

Council of Europe Neighbourhood Co-operation Priorities for Kazakhstan 2019-2023



Council of Europe

**Neighbourhood Co-operation Priorities for
Kazakhstan 2019-2023**

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EXECUTIVE SUMMARY

The framework document “Neighbourhood Co-operation Priorities for 2019-2022”, developed jointly with the Kazakh authorities, aims to consolidate the continued support provided to Kazakhstan in the country’s democratic change process and to tackle the challenges linked to human rights, the rule of law and democracy.

The relationship between the Council of Europe and Kazakhstan has been enhanced through the implementation of the Neighbourhood Policy established by the Council of Europe in 2011. However, Kazakhstan already had relations with the Council of Europe prior to that date, as it has been a member of the European Commission for Democracy through Law (Venice Commission) since March 2012 (and an observer since 1998).

As from 2014 Kazakhstan received assistance under the Neighbourhood Co-operation Priorities, as a “first step” towards possible future accession to a number of Council of Europe conventions in the area of criminal justice. The progress made since has been notable, particularly regarding the reform of the General Prosecutor’s Office, the development of the mediation system, the reform of the Bar and the establishment of the national preventive mechanism (NPM). Kazakhstan was granted observer status with the Consultative Council of European Prosecutors (CCPE) in 2015. In February 2018 Kazakhstan obtained observer status with the Consultative Council of European Judges (CCJE) and the European Commission for the Efficiency of Justice (CEPEJ). Kazakhstan is also finalising the procedure for its accession to the Group of States against Corruption (GRECO). The country has so far ratified four Council of Europe conventions.

Following in-depth consultations between the Council of Europe and the Kazakh authorities, the new Neighbourhood Co-operation Priorities framework for 2019-2022 builds on the results of the previous framework document. It takes into account the country’s national reform agenda, including the Kazakhstan national “Strategy 2050. 100 concrete steps”.

This new strategic document will continue the efforts already being made to facilitate the establishment of a common legal area between Europe and Kazakhstan, encouraging the authorities to bring Kazakh legislation further into line with European and international standards, to press ahead with the reform of the judiciary and of the prosecution service and law enforcement overall, to consolidate the constitutional and public administration reforms, to fight corruption and money laundering, and to promote good governance.

The overall budget for these Neighbourhood Co-operation Priorities totals €3 million. No funding is secured at the time of preparation of this document. Funding amounting to €1.5 million is being negotiated with the European Union (EU). Further funding is essential to address areas identified in this document for 2019-2022.

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LIST OF ACRONYMS AND ABBREVIATIONS

AEL-EAL	European Association of Lawyers
CCJE	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CSO	Civil society organisation
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
EUD	European Union Delegation
FIU	Financial Intelligence Unit
GPO	General Prosecutor's Office
GRECO	Group of States against Corruption
GR-EXT	Rapporteur Group on External Relations
HELP	European Programme for Human Rights Education for Legal Professionals
HJC	High Judicial Council of Kazakhstan
IRZ	German Foundation for International Legal Co-operation
JP	Council of Europe/European Union Joint Programme
NCP	Neighbourhood Co-operation Priorities document
NGO	Non-governmental Organisation
NPM	National Preventive Mechanism
ODGP	Office of the Directorate General of Programmes
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PRI	Penal Reform International
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Emergency Fund
Venice Commission	European Commission for Democracy through Law

1. INTRODUCTION

1.1 GENERAL OVERVIEW

1.1.1 COUNCIL OF EUROPE POLICY TOWARDS NEIGHBOURING REGIONS

At its 121st Session on 11 May 2011 in Istanbul, the Committee of Ministers of the Council of Europe (CM) endorsed the proposals made by the Secretary General regarding a Council of Europe policy towards the Organisation's immediate neighbourhood, aimed at promoting dialogue and co-operation with countries and regions in the vicinity of Europe which had expressed a will to co-operate with the Council of Europe based on the common values of human rights, democracy and the rule of law. The CM further invited the Secretary General to draw up action plans for the implementation of this policy.

The Council of Europe policy towards neighbouring regions, which is demand-driven and country-specific, is designed for partners in North Africa, the Middle East and Central Asia, and pursues the following three objectives:

- to facilitate democratic political transition in the countries concerned;
- to help promote good governance through the protection of human rights and the rule of law; and
- to reinforce and enlarge Council of Europe regional action in combating transborder and global threats.

The policy is being implemented in close partnership with the European Union (EU), on the basis of the programmes endorsed by the CM, in particular its two key components:

- the Neighbourhood Co-operation Dialogue, carried out at political level; and
- the Neighbourhood Co-operation Priorities, setting out specific co-operation activities to be carried out in the fields of human rights, democracy and the rule of law.

