspective is mainstreamed in the justice sector resulting in a more gender-responsive system;
- ✓ the capacity of legal professionals, including judges, prosecutors and lawyers, is increased to address cases of gender-based discrimination, violence against women and other women's human rights violations.

**Main national partners: the Belarusian National Institute for the Qualification of Judges, Prosecutors and Legal Professionals, the Ministry of Internal Affairs, the Ministry of Labour and Social Protection, legal professionals and civil society organisations supporting women victims of violence.**

##### *Anti-discrimination:*

- ✓ the ECRML is further promoted among executive, legislative and judicial authorities in Belarus and recommendations produced under previous actions are addressed;
- ✓ anti-discrimination legislation in line with European standards is in place.

**Main national partners: the Parliament, relevant line ministries and the National Centre of Legislation and Legal Research.**

##### *Children's rights:*

- ✓ progress is achieved in bringing policy frameworks closer to international and European standards on children's rights;
- ✓ the capacity of state institutions and professionals to protect children from violence, including in the digital environment, is reinforced and awareness of the issue is raised with a view to Belarus becoming a partner of the programme "Building a Europe for and with Children";
- ✓ awareness among and commitment of key stakeholders in the fight against violence, in particular sexual violence, is raised;
- ✓ the co-operation between state institutions and civil society in preventing and combating violence against children is strengthened.

**Main national partners: the Ministry of Education, the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, the Investigative Committee, the National Center of Legal Information and other relevant national stakeholders.**

*Bioethics:*

- ✓ the relevant legal texts and law-enforcement practices in the biomedical field are brought closer to Council of Europe human rights and ethical standards;
- ✓ awareness among the Belarusian authorities of the human rights principles of autonomy and privacy in a technological context is raised;
- ✓ bioethics is better integrated into academic educational programmes;
- ✓ Belarus is better prepared for possible accession to the Oviedo Convention and its Protocols.

**Main national partners: the Ministry of Health, the National Bioethics Committee, the Belarusian Medical Academy of Postgraduate Education, the Institute for Retraining and Qualification Upgrading of Judges, Prosecutors and Legal Professionals, the Belarusian State University, the Belarusian State Medical University and the Minsk Scientific-Practical Centre of Surgery, Transplantology and Haematology.**

### 2.1.3 ENSURING SOCIAL RIGHTS

Through the proposed action, the Council of Europe will initiate discussion on the situation in Belarus with regard to the guarantee of social rights, in particular for persons with disabilities, and will support the further development of legislative frameworks and practices in this field. The activities will be founded on an exchange of experience with international experts and international non-governmental organisations (INGOs).

**Expected outcomes:**

- ✓ awareness and knowledge of the European Social Charter (ESC) are increased among policy makers, public officials, civil servants, judges and civil society;
- ✓ awareness and knowledge of standards and required reforms with regard to an effective guarantee of social rights are enhanced;
- ✓ respect for social rights, in particular those of persons with disabilities, is promoted;
- ✓ awareness about the right to information standards for people with deep visual impairments is raised.

**Main national partners: the Ministry of Labour and Social Protection, the National Center of Legal Information and other relevant national institutions.**

## 2.2 RULE OF LAW

Co-operation between the Council of Europe and Belarus in the field of the rule of law is based on the standards, experience and expertise of the Council of Europe in this area. The on-going co-operation involves the Belarusian Constitutional Court and the European Commission for Democracy through Law (Venice Commission), participation of Belarusian representatives in the work of other expert intergovernmental bodies, such as the European Committee on Legal Co-operation (CDCJ), and attendance of Council of Europe events by Belarusian legal professionals or the staff of the registries of Belarusian courts. Some of the activities carried out have covered priority areas, such as human rights, the judiciary and the fight against corruption along with cybercrime. Co-operation has contributed to awareness-raising among legal practitioners and civil society regarding relevant Council of Europe standards and good practices in member States. It has also acquainted the Organisation with the Belarusian legal framework, institutional capacities and practices in the justice field, established a valuable partnership with national stakeholders within the judiciary and increased knowledge of the main achievements and challenges which the judiciary in Belarus currently face. This has created a good basis for the continuation of joint activities in future.

### 2.2.1. ENSURING JUSTICE

#### ➤ Independence and efficiency of justice

Belarus carried out a significant judicial reform in 2015 in order to advance towards the separation of judicial power from the legislative and executive branches. As a result, many of the competences in judicial matters that had belonged to the Ministry of Justice were transferred to the Supreme Court. Judicial reform needs to continue to ensure the full independence of the judiciary. Overseeing the administration of justice is now mainly in the hands of the Supreme Court, which also plays the main role in the financial management of the judicial system and in the recruitment of judges.

As part of the new Action Plan, the Council of Europe will support the Belarusian authorities in continuing with the judicial reform process and will help provide better alternative dispute resolution mechanisms for citizens before they go to court with a complaint in civil cases, including commercial cases.

#### ➤ Strengthening the profession of lawyer in line with European standards

In the framework of a regional action, the Council of Europe will aim at strengthening co-operation amongst the Bar associations and law societies of the participating countries, including Belarus, with a view to improving the internal functioning and independence of the Bar.

#### **Expected outcomes:**

##### *Independence and efficiency of justice:*

- ✓ the functioning of the courts is improved and their capacities, procedures and practices in civil cases, including commercial cases, are strengthened;
- ✓ the implementation of effective mediation procedures in civil cases is facilitated.

**Main national partners: the Supreme Court, the Ministry of Justice, judges and the judiciary, the Institute for retraining and qualification upgrading of judges, prosecutors and legal professionals and other relevant national stakeholders.**

##### *Strengthening the profession of lawyer in line with European standards:*

- ✓ internal functioning of the Republican Bar Association of Belarus is improved;
- ✓ independence and professionalism of lawyers are strengthened;
- ✓ lawyers' provision of legal services is strengthened.

**Main national partners: the Republican Bar Association, the Ministry of Justice**

### 2.2.2. STRENGTHENING THE RULE OF LAW

#### ➤ Constitutional justice

The Council of Europe will work closely with the Constitutional Court in order to encourage broader application of the rule of law principles through its case law and recommendations to other State bodies.

Action in this field will also allow the Constitutional Court of Belarus to become acquainted with the experience and best practices of constitutional courts in other countries. Co-operation with the Venice Commission as regards the Information Database on Constitutional Case Law (CODICES) is to be continued to the greatest extent possible. Co-operation can also be extended on the basis of the Venice Commission Rule of Law Checklist.



### ➤ **Internet governance**

In the field of internet governance co-operation between the Council of Europe and Belarus has been carried out in the framework of regional actions. However, this co-operation has been limited to participation by Belarusian stakeholders in regional fora on internet governance. More focused country-specific co-operation and targeted support would be useful in order to assist the on-going national legislative reforms, promote internet freedom and foster multi-stakeholder dialogue in line with Council of Europe standards.

The relevant existing legislation in Belarus does not fully consider the challenges of the digital environment. In particular, the current Law on Information, Informatisation and Protection of Information would benefit from an update and revision in line with Council of Europe standards with regard to the responsibilities of internet intermediaries, online content management, data processing and access to information online.

In addition to legislative reforms, national institutions need to reinforce their capacities in the field of internet governance and foster multi-stakeholder dialogue to achieve successful implementation. The Council of Europe's unique expertise and experience will serve as a basis for engagement with Belarus. Providing a platform for and supporting multi-stakeholder dialogue in the field of internet governance is one of the priorities being pursued under the Organisation's Internet Governance Strategy 2016-2019. Therefore the Council of Europe will aim to support relevant national stakeholders so as to bring their activities related to internet and digital governance in line with the Organisation's standards.

### ➤ **Data protection**

Belarus is not a party to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108). Nevertheless, under the previous Action Plan for Belarus, the Council of Europe worked with Belarus to develop a personal data protection system. Council of Europe experts provided assistance with the conceptual finalisation and development of a draft law on personal data protection. This work is to be continued as regards the analysis of the draft law and its compliance with international data protection standards. The Council of Europe will further provide Belarus with best practices and experience in this field. The establishment, operation and independence of the future Data Protection Authority are also matters for further discussion with the Belarusian authorities. Once data protection legislation is enacted, support should be provided to increase the capacity and expertise of the main national stakeholders. Moreover, the expected adoption of this law in 2019 will trigger a need for further legislative changes in the field of internet governance regulation, as these two areas are closely interlinked.

**Expected outcomes:***Constitutional justice:*

- ✓ the rule of law is enhanced through the Constitutional Court's case law;
- ✓ court decisions making greater reference to human rights case law are included in the CODICES database.