At its 127th Session, held in Nicosia on 19 May 2017, the CM invited the Ministers' Deputies and the Secretary General of the Council of Europe to evaluate the results of the policy towards neighbouring regions in order to decide what follow-up action should be taken. On 3 October 2017 the Ministers' Deputies expressed broad support for the Secretary General's proposals aimed at building on the results achieved within the framework of the Istanbul principles of 2011, and in particular continuing the co-operation with Kazakhstan (see section 1.1.3 on "the Council of Europe and Kazakhstan" below).

This document focuses specifically on co-operation priorities identified during discussions between the Council of Europe and the Kazakh authorities.

1.1.2 CO-OPERATION OBJECTIVES

The main objective of the co-operation between Kazakhstan and the Council of Europe, in line with the Council of Europe's policy towards its neighbouring regions, is to assist Kazakhstan with its ongoing democratic change process by helping the country to tackle challenges related to human rights, the rule of law and democracy, and in particular:

- to consolidate the achievements of the co-operation implemented since 2014 within the context of the "Neighbourhood Co-operation Priorities for Kazakhstan 2014-2018"¹ and to initiate new areas of co-operation in line with national reform priorities, based on a demand-driven approach, in the fields of expertise of the Council of Europe;
- to continue the efforts made to facilitate the establishment of a common legal area between Europe and Kazakhstan, by encouraging the authorities to bring Kazakh legislation into line with European and international standards and to ratify the conventions of the Council of Europe open to non-member States, in accordance with the procedures set out in the relevant conventions;
- to support the development and effective implementation of new legislation and institutional frameworks in respect of the judiciary in accordance with European and other international standards aimed at achieving the functional independence and accountability of the justice system; to improve enforcement of decisions handed down by the national courts; and to develop the system of free legal aid;

¹ <https://m.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802f89f2>

- to support the establishment and the effective functioning of human rights institutions and new governance structures;
- to consolidate Kazakhstan's presence within Council of Europe bodies of which it is already a member or observer, in particular the European Commission for Democracy through Law (Venice Commission) and the European Commission for the Efficiency of Justice (CEPEJ), and to encourage it to participate in other Council of Europe bodies, as appropriate.

The co-operation framework is a flexible, dynamic strategic tool setting out priorities for co-operation between Kazakhstan and the Council of Europe for the period 2019-2022. The areas of co-operation presented have been identified on the basis of consultations between the relevant Kazakh authorities and the Council of Europe.

Consultations have also been carried out with other international organisations - the European Union (EU) in particular, as the Council of Europe's main partner with regard to its action in the region, and the United Nations - so as to ensure a co-ordinated approach and avoid duplication of efforts. Joint activities were previously organised with Penal Reform International (PRI), the American Bar Association, the European Association of Lawyers (AEL-EAL), the International Bar Association, the German Foundation for International Legal Co-operation (IRZ), and the World Bank.

On 16 October 2018 the CM examined the final report on the implementation of the "Neighbourhood Co-operation Priorities: co-operation activities regarding Council of Europe conventions in criminal matters" in 2014-2018, took note of the outcomes and considered that they paved the way for the new Neighbourhood Co-operation Priorities for the period 2019-2022.

1.1.3 THE COUNCIL OF EUROPE AND KAZAKHSTAN

The relationship between the Council of Europe and Kazakhstan has been enhanced through the implementation of the Neighbourhood Policy established by the Council of Europe in 2011. However, Kazakhstan already had relations with the Council of Europe prior to that date. Kazakhstan has been a member of the Venice Commission since March 2012 (and an observer since 1998). The country has ratified four Council of Europe conventions (see Appendix IV). It has also held observer status with the European Pharmacopoeia since 2006. Kazakhstan was granted observer status with the Consultative Council of European Prosecutors (CCPE) in 2015 and with the Consultative Council of European Judges (CCJE) and the European Commission for the Efficiency of Justice (CEPEJ), both in 2017. The Parliamentary Assembly of the Council of Europe (PACE) and the Parliament of Kazakhstan concluded a co-operation agreement in 2004.

Following a visit by the Secretary General to Astana (October 2011), a fresh impetus was given to the preparation of a comprehensive Neighbourhood Co-operation Priorities document (NCP). The document entitled "Council of Europe Neighbourhood Co-operation Priorities for Kazakhstan 2014-2015: co-operation activities regarding Council of Europe conventions in criminal matters" was adopted by the Committee of Ministers in December 2013 and launched when the declaration on enhancing co-operation between Kazakhstan and the Council of Europe was signed by the Ambassador of Kazakhstan to the Kingdom of Belgium and the Head of the Council of Europe Liaison Office in Brussels on 19 December 2013. The NCP was developed in close co-operation with the Kazakh authorities as a strategic co-operation framework in criminal matters in order to bring the country's legislative and regulatory frameworks and practice closer to European standards.

In January 2016 the CM decided to extend the validity of the NCP until the end of 2017 following an agreement reached with the Kazakh authorities. In November 2017 the GR-EXT heard an oral report and the CM extended the NCP until July 2018.

The Council of Europe's actions in Kazakhstan between 2013 and 2018 mainly addressed issues relating to various aspects of justice system reform, including the reform of the prosecution service and support for the Ombudsman institution. The Council of Europe's activities also covered other areas such as constitutional justice, access to justice, electoral reform, human rights education and democratic citizenship.

Following the progress made through the implementation of the NCP with Kazakhstan, the CM instructed the Secretariat "to continue the discussions with the authorities of Kazakhstan with regard to the preparation of a new co-operation document." This initiative was welcomed by Kazakhstan, which had expressed its desire to pursue the co-operation.

1.1.4 ADDED VALUE OF THE TECHNICAL ASSISTANCE PROGRAMMES OF THE COUNCIL OF EUROPE

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

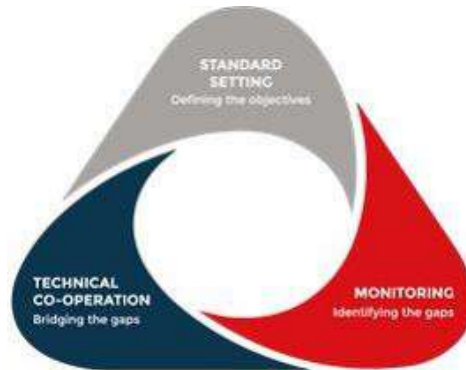


Figure 1: Council of Europe strategic triangle

In the case of Kazakhstan, as a non-member state of the Council of Europe, the monitoring mechanisms will not apply until this country becomes a contracting party to the relevant conventions. At the moment, Kazakhstan is finalising the procedure for joining the Group of States against Corruption (GRECO).

The co-operation projects are designed to help the country through concrete action taken in connection with projects implemented jointly by the Council of Europe's specialised teams and the relevant partners in Kazakhstan, so as to develop tools and competencies suited to the national context and capable of addressing the problems identified.

Main results of the previous Neighbourhood Co-operation Priorities framework

The present document takes into account the outcomes of the first Neighbourhood Co-operation Priorities 2014-2015, which were extended initially until December 2017 and subsequently until July 2018:

- In 2015 Kazakhstan acceded to two Council of Europe legal instruments: (1) the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No.141) and (2) the Convention on Mutual Administrative Assistance in Tax Matters (ETS No.127);
- In September 2015 Kazakhstan was granted observer status with the Consultative Council of European Prosecutors (CCPE). In February 2018 Kazakhstan became an observer with the Consultative Council of European Judges (CCJE) and the European Commission for the Efficiency of Justice (CEPEJ);
- The Centre on Mediation was opened in 2017 following a needs assessment of the law and practice in the field of mediation and Council of Europe recommendations on the development of mediation in criminal matters;
- Council of Europe recommendations have been taken on board in draft criminal law amendments aimed at bringing the role and functions of investigators, prosecutors, judges and defence lawyers more closely into line with fair trial standards. The draft law is awaiting adoption;
- The reform of the General Prosecutor's Office (GPO) is under way with significant support from the Council of Europe, focusing on: the establishment of a Programme Office within the General Prosecutor's Office, which has had an important role in managing the criminal justice reform; strengthening practices concerning victims' and witnesses' rights; and securing the prohibition of torture. Training modules for prosecutors have been developed;
- Assistance has been provided with regard to the reform of the Bar and the establishment of the National Preventive Mechanism (NPM), which was set up in 2013 in law, but proved lacking in the requisite capacities.

Throughout the programme's implementation the Kazakh authorities engaged in a constructive dialogue with the Council of Europe. The impact of the concrete actions can be regarded as positive. On 26 June 2018 the Mission of the Republic of Kazakhstan to the European Union (EU), together with the Council of Europe, organised a high level event on "Summarising the implementation of the joint program – Support to the Kazakh authorities in improving the quality and efficiency of the Kazakh justice system" with the participation of the Deputy Minister of Foreign Affairs of the Republic of Kazakhstan, Roman Vassilenko.

1.2 GOALS OF THE NEIGHBOURHOOD CO-OPERATION PRIORITIES

These Neighbourhood Co-operation Priorities constitute a strategic programming instrument for the period 1 January 2019 to 31 December 2022. The goal is to support the democratic reforms under way in Kazakhstan, in particular to ensure that Council of Europe standards are taken into account in its legislation, and to bring its institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy.