**Main national partners: the Constitutional Court of Belarus.***Internet governance:*

- ✓ the national legal framework is reviewed in light of Council of Europe standards;
- ✓ the capacities of national authorities in the field of internet governance are enhanced;
- ✓ dialogue between national internet governance stakeholders is supported;
- ✓ international co-operation on internet governance is enhanced and information on best practices and experience is provided.

**Main national partners: the National Centre of Legislation and Legal Research, the Ministry of Internal Affairs, the Ministry of Communications and Informatisation, the Operations and Analysis Centre under the President of the Republic of Belarus, Internet intermediaries and civil society organisations, the National Assembly.**

*Data protection:*

- ✓ recommendations by Council of Europe experts regarding the legal and regulatory frameworks on data protection are taken into account by the national authorities;
- ✓ a data protection system based on best practices and experience of the member States and complying with the standards of the modernised Convention 108 is established and effectively implemented;
- ✓ an independent supervisory authority entrusted with the task of overseeing the implementation of the data protection legislation is established.
- ✓ the expertise and capacities of the independent supervisory authority are enhanced.

**Main national partners: the National Centre of Legislation and Legal Research, the Ministry of Internal Affairs, the National Assembly and civil society organisations.**

### 2.2.3. COUNTERING THREATS TO THE RULE OF LAW

Belarus is a Contracting Party to the Criminal Law Convention on Corruption (ETS No. 173), the Civil Law Convention on Corruption (ETS No. 174), and the additional protocol to the former (ETS No. 191). Belarus participates in the Group of States against Corruption (GRECO), which monitors the implementation of the Organisation's anti-corruption instruments by all the members of this Group.

Belarus and the Council of Europe have experience of co-working together on matters such as criminal justice, cybercrime and electronic evidence in the Eastern Partnership (EaP) countries. Belarus is familiar with judicial and law enforcement training concepts, financial investigations and law enforcement/internet service provider co-operation.

The Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) has established a solid co-operation programme with Belarus in the drug policy field, particularly regarding law enforcement co-operation, drug treatment and prevention. Belarus continues to show an interest in the Group's work and seeks its assistance in aligning the country's drug policy approaches with European standards. The State authorities have expressed an interest in acceding to the Pompidou Group, and therefore the Group lends its support while working towards this objective. The Council of Europe stands ready to assist Belarus in this process.

### ➤ **Fight against corruption**

In the framework of the new Action Plan, actions targeting corruption will continue at regional and national level in the light of GRECO recommendations. The proposed actions will focus on areas that pose common challenges for EaP countries and will promote better understanding and the adoption of new tools and mechanisms to effectively tackle corruption, money laundering and terrorism financing.

Regional action will raise awareness and enhance capacities with a view to promoting effective asset and interest disclosure processes, in addition to the law enforcement and preventive functions of the anti-corruption bodies.

### ➤ **Fight against money laundering and terrorism financing**

The proposed country-specific actions to combat money laundering and terrorism financing will be complementary to the regional action (mentioned above).

While Belarus is not a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the Council of Europe will aim to raise awareness among the Belarusian authorities of relevant Council of Europe instruments in this area and of MONEYVAL research into money laundering and terrorist financing methods, trends and techniques.

The Council of Europe will provide support to Belarus in bringing its legislative and institutional frameworks further into line with European and international standards.

### ➤ **Fight against terrorism**

The Council of Europe will aim to involve Belarusian experts, to the extent possible, in events organised under the auspices of the Council of Europe Committee on Counter-Terrorism (CDCT),<sup>7</sup> which are open to non-member States of the Council of Europe. At the request of the national authorities, the Council of Europe might organise relevant events for the exchange of good practices and knowledge with European experts, subject to availability of funding.

### ➤ **Cybercrime**

Since 2015 Belarus has been taking part in the Council of Europe regional project supporting criminal justice action against cybercrime, involving two main pillars of work relating to international and public-private co-operation. As a result of Council of Europe activities, the skills and tools available in Belarus for the investigation and prosecution of cybercrime and other offences involving electronic evidence have improved considerably, as has the country's ability to co-operate internationally. However, a number of challenges still need to be addressed.

The proposed Council of Europe actions will aim to improve cybercrime policies in line with the Convention on Cybercrime – Budapest Convention (ETS No. 185), increase skills of specialised units and work on projects with the themes of interagency, international and public-private co-operation. Besides addressing these topics, the projects will also focus on cybercrime-oriented publicity campaigns, increased skills for members of the judiciary, continuing to develop further links between cybersecurity experts (CSIRT/CERT) and law enforcement, addressing the challenges of cybercrime proceeds and cybercrime reporting as a matter of public-private co-operation.

It should also be noted that Belarus took part in the Regional Meeting on further capacity building, held on 12 October 2018 in Bucharest, Romania. This meeting was designed as a brainstorming session for key institutions in EaP countries to identify objectives, outcomes, indicators and types of capacity-building activities in the three-year period starting as from January 2019. This meeting gave country teams the opportunity to agree on and discuss any possible long-term capacity-building efforts based on a solid understanding of the problems and challenges in the region.

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<sup>7</sup> Formerly called the Committee of Experts on Terrorism (CODEXTER).

### ➤ **International legal assistance**

Within the framework of the present Action Plan, the Council of Europe activities will be focused on increasing Belarusian authorities' awareness and knowledge of best practices and methodologies of the Committee of Experts on the Operation of European Conventions on Co-Operation in Criminal Matters (PC-OC). The Belarusian experts will be involved in some open PC-OC events on an ad-hoc basis.

Development of international contacts with Belarusian experts in the sphere of international legal assistance will be emphasised. The Council of Europe stands ready to provide the Belarusian counterparts with more detailed information on conventions falling under the PC-OC responsibility and to provide assistance with a view to possible future accession to these conventions.

### ➤ **Fight against trafficking in human beings**

Belarus is monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA) as a State Party to the Convention on Action against Trafficking in Human Beings (CETS No. 197). GRETA's first report on Belarus was published on 3 July 2017. On the basis of GRETA's report, on 13 October 2017 the Committee of the Parties of the Anti-Trafficking Convention adopted a recommendation addressed to the Belarusian authorities, asking them to report back on the measures taken to implement GRETA's conclusions by 13 October 2019.

Co-operation in the field of action against trafficking in human being will be developed in the light of the findings of GRETA's evaluation report. Areas where such co-operation could be envisaged include capacity building and reviewing of relevant legislation.

### ➤ **Fight against falsified medical products**

On 14 March 2013, Belarus expressed its interest in being 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). On 5 February 2014, the Committee of Ministers agreed to invite Belarus to sign the Medicrime Convention.<sup>8</sup>

Bringing the Belarusian legislation into line with the "Medicrime Convention" is an ambitious goal. Along with other countries in the region, Belarus participated in the fourth Regional Conference on the Council of Europe Medicrime Convention, which was held in November 2015 in Larnaca, Cyprus. The conference focused on the advantages and challenges of ratifying the Medicrime Convention. Considering the interest expressed in this instrument by Belarus, the conference was followed by a bilateral meeting to promote the Medicrime Convention, held on 7 July 2016 in Minsk, on which occasion the Council of Europe delegation was able to verify the national interest for the fight against falsified medical products.

### ➤ **Combating trafficking in human organs**

The Council of Europe will seek to raise awareness among the Belarusian authorities of relevant Council of Europe instruments in this area while providing support to Belarus in bringing its legislative and institutional frameworks further into line with European and international standards.

### ➤ **Combating drug abuse and illicit trafficking**

The State Programme on Combating Crime and Corruption for 2017-2019 underlines the need to take measures to counter illicit drug trafficking, especially by improving law enforcement activities in this field. The objective is to prevent drug use, including among children and young people, and to improve the related legislative framework. It also calls for use of international expertise in this respect.

The proposed Council of Europe actions will aim to contribute to the improvement of drug prevention and treatment mechanisms in Belarus by enhancing institutional capacities and strengthening the legal framework in respect of prevention and health-care responses to drug use. These actions will also address the challenges linked to the rise in drug use and trafficking in Belarus by providing a pool of international expertise and good practices, as well as assistance in this field. Expertise will be based on the Pompidou Group's long-standing experience and extensive

<sup>8</sup> On 6 March 2019, the Committee of Ministers decided to extend, until 30 June 2019, the term for the signature by Belarus of the "Medicrime" Convention.

network of practitioners. The Council of Europe stands ready to assist Belarus in acceding to its Enlarged Partial Agreement - the Pompidou Group.