The main aims of the Neighbourhood Co-operation Priorities are as follows:

- to continue to assist Kazakhstan with the reforms under way in strategic areas where a sound basis has been established through co-operation with the Council of Europe, including promoting the independence, efficiency and quality of justice, and reform of the prosecution service;
- to initiate and strengthen co-operation in priority areas covered by the national reform agenda, as and when the demand exists, in Council of Europe fields of expertise such as training legal professionals in human rights;
- to continue to promote the gradual building of a common legal area between Europe and Kazakhstan, by supporting the development and effective implementation of new laws in keeping with European standards, including laws drafted in co-operation with the Council of Europe, and by encouraging Kazakhstan's accession to Council of Europe conventions open to non-member states, in accordance with the procedures laid down in the conventions concerned;
- to support the establishment and the efficient functioning of the human rights protection agencies and new governance structures;
- to support the government's efforts to combat corruption as an across-the-board priority.

The Neighbourhood Co-operation Priorities present the co-operation priorities in line with the structure of the Council of Europe's Programme of Activities.

This new Neighbourhood Co-operation Priorities document covers all three pillars of co-operation – human rights, rule of law and democracy – providing expert and technical 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. Promoting gender equality is also a priority of the present document.

2. PROPOSED ACTIONS FOR 2019 TO 2022

2.1 HUMAN RIGHTS

2.1.1 PROTECTING HUMAN RIGHTS

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

The human rights situation in Kazakhstan still needs to be closely monitored, as a number of concerns are regularly voiced by the international community. The Council Europe will work with the Kazakh national authorities and legal professionals to raise awareness of the European human rights system and to encourage the authorities to bring the national legal system closer to European standards.

Specialised training in human rights for the legal professions will be provided during this period under the European Programme for Human Rights Education for Legal Professionals (HELP).

The final selection of the HELP courses to be adapted to the national legal system and context and translated into the Kazakh language will depend on the priorities agreed with the main partners. Training will directly benefit legal professionals (mainly judges, prosecutors and lawyers) and also, where relevant, law enforcement officers such as police officers or data protection officers. The direct beneficiaries will be the legal professionals from Kazakhstan who attend the training sessions. The ultimate beneficiaries will be the victims of human rights violations in the fields covered by the present document. In line with the spirit of the existing catalogue of HELP courses, specific attention will be paid to the most vulnerable groups who could be positively affected (women, children, minorities, discriminated groups, etc.). Of the 24 courses available under HELP (see <http://help.elearning.ext.coe.int/>), the following courses might be the most relevant for Kazakhstan:

- Violence Against Women and Domestic Violence,
- Child-Friendly Justice,
- Labour Rights,
- Data Protection and Privacy Rights,
- Business and Human Rights,
- Property Rights.

HELP will give legal professionals the benefit of high-quality training tools that have been tested in Council of Europe member States, via both traditional classes and an “e-learning” platform on human rights, which will be tailored to Kazakhstan’s specific needs.

Overall objective: to strengthen understanding of human rights standards among legal professionals

Expected outcomes:

- Legal professionals throughout Kazakhstan attain enhanced knowledge of European human rights standards through the HELP methodology.

Main national partners: National training institutions for legal professionals, Bar Association.

2.2 RULE OF LAW

The gradual creation of a common legal area will continue to be one of the fundamental features of the co-operation, in line with the objectives of the Council of Europe’s Policy towards neighbouring regions.

Activities to enhance the compliance of national legislative and institutional frameworks relating to judicial independence and accountability with the European standards and recommendations will be pursued.

In addition, after obtaining observer status with European Commission for the Efficiency of Justice (CEPEJ), Kazakhstan is particularly interested in the assessment of the justice system that can be conducted by CEPEJ experts. The Supreme Court of Kazakhstan has already expressed an interest in close co-operation with CEPEJ.

Kazakhstan is a fully fledged member of the European Commission for Democracy through Law (Venice Commission) and the requests for opinions and advice received by that body show that it has become a key figure in the reforms under way in the country. It should be emphasised that the Venice Commission has issued a number of opinions pertaining to constitutional changes, reform of the justice system and reform of administrative procedures.

Actions to enhance the effectiveness of anti-corruption, anti-money laundering and asset recovery systems in Kazakhstan will also be developed. This will involve support for anti-corruption policies and mechanisms (including conflict of interest frameworks, asset declarations and ethics requirements), law enforcement and asset recovery measures, as well as efforts to strengthen interagency co-operation, financial intelligence and supervisory capacities vis-à-vis the financial and non-financial sectors. This area of work is of particular importance in the light of the Group of States against Corruption (GRECO) accession process.

The Council of Europe will also assist in developing institutions and policies to protect entrepreneurs' rights, such as business ombudsmen, compliance standards and whistle-blower regimes through institutional and legislative advice, implementation of good practices and capacity building.

2.2.1 ENSURING JUSTICE

JUSTICE SECTOR REFORM

The independence, accountability, efficiency and accessibility of the justice system ensure everyone has the right to a fair trial and therefore constitute a fundamental guarantee of respect for constitutional rights and freedoms, allowing individuals and businesses to have confidence in the judiciary, and in the long-term leading to market attractiveness, healthy competition and as a result economic growth in the country and the social welfare of society. Therefore, it is essential to continue the co-operation being pursued in Kazakhstan in the field of justice, a field where significant progress was achieved in the context of the previous Neighbourhood Co-operation Priorities document. However, this process has not yet been finalised.

It is proposed to continue supporting the efforts of Kazakhstan to improve relevant legislative and institutional frameworks in accordance with European standards, to facilitate the implementation of existing legislative and normative acts with a view to the functional independence and accountability of the justice system, to improve enforcement of decisions taken by the national courts and by international human rights treaty bodies, to develop free legal aid systems and to increase trust in the justice system (judiciary, prosecution and law enforcement).

The proposed actions will aim to further support the justice reform process in line with the following Kazakhstan national strategies: "Strategy 2050. 100 concrete steps" (Pillar 2) and the strategy of the Supreme Court to be adopted for 2018-2021.

Co-operation will focus on the following aspects:

- enhancing compliance of the national framework relating to judicial independence and court proceedings in Kazakhstan by providing targeted legal expertise and through capacity-building activities for members of the judiciary and judicial self-governing bodies;
- improving the professionalism of judges in Kazakhstan, including its regions, by assessing the legal framework and practices relating to judicial ethics and disciplinary proceedings, providing recommendations on further enhancement of the procedures in line with European standards and revising the existing curricula;
- improving access to justice by disseminating good practices concerning alternative dispute resolution; strengthening the capacities of the judiciary to deliver services to the population by improving the administration of justice; and making justice more transparent and user-friendly for court users;
- strengthening the provision of legal services, including free legal aid, through an enhanced legislative framework, institutional reform of the national legal aid system and targeted training for lawyers involved in delivering free legal aid and offering pro bono services.

Moreover, Kazakhstan was granted observer status with the CEPEJ in February 2017 and has since taken an active role in that body's activities.

At the request of the Kazakh authorities, targeted assistance might be provided in the following fields:

- Improving the capacities of law enforcement agencies, including the police;
- Continued assistance with the reform of the prosecution service;
- Reforming the penitentiary system.

Overall objective: to promote the independence, accountability, efficiency and quality of justice by supporting the implementation of judicial reform and the review of the relevant legislative framework, and improving the functioning of the courts in keeping with European standards

Expected outcomes :

- The laws and policies pertaining to justice are brought into line with European standards thanks to the legislative expertise contributed by experts from Council of Europe bodies such as the Venice Commission or the CEPEJ;
- The professionalism of judges in the regions of Kazakhstan is improved by providing assessments and recommendations on strengthening the legal framework and practices relating to judicial ethics and disciplinary proceedings;
- Access to justice and alternative dispute resolution mechanisms are improved;
- The quality of services delivered to the population, including free legal aid, is improved through targeted activities for lawyers involved in delivering free legal aid and offering pro bono services; the legal aid system is strengthened;
- The capacities of judges regarding modern court management methods are strengthened through training and other activities (provision of tools for measuring and evaluating the functioning of the justice system, the courts and the work done by judges) and sharing of European best practices in these areas;
- The everyday functioning of the judicial system in Kazakhstan is improved through the implementation of a programme to introduce specific CEPEJ tools on a wider scale to more courts throughout the country.

Main national partners : Ministry of Justice, Ministry of the Interior, National Bar Association, the judiciary, members of judicial self-governing bodies and training institutions, other legal professionals, civil society.

2.2.2 STRENGTHENING THE RULE OF LAW

COMMON STANDARDS AND POLICIES

Council of Europe Conventions are considered as a key reference for promoting human rights, the rule of law and democracy and achieving a common legal space at pan-European level and beyond. They form the legal acquis of the Council of Europe and the European Union (EU) since all EU members are Council of Europe members as well.

Although not open to non-member states of the Council of Europe, the European Convention on Human Rights (ECHR) constitutes the key reference in terms of human rights. The Council of Europe will seek to spread the spirit of its articles through various activities, so that it becomes and is used as a reference by stakeholders when dealing with issues related to human rights and democratic governance in general.