➤ **Sport and integrity**

The objective of Council of Europe action in the field of sport is to contribute to strengthening the Organisation's values through the promotion of sport for all and to make sport healthier, safer and fairer.

The Council of Europe will help to enhance Belarus's legislative basis and national policies including, where appropriate, in the following areas:

- anti-Doping activities;
- child protection in sport;
- gender equality;
- good governance in sporting organisations;
- overall concept of sport integrity;
- diplomacy in sport;
- using major sporting events to promote human rights.

Specific objectives will be identified in advance, on the basis of a consultative visit to assess the implementation of the European Sports Charter.

In order to promote the implementation and application of Council of Europe recommendations in the field of good governance in sport, as adopted by national stakeholders, the Council of Europe will assist the authorities in developing and implementing a national strategy.

**Expected outcomes:**

**Fight against corruption:**

- ✓ effective corruption prevention measures are introduced;
- ✓ institutional and legal capacities to combat corruption are strengthened;
- ✓ cross-border co-operation and regulatory frameworks on the seizure and confiscation of proceeds from crime are enhanced.

**Main national partners: the General Prosecutor's Office, the State Control Committee, the Investigative Committee, the State Security Committee and the Ministry of Internal Affairs.**

**Fight against money laundering and terrorism financing:**

- ✓ comprehensive measures for the prevention and detection of money laundering/terrorist financing are introduced;
- ✓ increased use is made of risk-based approaches to supervision.

**Main national partners: the State Control Committee, the Ministry of Internal Affairs, the General Prosecutor's Office, the Investigative Committee, the State Security Committee, the Tax and Duties Ministry and the National Bank of the Republic of Belarus.**

**Fight against terrorism:**

- ✓ awareness among the Belarusian authorities of Council of Europe instruments relevant to this field is raised;
- ✓ legislative and institutional frameworks for fighting terrorism are improved in line with European standards;
- ✓ national capacity to combat terrorism is enhanced.

**Main national partners: the State Security Committee, the Ministry of Internal Affairs, the General Prosecutor's Office, the Investigative Committee and the State Forensic Examination Committee.**

**Cybercrime:**

- ✓ a national strategy on fighting cybercrime is developed;
- ✓ national legislation on cybercrime is brought into line with the Budapest Convention;

- ✓ public-private partnerships between law enforcement and the private sector are in place;
- ✓ specialised cybercrime units employ more operational capacities and better reporting systems;
- ✓ there is better interagency co-operation of relevant law enforcement and criminal justice authorities, agencies and bodies, including through improved data sharing.

**Main national partners: the General Prosecutor's Office, the State Security Committee, the Ministry of Internal Affairs, the Ministry of Communications and Informatisation, the Ministry of Justice, the Operational and Analytical Centre under the President of Republic of Belarus, the Investigative Committee, judicial training institutions, the State Forensic Examination Committee, internet service providers (including international providers) and cyber security experts.**

*International legal assistance:*

- ✓ awareness of executive, legislative and judicial authorities of the Council of Europe mechanisms of international legal assistance is raised;
- ✓ Belarus legislation becomes more compatible with international/European standards and treaties;
- ✓ legislative and institutional frameworks are improved bringing Belarus closer to possible future accession to relevant conventions;
- ✓ national capacities on international legal assistance are fostered.

**Main national partners: the General Prosecutor's Office, the Ministry of Internal Affairs, the Investigative Committee, other State institutions.**

*Fight against trafficking in human beings:*

- ✓ the capacity of national authorities to fight against human trafficking is improved;
- ✓ the co-operation between State institutions and civil society in preventing and combating trafficking in human beings is strengthened;
- ✓ capacity of the Belarusian representatives to participate in relevant international networks is enhanced.

**Main national partners: the Ministry of Internal Affairs and other relevant national stakeholders.**

*Fight against falsified medical products:*

- ✓ awareness among the Belarusian authorities of Council of Europe instruments relevant to this field is raised;
- ✓ legislative and institutional frameworks to combat falsified medical products are improved in line with European standards;
- ✓ national capacities to combat falsified medical products are enhanced.

**Main national partners: the Ministry of Health, the Ministry of Internal Affairs and other relevant national institutions.**

*Combating trafficking in human organs:*

- ✓ awareness among the Belarusian authorities of Council of Europe instruments relevant to this field is raised;
- ✓ legislative and institutional frameworks to combat trafficking in human organs are improved in line with European standards.

**Main national partners: the Ministry of Health, the Ministry of Internal Affairs and other relevant national institutions.**

*Combating drug abuse and illicit trafficking:*

- ✓ law enforcement officials and social workers are more aware of and better able to identify new trends in drug trafficking and develop prevention and harm reduction methods;
- ✓ assistance provided to develop effective drug policies with regard to prevention and health-care responses to drug use.

**Main national partners: the Ministry of Internal Affairs, the State Customs Committee, the Ministry of Health, the Ministry of Labour and Social Protection and the National Monitoring Centre for Drugs, the State Forensic Examination Committee.**

*Sport and integrity:*

- ✓ awareness of Council of Europe standards in the field of integrity in sports is raised;
- ✓ assistance in developing and implementing a national strategy on good governance in sport is provided;
- ✓ capacities of the National Anti-doping Laboratory are enhanced.

**Main national partners: the Sports and Tourism Ministry, the National Anti-doping Laboratory.**

## 2.3 DEMOCRACY

The Council of Europe will provide assistance along with legal expertise and policy advice to support the local government reforms proposed by the Belarusian authorities.

Co-operation between the Council of Europe and Belarus in the fields of culture, education and youth is based on the European Cultural Convention (ETS No. 18) and relevant Council of Europe expertise. The objective of the Action Plan is to align the national higher education system with the principles and goals of the European Higher Education Area (EHEA), supporting the efforts of the national authorities in the development of cultural co-operation and support for young people.

Building on the success of the previous project on civil society with the aim of creating necessary conditions for effective information and legal interaction with Belarus participation, the Council of Europe will support civil society and relevant authorities to develop further implementing legislation on participation and to establish mechanisms for institutional dialogue with a view to enhancing civil participation in the decision-making process and participation of Belarusian non-governmental organisations (NGOs) in Council of Europe events and activities.

### 2.3.1 STRENGTHENING DEMOCRATIC GOVERNANCE AND FOSTERING INNOVATION

#### ➤ **Parliamentary Assembly**

On 27 June 2017 the Parliamentary Assembly of the Council of Europe (PACE) adopted [Resolution 2172 \(2017\)](#) on *The situation in Belarus*. In conformity with this Resolution, members of the National Assembly of Belarus are invited to attend the meetings of the Committee on Political Affairs and Democracy during the Assembly part-sessions over a period of two years.

The Committee is also expected to continue organising regular hearings with representatives of the National Assembly.

#### ➤ **Congress of Local and Regional Authorities**

The proposed Council of Europe initiative results from high-level meetings held in autumn 2018 between the Congress and the President of the Republic of Belarus, the Chair of the Council of the Republic of Belarus and the Chair of the Committee on Regional and Local Affairs of the Council of the Republic of Belarus.

The Belarusian national authorities have clearly expressed a strong political will to intensify political dialogue and co-operation with the Congress in order to develop a decentralisation process.

The establishment of a national association of local authorities has been proposed as one of the first steps for developing a decentralisation process, in parallel with other key proposals for action by the Congress such as promoting the European Charter of Local Self-Government, providing assistance and advice to the national legislative body on the needs identified and raised in this regard, capacity building among elected representatives and encouraging local authorities to promote citizen participation and engagement in local decision-making.

Belarus stakeholders will be engaged in relevant Congress activities and will profit from the expertise and best practices of the members of the Congress and the national associations of local authorities of the Council of Europe member States.

➤ **Good governance**

Since 2015 the Council of Europe has worked closely with the Academy of Public Administration under the aegis of the President of Belarus. The Academy has been instrumental in considering, adapting and piloting selected Council of Europe programmes and tools for improving public administration, human resources management and leadership development.

In 2018 an analysis of the Belarusian legislation on human resources management at local level was delivered. It concluded that there is a need to improve the legal and policy framework for the professional civil service and human resources management in local administrations, as well as to strengthen support for citizen involvement in decision-making processes at local level. A series of consultation meetings with relevant national stakeholders, organised by the Council of Europe in co-operation with the Academy, confirmed these needs, provided up-to-date information on the situation and helped prepare the ground for further work.

In December 2018, during high-level meetings with the Council of the Republic of the National Assembly of the Republic of Belarus, the Council of Europe was invited to support the implementation of a roadmap for the development of local self-government in Belarus, including legislative and policy development, awareness-raising and capacity-building for national authorities.

The proposed Council of Europe action will support the authorities, educational organisations and relevant Belarusian non-governmental organisations (NGOs) in their efforts to promote the domestic application of Council of Europe standards in the fields of local self-government and decentralisation. The Council of Europe will also address the identified needs and offer tailor-made and impact-oriented solutions.

The Council of Europe will provide Belarus with information on best practices and experience on public services, so the relevant administration procedures could be carried out by the Belarusian State institutions in more effective manner.

➤ **Civil society**

The proposed Council of Europe action will be based on the experience, achievements and partnerships established during the implementation of the previous Action Plan for Belarus. The action will aim to further develop the legal framework concerning civil society participation in decision-making. Based on Council of Europe standards on civil participation and their implementation in member States, it will also aim to strengthen the capacity of civil society organisations (CSO) and public authorities to participate in decision-making processes and the advancement of human rights, democracy and the rule of law, while also aiming to improve democratic governance at both central and local levels.

The proposed actions will help Belarusian NGOs and public authorities to better understand the role of NGOs in the decision-making process and will strengthen the culture of dialogue and co-operation between civil society and relevant public institutions regarding, for example, public consultations, regulatory impact assessment and ex-post regulatory impact assessment of legal acts. As a result, the Council of Europe will contribute to the clarity, effectiveness and inclusiveness of the policy-drafting process in Belarus, with feedback mechanisms from the citizens.

Belarusian NGOs and State bodies will be encouraged to become actively engaged in Council of Europe events and take advantage of legal expertise on this topic. The engagement of Belarusian civil society representatives in Council of Europe activities will be supported and expanded. Moreover, special attention will be paid to exchanging good practices and know-how on civic control over penal correction institutions and to fostering further dialogue in this area between the relevant Belarusian authorities and civil society representatives.



**Expected outcomes:***Parliamentary Assembly:*

- ✓ the dialogue between the National Assembly and PACE is expected to continue.

**Main national partners: the National Assembly of the Republic of Belarus.***Congress of Local and Regional Authorities:*

- ✓ assistance in establishing a national association of local authorities is provided;
- ✓ assistance is provided in determining the main principles and areas of work in line with European standards and practices;
- ✓ the Council of the Republic of the National Assembly, and other relevant national stakeholders, are equipped with the knowledge needed to initiate a decentralisation process in the spirit of the European Charter of Local Self-Government;
- ✓ local authorities promote citizen participation in their policies and carry out participatory processes to enhance their decision-making, in particular, through the organisation of European Local Democracy Week.

**Main national partners: the Council of the Republic of the National Assembly of the Republic of Belarus, the Council for Co-operation of Local Self-Government Bodies under the Council of the Republic of the National Assembly of the Republic of Belarus, local and regional authorities, the Lev Sapieha Foundation and other relevant national stakeholders.**

*Good governance:*

- ✓ legal and policy advice on decentralisation, local government and public administration reforms is provided to national authorities, in line with Council of Europe standards and practices;
- ✓ the national system for provision of training to local and regional officials is strengthened by Council of Europe expertise and policy advice;
- ✓ the capacities of local and regional authorities, their organisation and management, and the quality of the services they deliver to citizens are improved.

**Main national partners: the Council of the Republic of the National Assembly of the Republic of Belarus; the Council for Co-operation of Local Self-Government Bodies under the Council of the Republic of the National Assembly of the Republic of Belarus; the Academy of Public Administration, Ministry of Justice, the National Centre of Legislation and Legal Research of the Republic of Belarus (NCLLR), other relevant ministries, the Minsk Regional Executive Committee, municipalities in the Minsk region, other local and regional authorities; NGOs involved in local government and other relevant national stakeholders.**

*Civil society:*

- ✓ the institutional framework for civil participation in decision-making is improved;
- ✓ legislation (a by-law) for the implementation of a law on civil society participation is prepared and adopted;
- ✓ dialogue and partnership between civil society and relevant public institutions is strengthened;
- ✓ public authorities' access to methodology and best practices for consultation and their capacity to interact with civil society are improved;
- ✓ development of civic control over penal correction institutions is supported via Council of Europe expertise and exchange of European good practices.

**Main national partners: NCLLR and NGOs.**

### 2.3.2 PROMOTING PARTICIPATION AND DIVERSITY

#### ➤ Education for democracy

As a signatory to the European Cultural Convention (ETS No. 18), a member of the Steering Committee for Educational Policy and Practice (CDPPE) and a member of the European Higher Education Area (EHEA), Belarus is involved in educational activities implemented as part of the Council of Europe's intergovernmental programme.

The strategic Action Plan on implementation of the major objectives of the education system development in line with the EHEA principles and tools will be supported and elaborating measures to include the principles of the Magna Charta Universitatum and Council of Europe Recommendation CM/Rec(2012)7 on public responsibility for academic freedom and institutional autonomy in the national education system will be continued.

In 2010 the Committee of Ministers of the Council of Europe adopted the Charter on Education for Democratic Citizenship and Human Rights Education,<sup>9</sup> which provides a common framework for action in this field. Belarus participates actively in activities related to the implementation of the Charter's principles. At the 25th session of the Council of Europe Standing Conference of Ministers of Education, the ministers adopted the Reference Framework of Competences for Democratic Culture, developed by the Council of Europe, and pledged to increase the effectiveness of Education for Democratic Citizenship and Human Rights Education (EDC/HRE) at all levels of education and training. Through the proposed action, the Council of Europe will work closely with the national authorities to implement the Charter and the Framework in the education system. The Council of Europe will promote the use of its tools and resources to encourage the training of teachers, school leaders and other educational staff on the Charter and the Framework.

#### ➤ Youth for democracy

The Council of Europe will continue co-operation with Belarus in the youth sector to ensure that the engagement of young Belarusians in Council of Europe activities is broad, deep-rooted and long-term in nature. Activities in this sector aim to support the emergence and development of democratic youth participation practices in youth organisations and youth policy-related institutions, as well as access to human rights education and other Council of Europe activities for young people.

Within the youth dimension, the Council of Europe will support the development of a culture of democratic youth participation in youth organisations and public authorities through the dissemination of Council of Europe standards and tools on youth participation and human rights education and the proposed actions such as:

- Seminars and capacity-building activities on youth policy and youth participation will promote development of partnership between youth organisations and youth policy related institutions, based on exchange of practices and Council of Europe standards.
- Training courses on human rights education with young people, based on the *Compassito* and *Compass* manuals, will mainstream human rights education in youth work and youth policy within the country through the development of competences (knowledge, skills and attitudes), in accordance with the Charter on Education for Democratic Citizenship and Human Rights Education.
- The quality and recognition of youth work will be improved through research concerning the current state of affairs and through the adoption of guidelines for quality youth work and the professional development of youth workers in accordance with the Council of Europe's Recommendation CM/Rec(2017)4 of the Committee of Ministers to member States on youth work.

<sup>9</sup> Recommendation CM/Rec(2010)7 adopted by the Committee of Ministers on 11 May 2010 at the 120<sup>th</sup> Session.

## ➤ Culture, nature and heritage

The Action Plan will contribute to strengthening co-operation with Belarus in the field of cultural heritage. The integration of Belarus into the multilateral policy analysis and information structure and network of leading European cultural policy experts (Compendium)<sup>10</sup> will be further encouraged. Belarus was invited to update its HEREIN report<sup>11</sup> and to provide examples for the European Heritage Strategy for the 21<sup>st</sup> Century.<sup>12</sup>

Belarus will be encouraged to sign the Council of Europe Framework Convention on the Value of Cultural Heritage for Society – Faro Convention (CETS No. 199) and the Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221). Following the signature of the Faro Convention, Belarus could take part in the Faro Action Plan. The Belarusian town of Mstislav, which participated in the European Union/Council of Europe Joint Programme “Community-Led Urban Strategies in Historic Towns” (COMUS), could become a future Faro community and share its experience with other towns in Belarus.

Belarus will continue to take an active part in the European Heritage Days, in co-operation with the Ministry of Culture and with the involvement of the Belarusian State University of Culture and Arts, the Belarusian Society of Friendship and Cultural Relations with Foreign Countries, and the National Historical Museum of the Republic of Belarus.

Belarus could examine the possibility of becoming a party to the European Landscape Convention (ETS No. 176), following discussions by the Steering Committee for Culture, Heritage and Landscape (CDCPP), and as a follow-up to the Round Table on the European Landscape Convention, which took place at the Ministry of Culture (Minsk, November 2018), in liaison with the Ministry of Natural Resources and Environmental Protection and other stakeholders.