Furthermore, a new generation of Council of Europe conventions (e.g. Medicrime, trafficking, violence against women)² address issues which nowadays constitute global threats to human rights and the rule of law. The Convention against trafficking in human organs,³ a unique international instrument in this area which is also open to non-member states, was recently adopted by the Committee of Ministers of the Council of Europe (CM).⁴

A significant proportion of Council of Europe conventions are open to non-member states of the Council of Europe (158 out of 217 in total). A number of countries in Central Asia have already expressed, whether officially or unofficially, their interest in becoming Contracting Parties to Council of Europe conventions. Kazakhstan in particular has officially requested to be invited to accede to a number of these instruments, in particular in the criminal law field.

² Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211), date of opening for signature 28/10/2011; Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), date of opening for signature 16/05/2005; Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), date of opening for signature 11/05/2011.

³ Council of Europe Convention against Trafficking in Human Organs.

⁴ Opened for signature in March 2015 and entered into force in March 2018.

Currently, Kazakhstan is a party to the European Cultural Convention (ETS No. 018, ratified in March 2010), the Convention on Mutual Administrative Assistance in Tax Matters (ETS No. 127, ratified in April 2015), the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141, ratified in September 2014) and the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165, ratified in October 1998).

There is no doubt that accession to Council of Europe conventions is strategically important in the process of progressively creating a common legal space between Europe and Central Asia, thereby raising the level of intergovernmental co-operation between convention signatories and of compliance with European and international standards and, ultimately, enhancing the protection of human rights. Council of Europe action to facilitate a successful accession process and to promote good understanding and effective implementation of its conventions will therefore be pursued, with a view to raising awareness of these legal instruments and the related rights among national authorities, members of parliament, civil society and, in particular the programme's target groups. The Council of Europe conventions that will be targeted in particular are those in the fields of anti-corruption and money laundering, fighting cybercrime, data protection, combating violence against women, promoting children's rights, and all other Council of Europe instruments relevant to the action proposed.

Overall objective: To promote the establishment of a regional common legal space between Europe and Kazakhstan

Expected outcomes:

- Awareness is progressively raised with regard to the benefits of a common legal area between Europe and Kazakhstan based on key Council of Europe conventions open to non-member states and other international standards;
- National authorities and independent authorities have a good knowledge of relevant conventions available for signature and ratification by non-member states of the Council of Europe;
- Relevant legislation is revised in line with the selected conventions;
- Requests for accession to these conventions are made.

Main national partners: Ministry of Foreign Affairs, relevant ministries and independent authorities.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)

Recent constitutional changes in Kazakhstan (2017) suggest that the authorities are ready to reconsider the distribution of powers between the different institutions and to modernise their respective public administrations.

These changes provide a unique opportunity to assist Kazakhstan in conducting reforms in line with international standards, notably in the field of the rule of law. The Venice Commission has a key resource in this field – The Rule of Law Checklist, adopted in 2016, which provides a comprehensive list of criteria suitable for use as a reference in conducting reforms by the countries of the region.

The Venice Commission was one of the first organisations to initiate targeted co-operation on rule of law issues with the countries of Central Asia. Since 2007 the Venice Commission has established good co-operation with the national institutions of Kazakhstan, in particular in the context of several projects, with funding provided by the European Union and some member States.

Kazakhstan has been a full member of the European Commission for Democracy through Law (Venice Commission) since 2012. The Constitutional Council of Kazakhstan is a member of the World Conference on Constitutional Justice.

In 2007-2017, the Venice Commission prepared several opinions at the request of the national authorities of Kazakhstan (see Appendix V for the full list). For example, the Venice Commission adopted opinions on amendments to the Constitution of Kazakhstan, on the draft law of the Republic of Kazakhstan on administrative procedures (both documents adopted in March 2017) and on the draft Administrative Procedure and Justice Code (2018).

Following the opinions prepared by the European Commission for Democracy through Law (Venice Commission), future action will be based on previous recommendations made by the Venice Commission and developed under earlier assistance projects (see also section 3.3.1 below):

- 2009 – 2011 “Rule of law project” (funded by the EU and Germany);
- 2011 – 2012 “Support to the electoral process in Kazakhstan” (funded by the EU);
- 2012 -2014 “Supporting Constitutional Justice, access to justice and electoral reform in the countries of Central Asia” (funded by the EU);
- 2012 – 2014 “Equal before the law: access to justice for vulnerable groups” (funded by Finland).

The proposed Council of Europe action will not only provide institutional support but also tackle crucial human rights issues (such as access to justice, the right to a fair trial, etc.), which are essential for the rule of law.

Overall objective: National counterparts are enabled to reform the national legal systems, state institutions and the judiciary.

Expected Results :

- The constitutional reform process is supported;
- An in-depth analysis of existing legislation in the field of public administration reform, the regulatory framework and institutional/operational systems is available to all major stakeholders;
- New legislation in the field of administrative law and justice, including the reform of public administration and alternative dispute resolution (ADR) is prepared and ready for implementation;
- The efficiency of representatives of public administration and the judiciary is enhanced.