Belarus has been a Contracting Party to the Convention on the Conservation of European Wildlife and Natural Habitats – Bern Convention (ETS No. 104) since 2013 and has actively contributed to the development of the Emerald Network of Areas of Special Conservation Interest. From 2012 to 2017 Belarus was a beneficiary country of two consecutive joint European Union/Council of Europe programmes aimed at strengthening the Emerald Network in the Eastern Partnership (EaP) region. In December 2017, 162 areas in the countries concerned were successfully adopted as Emerald Network sites by the Convention’s decision-making body. Consequently, Belarus now makes a substantial contribution to the multilateral efforts at pan-European level with a view to conserving biological resources and natural heritage. Efforts will now have to be deployed at national level to prepare these 162 sites for appropriate management and conservation measures. In the framework of the new Action Plan, the Council of Europe will aim to strengthen the Emerald Network from the quantitative and qualitative perspectives and to provide assistance for developing appropriate management measures and monitoring schemes.

<sup>10</sup> Compendium of Cultural Policies and Trends in Europe: <http://www.culturalpolicies.net>

<sup>11</sup> <https://rm.coe.int/herein-european-heritage-network-belarus-national-policy-report/1680908dcb>.

<sup>12</sup> <https://www.coe.int/en/web/culture-and-heritage/strategy-21>

**Expected outcomes:***Education for democracy:*

- ✓ further implementation of the EHEA principles in the higher education system of Belarus;
- ✓ integration and/or further development of education for democratic citizenship and human rights education in the national education system is supported, in accordance with the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education and the Reference Framework of Competences for Democratic Culture.

**Main national partners: the Ministry of Education.***Youth for democracy:*

- ✓ the emergence and development of practices of democratic youth participation in youth organisations and youth policy-related institutions in Belarus, as well as access to human rights education for non-formal learning practitioners are supported;
- ✓ co-operation and partnership between key governmental and non-governmental actors in the development of youth policy are strengthened;
- ✓ capacity of youth workers and non-formal education actors to include and deliver human rights education in their activities is strengthened.

**Main national partners: the Ministry of Education and youth NGOs.***Culture, nature and heritage:*

- ✓ the capacity of national institutions to modernise cultural policies is strengthened;
- ✓ the role of cultural heritage development at the national and local levels is strengthened;
- ✓ Belarus is further involved in the European intercultural dialogue;
- ✓ the necessary management and conservations efforts related to the selected sites are supported.

**Main national partners: the Ministry of Culture, the Ministry of Natural Resources and Environmental Protection, the National Academy of Sciences.**

## 2.4 COUNCIL OF EUROPE INFORMATION POINT IN MINSK

The Council of Europe Information Point in Minsk (InfoPoint) was opened on 8 June 2009 as a joint regular annual project between the Council of Europe and the Belarusian State University (BSU), in liaison with the Belarusian authorities.

The InfoPoint is the only project of its kind within the Council of Europe due to the specific nature of relations with Belarus. The Secretariat regularly reported to the Rapporteur Group on Democracy (GR-DEM) on its activities and a request was made for authorisation of an extension of the project.

In 2013, further to the Council of Europe's proposal and in agreement with the Belarusian authorities, the project was extended for the first time, for a period of two years (2014-2015). In 2015 it was further extended for the period 2016-2017 (followed by an extension for 2018).

The InfoPoint will continue its work to raise awareness among government institutions, non-governmental organisations (NGOs), mass media outlets, universities and other institutes of higher education and the citizens of Belarus and to provide them with information on the Council of Europe's fundamental values, legal instruments, achievements, policies and activities.

### Expected outcomes:

#### *Council of Europe Information Point in Minsk:*

- ✓ awareness of the Council of Europe's fundamental values, legal instruments, achievements, policies and activities is raised within Belarus;
- ✓ Council of Europe events in Belarus are organised and supported;
- ✓ Council of Europe information materials, including video and audio materials, are translated, published and distributed;
- ✓ visits by Council of Europe representatives to Belarus and by Belarusian representatives to the Council of Europe are organised and supported;
- ✓ information on the Council of Europe and its activities is provided to public organisations and citizens upon their request.

## PART III – IMPLEMENTATION

### 3.1 METHODOLOGY

The overall co-ordination of the co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP), which steers the programming of and fund-raising for co-operation activities.

Action Plan projects are implemented by the Major Administrative Entity of the Council of Europe responsible for the relevant area of expertise. The Council of Europe Information Point in Minsk (InfoPoint) provides logistical support for the implementation of the activities and projects, in accordance with its terms of reference.

The implementation of Action Plan projects involves, as necessary, needs assessments, legislative expertise, capacity building, awareness-raising and peer-to-peer reviews. The methodology followed, in line with the Council of Europe Project Management Methodology (PMM), aims to reinforce ownership by national stakeholders and to ensure the sustainability of the outcomes.

In addition, the co-operation designed by the Council of Europe follows a “multi-institutional approach”, which allows different Council of Europe institutions and bodies to target governmental stakeholders, parliaments, local and regional authorities and civil society, in order to create unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Gender equality is taken into account in all Council of Europe projects in accordance with the Council of Europe Gender Mainstreaming Toolkit for Co-operation Projects. The gender mainstreaming approach will be clarified as the actions associated with the Action Plan are developed, but it will already be applied to activities regardless of the field of co-operation. For example, the standards for gender equality and women's rights will be taken into account when the various pieces of legislation and national frameworks are revised in the light of European standards. The issue of gender equality will also be incorporated into training courses and programmes. The impact of gender issues will be analysed when projects are planned and implemented. In addition to gender mainstreaming, specific actions will be considered in order to promote gender equality. The Action Plan implementation will contribute to the United Nations' Sustainable Development Goals (SDGs), especially goals 5 "Achieve gender equality and empower all women and girls" and 16 "Promote just, peaceful and inclusive societies". The actions to enhance gender equality and prevent and combat gender-based violence will contribute to target 5.1 "End all forms of discrimination against all women and girls everywhere" and target 5.2 "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation". In order to establish strategies for the prevention and protection of children from violence, sexual exploitation and sexual abuse and to strengthen capacities of professionals in dealing with child sexual exploitation and abuse, planned activities will contribute to target 16.2 "End abuse, exploitation, trafficking and all forms of violence against and torture of children". The Action Plan supports women's access to justice, in line with target 16.3 "Promote the rule of law at the national and international levels and ensure equal access to justice for all".

The Council of Europe promotes the active participation of civil society in project activities. The issue of inclusiveness is approached in keeping with the Guidelines on civil society organisations' participation in Council of Europe's co-operation activities.

The present Action Plan takes into account the **lessons learned** during the implementation of the Council of Europe Action Plan for Belarus 2016-2018, including:

- The adoption of the Action Plan boosted co-operation with Belarus and streamlined dialogue with the national authorities. It allowed an inclusive and structured approach to co-operation.
- It became clear that there is a need to invest more time in raising awareness among the national authorities about the Council of Europe, its values, its acquis and, most importantly, its added value.
- Regional actions have been instrumental in raising awareness of and promoting Council of Europe standards.
- Unlike other Action Plans, the scope of the Action Plan for Belarus is rather broad, which permits wider dissemination of Council of Europe standards and principles but creates difficulties with regard to fundraising and implementation.
- 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. The Council of Europe maintains regular contact with key international players in Belarus.
- Funding based on the Action Plan allows flexibility for allocating funds where they are most needed.
- The Council of Europe can play an important bridging role between various national stakeholders.
- Development of capacities of national partners remains an important element of the assistance programmes.

Due to the nature of its mandate, the Council of Europe has to operate at times in complex and unstable environments which expose it to risks. The analysis of risks relevant to the implementation of the Action Plan as well as possible mitigation strategies are identified in Appendix II of this Action Plan on the basis of the Council of Europe risk management guidelines and Risk Management Policy of the Organisation adopted in June 2016.

### 3.2 CO-ORDINATION

Co-ordination to ensure efficient use of resources and the relevance of the Council of Europe's actions is performed at different levels and in different forums, including the Committee of Ministers of the Council of Europe (CM).

The Council of Europe's actions are devised and implemented so as to focus on areas where the Organisation has strong expertise and can contribute added value. Joint co-operation with the Belarusian authorities is being developed on the basis of a thorough analysis of the objectives followed by other international organisations and players in the field and of their work, implemented and/or planned to achieve these objectives.