Main national partners : Constitutional Court, Supreme Court, High Judicial Council, relevant constitutional authorities.

2.2.3 COUNTERING THREATS TO THE RULE OF LAW

ACTION AGAINST ECONOMIC CRIME

While most of the regulatory and strategic framework in the field of combating economic crime in Kazakhstan has been formally put in place, there are still a number of areas where operationalisation is necessary and effectiveness needs to be enhanced. One of these is effective implementation of the National Anti-Corruption Strategy and its monitoring tools. Another area where action by the Kazakh authorities needs to be stepped up is the operationalisation of an effective asset declarations regime. At the level of government agencies, where ethics officers have been appointed to ensure implementation of anti-corruption norms, assistance is needed to enhance their efficiency mainly through capacity building.

The capacities of law enforcement authorities to tackle corruption and economic crime are supported through two training academies coming under the General Prosecutor’s Office and the Academy of Public Administration under the President of the Republic of Kazakhstan. According to the authorities the training programmes offered by these institutions require further enhancement and specialisation to reflect new and emerging threats in the areas of economic crime, cybercrime and terrorism.

Recovery of criminal assets and international co-operation are major priorities for Kazakhstan. In this regard, the Kazakh law enforcement authorities have expressed considerable interest in further engagement with the Council of Europe in the framework of its conventions and co-operation mechanisms.

In the anti-money laundering field, Kazakhstan is experiencing many of the same issues as neighbouring countries and European states, in particular ineffective interagency co-ordination and a lack of feedback between competent authorities. Difficulties exist in the area of risk identification and management at the national level as well as at the level of financial institutions and designated non-financial businesses and

professions (DNFBPs), which require awareness-raising and outreach. Reinforcement of the capacities of the Financial Intelligence Unit (FIU) through tailored specialised training is necessary in light of its leading role in analysing financial flows and suspicious transactions in the financial sector. The Council of Europe action in this field will help address these issues.

Kazakhstan has undertaken a number of high-level policy and co-ordination initiatives with a view to promoting business integrity, in particular through the Anti-Corruption Charter for Entrepreneurs. This high-level document has set out a comprehensive framework which would benefit from further operationalisation and implementation as per the recommendations of the international community and the measures foreseen in the Charter itself. General awareness-raising and specific methodological support in this field would be beneficial. The work of promoting business integrity needs to be placed in the context of the existing system for protecting the rights of entrepreneurs where the Ombudsman and the Association of Entrepreneurs have already achieved good results. New anti-corruption legislation has also extended whistle-blower responsibilities to the private sector. It is therefore necessary to ensure that whistle-blower channels and protection mechanisms are properly operationalised, taking into account the specificities of the private sector.

Overall objective: To enhance the effectiveness of anti-corruption, anti-money laundering and asset recovery systems and to promote business integrity and compliance in the private sector in Kazakhstan.

Expected outcomes :

- **Mechanisms and authorities' capacities to prevent corruption are improved;**
- **The capacities of law enforcement authorities to tackle corruption, money laundering and economic crime are enhanced;**
- **The national system for combating money laundering and terrorism financing is strengthened;**
- **Business integrity practices and the protection of the rights of entrepreneurs are promoted.**

Main national partners : Administration of the President, General Prosecutor's Office, Agency for Civil Service Issues and Countering Corruption, National Anti-corruption Bureau, National Security Committee, Financial Monitoring Committee of the Ministry of Finance, advisory bodies, National Chamber of Entrepreneurs, Business Ombudsman.

2.3 DEMOCRACY

2.3.1 DEMOCRATIC GOVERNANCE

In the field of democratic governance, the Council of Europe will work mostly through the European Commission for Democracy through Law (Venice Commission) (this will complement the actions envisaged in 2.2.2 above).

The Venice Commission, at the request of the national authorities, will provide legal opinions on the draft laws of Kazakhstan relating to the electoral process. These opinions will be followed by activities such as conferences to explain the recommendations made by the Venice Commission.

The Council of Europe will also support the election observation missions of the Parliamentary Assembly of the Council of Europe (PACE) in respect of the presidential elections in Kazakhstan (2020). Members of the Kazakh Central Electoral Commission will be able to participate in the European Conferences of Electoral Management Bodies.

In the framework of a regional action, seminars on freedom of association will be organised in Kazakhstan.

Overall objective: To improve the electoral process in Kazakhstan

Expected outcomes :

- National legislation relating to the electoral process is aligned with European standards following recommendations made by the Venice Commission;
- The capacities of national partners, in particular the Central Electoral Commission, to implement the revised legislation are raised;
- National authorities' and civil society's awareness of the European standards relating to freedom of association is raised.