To ensure the relevance of its actions, the Council of Europe works in close co-ordination with development agencies of the Council of Europe member States. Co-ordination is also ensured with other international organisations and stakeholders present in the country, in particular, the delegations of the European Union (EU) and the United Nations (UN).

Where appropriate, co-ordination platforms with other international organisations are set-up and joint activities undertaken.

### 3.3 FUNDING

The overall budget of the Action Plan is approximately €8.6 million. Funding amounting to €2.3 million (27% of the total budget) has been secured.

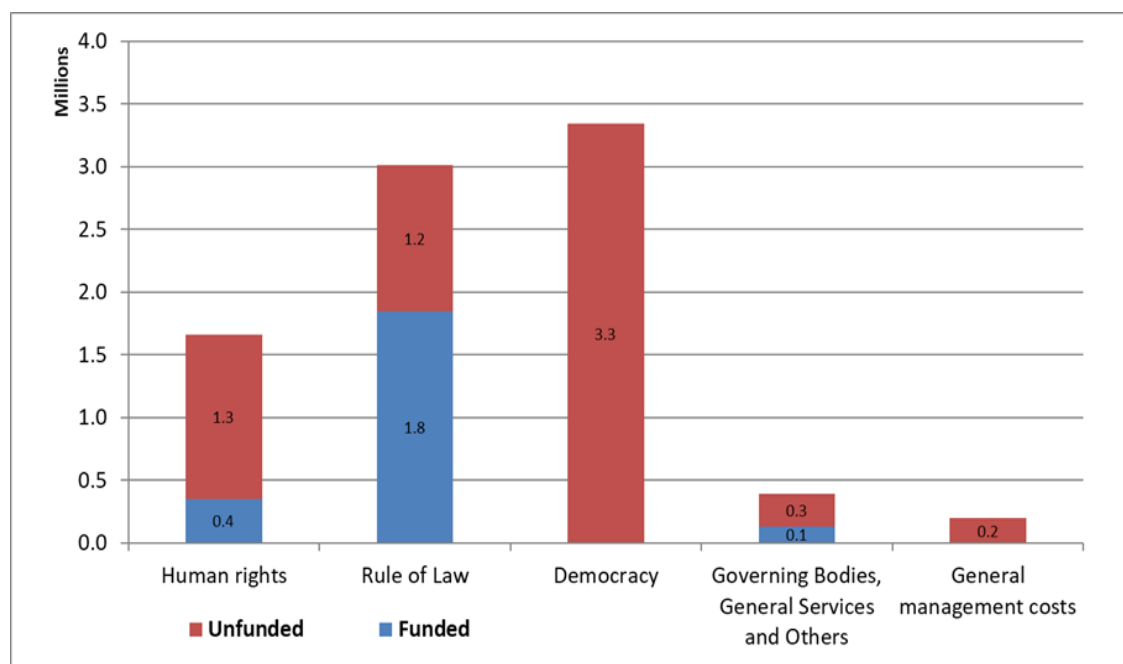
Projects within the Action Plan are to be funded from multiple sources, including Joint Programmes with the European Union (EU), voluntary contributions (VC) from donor countries and international organisations, as well as the ordinary budget (OB) of the Council of Europe.

Since 2015 Belarus has benefited from participation in the European Union and Council of Europe Partnership for Good Governance (PGG),<sup>13</sup> which currently covers the following areas: the fight against economic crime, the judiciary, women's access to justice and anti-discrimination.

The co-ordination of the Action Plan implementation incurs general management costs amounting to not more than 7% of the Action Plan's direct costs.

In line with the Council of Europe resource mobilisation strategy, fundraising efforts under the co-ordination of the Office of the Directorate General of Programmes (ODGP) and are focused on the Action Plan as a whole.

The present Action Plan structure from 2019 to 2021 is aligned with the structure of the Programme and Budget of the Council of Europe in order to increase coherence, complementarity and co-ordination between activities within the OB and extra-budgetary assistance for Belarus.



**Figure 2: Estimated budget per theme of the Council of Europe Action Plan for Belarus 2019-2021 (in millions of euros)**

<sup>13</sup> Former Programmatic Co-operation Framework of the European Union and the Council of Europe with countries of Oriental Partnership (PCF).

### 3.4 GOVERNANCE

The Committee of Ministers of the Council of Europe (CM) is responsible, through its Rapporteur Group on Democracy (GR-DEM), for the overall assessment of the results of the Action Plan implementation.

The Council of Europe will provide regular updates on the progress and outcomes of the Action Plan. To this end, the Office of the Directorate General of Programmes (ODGP) will submit interim and final reports to the CM as follows:

- an oral report 12 months after the adoption of the Action Plan to present the state of advancement after its official launching;
- a comprehensive mid-term Progress Review Report, 18 months after the adoption of the Action Plan;
- a final Progress Review Report at the end of the implementation of the Action Plan.

Progress made under the Action Plan will be jointly assessed by the Council of Europe and the Belarusian authorities.

The ODGP will address annual Action Plan Reports to those donors contributing to the funding at the level of the Action Plan, in line with reporting requirements.

**Action Plan contacts**

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## APPENDIX I: LOGFRAME

**Gender equality and civil society participation** in decision-making as transversal topics.

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in accordance with the Guidelines on gender mainstreaming in Council of Europe's co-operation activities.
- **Civil society participation** is promoted by the Organisation in line with the Guidelines on civil society organisations' participation in Council of Europe's co-operation activities.

**Overall goal:** to support the reforms in Belarus which will bring its legislation, institutions and practice more into line with European standards in the areas of human rights, the rule of law and democracy.

Human Rights Thematic outcome: Awareness of human rights protection standards, including gender equality, is raised and the level of knowledge of the ECHR system is enhanced.	
Outcomes	Indicators
<p><b>1.1. Protecting Human Rights</b></p> <p>Awareness among executive, legislative and judicial authorities, civil society, the media and the general public of the need to introduce a moratorium on the execution of death sentences and the subsequent abolition of the death penalty is raised; dialogue between the relevant Belarusian authorities and civil society on the introduction of a moratorium on the execution of death sentences and the subsequent abolition of the death penalty is strengthened; continuing training of legal professionals includes thematic training on human rights; the human rights issues will be introduced in the law curriculums of higher education institutions; Belarusian students will be offered training sessions to enable them to participate in the René Cassin competition and other international moot court competitions on human rights issues; self-learning materials and online courses offered by the Council of Europe HELP Programme will be available.</p>	<ul style="list-style-type: none"> <li>• Public opinion surveys, media monitoring results, NGO reports.</li> <li>• Degree of embedding of ECHR standards in training curriculum of legal professionals</li> <li>• Number of Belarusian students participating in training sessions conducive to acceptance in moot court competitions on human rights issues.</li> <li>• Level of knowledge about human rights of legal professionals.</li> </ul>
<p><b>1.2. Promoting Human Rights and Dignity</b></p> <p>Effective prevention and protection standards and mechanisms to address violence against women and domestic violence are introduced; awareness of the Istanbul Convention provisions among the Belarusian authorities is raised; awareness of the rights of women victims of violence and of the remedies available to them is raised; a gender perspective is mainstreamed in the justice sector resulting in a more gender-responsive system; the capacity of legal professionals, including judges, prosecutors and lawyers, to address cases of gender-based discrimination, violence against women and other women's human</p>	<ul style="list-style-type: none"> <li>• Extent to which national legislation on gender-based violence and domestic violence is in place and implemented in line with European standards.</li> <li>• Degree of access to justice for women victims of violence and quality of the judicial response in cases of gender-based violence.</li> <li>• Degree of compliance of adopted anti-discrimination legislation and institutional frameworks with European standards and respective level of implementation and efficiency.</li> </ul>

<p>rights violations is increased; the ECRML is further promoted among executive, legislative and judicial authorities in Belarus and recommendations produced under previous actions are addressed; anti-discrimination legislation in line with European standards is in place; progress is achieved in bringing policy frameworks closer to international and European standards on children's rights; capacity of State institutions and professionals to protect children from violence, including in the digital environment, is reinforced and awareness of the issue is raised with a view to Belarus becoming a partner of the programme Building a Europe for and with Children; awareness among and commitment of key stakeholders in the fight against violence, in particular sexual violence, is raised; the co-operation between State institutions and civil society in preventing and combating violence against children is strengthened; the relevant legal texts and law-enforcement practices in the biomedical field are brought closer to Council of Europe human rights and ethical standards; awareness among the Belarusian authorities of the human rights principles of autonomy and privacy in a technological context is raised; bioethics is better integrated into academic educational programmes; Belarus is better prepared for possible accession to the Oviedo Convention and its Protocols.</p>	<ul style="list-style-type: none"> <li>• Degree of compliance of the legal, policy and institutional framework for the prevention and protection of children against all forms of violence, including sexual exploitation and abuse, and trafficking.</li> <li>• Level of knowledge and application by relevant actors of strategies for the prevention, protection and support of child victims and witnesses.</li> <li>• Extent of incorporation of European standards in national legislation, policy and practice in the field of biomedicine.</li> <li>• Extent of knowledge, level of protection of patients' rights and degree of implementation of ethical obligations by legal and health professionals in the field of biomedicine in line with European standards.</li> </ul>
<p><b>1.3. Ensuring social rights</b></p> <p>Awareness and knowledge of the ESC are increased among policy makers, public officials, civil servants, judges and civil society; awareness and knowledge of standards and required reforms with regard to an effective guarantee of social rights are enhanced; respect for social rights, in particular those of persons with disabilities, is promoted; awareness about the right to information standards for people with deep visual impairments is raised.</p>	<ul style="list-style-type: none"> <li>• Extent to which the relevant legislation is in place or amended in line with European standards on social rights.</li> <li>• Level of progress towards reforms conducive to effectively guaranteeing social rights.</li> <li>• Level of compliance with social rights, including the rights of persons with disabilities.</li> </ul>

Rule of Law Thematic outcome: Existing legislative frameworks in the areas covered by the Action Plan are brought closer to the European standards.	
Outcomes	Indicators
<p><b>2.1. Ensuring Justice</b> The functioning of the courts is improved and their capacities, procedures and practices in civil cases, including commercial cases, are strengthened; the implementation of effective mediation procedures in civil cases is facilitated, internal functioning of the Republican Bar Association of Belarus is improved; independence and professionalism of lawyers are strengthened; lawyers' provision of legal services is strengthened.</p>	<ul style="list-style-type: none"> <li>• Extent to which legislation on the judiciary is in place and/or amended and implemented in line with European standards.</li> <li>• Quality of the procedures, rules and regulations and management capacities of the courts.</li> <li>• Level of application of mediation and arbitration and decrease in the backlog.</li> <li>• Quality of services provided by lawyers and level of satisfaction of clients.</li> </ul>
<p><b>2.2. Strengthening the Rule of Law</b> The rule of law is enhanced through the Constitutional Court's case law; court decisions making greater reference to human rights case law are included in the CODICES database; the national legal framework in the field of internet governance is reviewed in light of Council of Europe standards; the capacities of national authorities in the field of internet governance are enhanced; dialogue between national internet governance stakeholders is supported; international co-operation on internet governance is enhanced and information on best practices and experience is provided; recommendations by Council of Europe experts regarding the legal and regulatory frameworks on data protection are taken into account by the national authorities; a data protection system complying with the standards of the modernised Convention 108 is established and effectively implemented; an independent supervisory authority entrusted with the task of overseeing the implementation of the data protection legislation is established; the expertise and capacities of the independent supervisory authority are enhanced.</p>	<ul style="list-style-type: none"> <li>• Degree of compliance of the country's constitutional justice with European standards.</li> <li>• Level of capacity of the Constitutional Court to deal with constitutional appeals.</li> <li>• Extent to which national legislation and practice are in place and/or amended in compliance with European standards regarding data protection.</li> <li>• Level of implementation of Council of Europe recommendations on internet governance.</li> </ul>

### 2.3. Countering Threats to the Rule of Law

Effective corruption prevention measures are introduced; institutional and legal capacities to combat corruption are strengthened; cross-border co-operation and regulatory frameworks on the seizure and confiscation of proceeds from crime are enhanced; comprehensive measures for the prevention and detection of money laundering/terrorist financing are introduced; increased use is made of risk-based approaches to supervision; awareness among the Belarusian authorities of Council of Europe instruments relevant to fight against terrorism is raised; legislative and institutional frameworks for fighting terrorism are improved in line with European standards; national capacity to combat terrorism is enhanced; a national strategy on fighting cybercrime is developed; national legislation on cybercrime is brought into line with the Budapest Convention; public-private partnerships between law enforcement and the private sector are in place; specialised cybercrime units employ more operational capacities and better reporting systems; there is better interagency co-operation of relevant law enforcement and criminal justice authorities, agencies and bodies, including through improved data sharing; awareness of executive, legislative and judicial authorities of the Council of Europe mechanisms of international legal assistance is raised; Belarus legislation becomes more compatible with international/European standards and treaties; legislative and institutional frameworks are improved bringing Belarus closer to possible future accession to relevant conventions; national capacities on international legal assistance are fostered; the capacity of national authorities to fight against human trafficking is improved; the co-operation between State institutions and civil society in preventing and combating trafficking in human beings is strengthened; capacity of the Belarusian representatives to participate in relevant international networks is enhanced; awareness among the Belarusian authorities of Council of Europe instruments relevant to fight against falsified medical products is raised; legislative and institutional frameworks to combat falsified medical products are improved in line with European standards; national capacities to combat falsified medical products are enhanced; awareness among the Belarusian authorities of Council of Europe instruments relevant to combat trafficking in human organs is raised;

- Extent to which legal, policy and institutional frameworks to combat corruption are in place and implemented in line with European standards.
- Degree of compliance of legal frameworks combatting trafficking in human organs with European standards and practices.
- Level of assets recovery in line with European standards.
- Level of increase in the effective investigation, prosecution and adjudication of corruption-related cases in the field of sports.
- Level of implementation of integrity mechanism in higher education.
- Extent to which legal, policy and institutional frameworks to fight cybercrime are in place and implemented in line with European standards.
- Level of international co-operation in criminal matters in connection with the fight against cybercrime.
- Extent to which capacities of cybercrime authorities to prevent and combat cybercrime through interagency co-operation are raised and applied in practice;
- Level of co-operation with national and multinational internet service providers.

<p>legislative and institutional frameworks to combat trafficking in human organs are improved in line with European standards; law enforcement officials and social workers are more aware of and better able to identify new trends in drug trafficking and develop prevention and harm reduction methods; assistance provided to develop effective drug policies with regard to prevention and health-care responses to drug use; awareness of Council of Europe standards in the field of integrity in sports is raised; assistance in developing and implementing a national strategy on good governance in sport is provided; capacities of the National Anti-doping Laboratory are enhanced.</p>	
<p><b>Democracy</b>  <b>Thematic outcome: Democratisation of society is fostered through enhanced dialogue between the State institutions and civil society, improved capacities of local authorities and increased participation of young people in democratic processes.</b></p>	
<p><b>Outcomes</b></p>	
<p><b>3.1. Strengthening democratic governance and fostering innovation</b></p> <p>The dialogue between the National Assembly and PACE is expected to continue; assistance in establishing a national association of local authorities is provided; assistance is provided in determining the main principles and areas of work in line with European standards and practices; the Council of the Republic of the National Assembly, and other relevant national stakeholders, are equipped with the knowledge needed to initiate a decentralisation process in the spirit of the European Charter of Local Self-Government; local authorities promote citizen participation in their policies and carry out participatory processes to enhance their decision-making, in particular, through the organisation of European Local Democracy Week; legal and policy advice on decentralisation, local government and public administration reforms is provided to national authorities, in line with Council of Europe standards and practices; the national system for provision of training to local and regional officials is strengthened by Council of Europe expertise and policy advice; the capacities of local and regional authorities, their organisation and management, and the quality of the services they deliver to citizens are improved; the institutional framework for civil participation in decision-making is improved; legislation (a by-law) for the implementation of a law on civil society participation is prepared and adopted; dialogue and partnership between civil society and relevant</p>	<p style="text-align: center;"><b>Indicators</b></p> <ul style="list-style-type: none"> <li>• Extent of incorporation of European standards in electoral legislation and practice.</li> <li>• Level of confidence in the electoral process.</li> <li>• Extent to which the legislative and institutional framework of local democracy and revised financial equalisation are in line with European standards.</li> <li>• Level of implementation of tools and competences in local institutional structures.</li> <li>• Extent to which mechanisms for citizens' participation in local decision-making are in place and implemented.</li> <li>• Level and quality of consultations between local authorities, their associations and national authorities.</li> <li>• Quality and level of implementation of integrity policy, strategies and measures for local governance.</li> </ul>

<p>public institutions is strengthened; public authorities' access to methodology and best practices for consultation and their capacity to interact with civil society are improved; development of civic control over penal correction institutions is supported via Council of Europe expertise and exchange of European good practices.</p>	
<p><b>3.2. Promoting participation and diversity</b>  Further implementation of the EHEA principles in the higher education system of Belarus; integration and/or further development of education for democratic citizenship and human rights education in the national education system is supported, in accordance with the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education and the Reference Framework of Competences for Democratic Culture; the emergence and development of practices of democratic youth participation in youth organisations and youth policy-related institutions in Belarus, as well as access to human rights education for non-formal learning practitioners are supported; co-operation and partnership between key governmental and non-governmental actors in the development of youth policy are strengthened; capacity of youth workers and non-formal education actors to include and deliver human rights education in their activities is strengthened; the capacity of national institutions to modernise cultural policies is strengthened; the role of cultural heritage development at the national and local levels is strengthened; Belarus is further involved in the European intercultural dialogue; the necessary management and conservations efforts related to the selected sites are supported (Emerald Network).</p>	<ul style="list-style-type: none"> <li>• Extent of incorporation of European standards in national policy and practice towards youth;</li> <li>• Availability and use of Council of Europe resources and standards for human rights education and democratic citizenship by youth organisations.</li> <li>• Level of implementation of integrity mechanism in higher education.</li> </ul>

## APPENDIX II: RISK REGISTER

Risk description	Mitigation actions
<b>Political related risks</b>	
<p>Lack of political ability to provide necessary resources to reform legislation, where needed, so as to align its implementation with European standards and to engage in constructive dialogue and consultation with civil society.</p>	<p>Close dialogue and use of Council of Europe political channels. The activities and recommendations made during the implementation of the Action Plan will be based on established best European practice, while taking into account the country-specific political, economic and social context.</p>
<p>Significant changes in implementing reforms in the fields of human rights and democracy in line with European Union and Council of Europe norms and standards.</p>	<p>Facilitate contacts and co-operation between supporters of the reforms within the different branches of power and within civil society.</p> <p>Awareness-raising among target groups to inform them of the importance of applying the Organisation's standards.</p> <p>Discuss mitigation strategies with international partners (the EU in particular).</p>
<b>Project/programme delivery related risks</b>	
<p>Lack of sufficient funding for implementation of the Action Plan.</p>	<p>Increase resource mobilisation efforts in a co-ordinated manner within the country and from headquarters.</p> <p>Allocate funding for programmes which have strong potential for synergy with each other, scheduling available resources in the most effective manner.</p> <p>Continue to address feedback from partners and donors to improve project design, implementation, results-based monitoring and reporting practices, so as to attract and maintain donors.</p>

<p>Lack of effective co-ordination mechanisms with national and international partners with a view to avoiding overlaps and to ensuring synergies among programmes.</p>	<p>Increased number of joint activities with international partners with whom co-ordination has already been achieved.</p> <p>Achieve economic efficiency and increase acceptance of the reforms in order to strengthen the common message,</p>
<p>Problems in identifying NGOs as partners, leading to delays in the implementation of activities.</p>	<p>Additional consultations with national stakeholders could be held to address this risk. Transparent selection process of NGO partners and involvement of the authorities in all stages should help to build confidence and to ensure effective implementation.</p>
<p>High turnover of governmental and non-governmental staff and key partners during the Action Plan life-span and the consequent loss of know-how and networking contacts may affect the delivery of outputs.</p>	<p>Close monitoring of staff changes and immediate re-establishment of contact.</p> <p>Stakeholders to build confidence and ensure sustainability, ownership and leadership of the project activities by the beneficiaries.</p>
<p>Overlap of project interventions with other donors.</p>	<p>Monitoring of activities of other international donors in the country.</p> <p>Meaningful donor and stakeholder co-ordination.</p> <p>A careful needs assessment at the time of writing the Action Plan, which has taken into account the sector donor map and activities.</p>
<p>Key beneficiaries have different views on both expected outcomes (what needs to be achieved) and specific activities (how).</p>	<p>Close contacts maintained with the national authorities and discussions carried out.</p>
<p><b>Communication related risks</b></p>	
<p>Lack of knowledge among main international and national partners, target groups and the general population about the Council of Europe's contribution to the reforms in the country.</p>	<p>Every programme develops its communication strategy to foster interest in the activities of the Organisation among major stakeholders.</p> <p>Increase professional and public awareness of the Organisation contribution to the reforms.</p> <p>Increase the speed at which information is exchanged.</p>



<p>National authorities and Council of Europe staff do not establish effective working relationships which could lead to delays in processing recommendations regarding legislation.</p>	<p>Regular meetings between the Council of Europe staff and representatives of the stakeholders to assess progress and appropriate actions to be taken (with clear roles for each partner).</p>
<p>Problems in obtaining relevant registrations/authorisations at national level, leading to delays in the implementation of activities (e.g. the Council of Europe Information Point in Minsk).</p>	<p>Facilitate contacts and co-operation between supporters of the Council of Europe within different branches of the authorities and within civil society.</p> <p>Discuss mitigation strategies with international partners (in particular, the EU and representations of member States in Minsk).</p>

### APPENDIX III: FINANCIAL TABLE

(amounts in euros)

Sectors	Total AP budget	Funded OB	Funded EU	Funded VC	Total funds secured	Unfunded
<b>Human rights</b>	<b>1,662,205</b>	<b>84,920</b>	<b>266,510</b>	<b>0</b>	<b>351,430</b>	<b>1,310,775</b>
1. Protecting Human Rights	0	0	0	0	0	0
2. Promoting Human Rights and Dignity	1,329,068	18,293	0	0	18,293	1,310,775
3. Ensuring Social Rights	0	0	0	0	0	0
Regional programmes	333,137	66,627	266,510	0	333,137	0
<b>Rule of Law</b>	<b>3,009,537</b>	<b>334,536</b>	<b>1,510,001</b>	<b>0</b>	<b>1,844,537</b>	<b>1,165,000</b>
1. Ensuring justice	820,000	134,000	536,000	0	670,000	150,000
2. Strengthening the Rule of Law	860,000	45,000	0	0	45,000	815,000
3. Countering Threats to the Rule of Law	400,000	40,000	160,000	0	200,000	200,000
Regional programmes	929,537	115,536	814,001	0	929,537	0
<b>Democracy</b>	<b>3,340,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,340,000</b>
1. Strengthening Democratic Governance and Fostering Innovation	2,000,000	0	0	0	0	2,000,000
2. Promoting participation and diversity	1,340,000	0	0	0	0	1,340,000
Regional programmes	0	0	0	0	0	0
<b>Governing Bodies, General Services and Others</b>	<b>390,000</b>	<b>130,000</b>	<b>0</b>	<b>0</b>	<b>130,000</b>	<b>260,000</b>
General management costs	198,258			0	0	198,258
Unallocated unearmarked funding				20,000	20,000	-20,000
<b>TOTAL</b>	<b>8,600,000</b>	<b>549,456</b>	<b>1,776,511</b>	<b>20,000</b>	<b>2,345,967</b>	<b>6,254,033</b>

## APPENDIX IV: SOURCES/RELEVANT DOCUMENTS

### Council of Europe documents

1. Co-operation with Belarus  
Council of Europe Action Plan for Belarus 2016-2017 (extended until 2018)
2. Committee of Ministers of the Council of Europe  
CM response to the PACE Recommendation 1992 (2012)  
Recommendation CM/Rec(2017)4 of the Committee of Ministers to member States on youth work  
Recommendation CM/Rec(2012)7 on public responsibility for academic freedom and institutional autonomy  
Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic  
Citizenship and Human Rights Education
3. Parliamentary Assembly of the Council of Europe  
PACE Resolution 2172 (2017)
4. Monitoring and expert advisory bodies  
GRETA's Report and Government's Comments, published 3 July 2017 and  
Recommendation of the Committee of the Parties  
A report on EDC/HRE in the six Eastern Partnership countries, Council of Europe, 2016
5. Guidelines  
Gender Equality Strategy of the Council of Europe  
Guidelines on gender mainstreaming in Council of Europe's co-operation activities  
Guidelines on Civil Society Organisations' participation in Council of Europe's co-operation activities  
Risk Management Policy

### National policy documents of Belarus

- The Interagency Plan for implementing recommendations under the United Nations Universal Periodic Review ("Interagency Plan on implementation of recommendations accepted by the Republic of Belarus following the second cycle of the United Nations Universal Periodic Review and recommendations addressed to the Republic of Belarus by Human Rights Treaty Bodies for 2016 – 2019")
- The State Programme on Combating Crime and Corruption for 2017-2019
- The State Programme «Education and Youth Policy» for 2016-2020
- The Strategic action plan on implementation of the major objectives of the education system development in line with the EHEA principles and tools.









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