Main national partners : Central Electoral Commission, line ministries and institutions, civil society.

3. IMPLEMENTATION

3.1 METHODOLOGY

The overall co-ordination of the technical co-operation implemented by the Council of Europe comes 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 whilst ensuring the proper functioning of the Council of Europe Offices in the field.

Projects in respect of Neighbourhood Co-operation Priorities are implemented by the Major Administrative Entity of the Council of Europe responsible for the relevant area of expertise. The Council of Europe's Office in Kazakhstan (once established) will play a key role in co-ordinating and supporting the implementation of the projects in Kazakhstan and in the Central Asian region.

The implementation of projects in respect of Neighbourhood Co-operation Priorities 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, aims to reinforce ownership by national stakeholders and to ensure the sustainability of the outcomes.

In addition, the co-operation conceived by the Council of Europe follows a "multi-institutional approach", which allows different Council of Europe institutions and bodies to target governmental stakeholders, parliaments, independent governance institutions such as the Ombudsman, 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's Gender Mainstreaming Toolkit for Co-operation Projects . The gender mainstreaming approach will be clarified when the actions associated with the Neighbourhood Co-operation Priorities are developed, but it will already be applied to certain 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 equality between women and men will also be incorporated into training activities and programmes. The impact of gender issues will be analysed when projects are designed and implemented. In addition to gender mainstreaming, specific actions will be considered in order to promote equality between women and men.

Furthermore, the implementation of the Neighbourhood Co-operation Priorities will seek to contribute to the Sustainable Development Goals of the United Nations (UN SDGs). Particular emphasis will be placed on contributing to SDG 5, "Achieve gender equality and empower all women and girls", and SDG 16, "Promote just, peaceful and inclusive societies" (including target 16.A, "Strengthen relevant national institutions, including through international co-operation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime", and target 16.B, "Promote and enforce non-discriminatory laws and policies for sustainable development"). Additionally, the Action will seek to achieve objectives 7, "Girls and women free from all forms of violence against them (VAWG) both in the public and in the private sphere", and 17, "Equal rights and ability for women to participate in policy and governance processes at all levels", of the EU Gender Action Plan 2014-2020. For example, the Action will advocate (a) HELP courses on women's rights (access to justice for women/violence against women) and (b) increased

female participation in capacity building activities which will be organised – as far as possible – with an approach to work-life balance that fosters women’s participation.

Similarly, the Organisation promotes the active participation of civil society in co-operation activities, in accordance with its Guidelines for the participation of civil society organisations in Council of Europe co-operation activities and the recommendations made at the conference “Co-operation Priorities for Good Governance: promoting co-operation with civil society”.

The present Neighbourhood Co-operation Priorities also take into account the lessons learned during the implementation of the co-operation established with Kazakhstan since 2014:

- The project implementation environment in Kazakhstan is very different from that found in other countries that the Council of Europe is used to working with, not least due to the complex context of the host culture and limited infrastructure (in particular in the regions);
- The country is characterised by a highly centralised executive-dominated system and this is reflected in the functioning of state institutions including those pertaining to the justice system, which makes bringing about change more challenging;
- This also impacts the implementation of co-operation activities since it results in lengthy decision-making processes within the Administration (co-ordinated by the Ministry of Foreign Affairs) leading to delays in implementation and regular revision of work plans;
- Application of Council of Europe administrative rules is challenging. If a project is implemented from headquarters, regular long-distance travel and the significant time difference with Strasbourg are detrimental to the efficiency and effectiveness of implementation;
- It is vital to maintain regular contacts with the national authorities and other international players in the field so as to ensure complementarity of action.

As in the case of other co-operation frameworks :

- The Council of Europe human rights approach to technical assistance is an important element of co-operation;
- Long-term technical assistance aiming for comprehensive reforms requires prospects of sustainable funding and effective co-ordination mechanisms between the national and international partners;
- Neighbourhood Priorities funding also allows a degree of flexibility for allocating funds where they are the most needed.

Due to the nature of its mandate, the Council of Europe at times has to operate in complex and unstable environments which expose it to risks. The risks relevant to the implementation of the Neighbourhood Co-operation Priorities as well as possible mitigation strategies are identified in Appendix II of the present Neighbourhood Co-operation Priorities on the basis of the Council of Europe risk management guidelines.

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 in areas where the Council of Europe has strong expertise and can contribute added value. Joint co-operation with the Kazakh authorities is being developed based on 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.

Regular co-ordination meetings take place with relevant international partners, in particular the European Union (EU) and the EU Delegation in Kazakhstan.

The Council of Europe co-ordinates very closely with other relevant international partners - the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE). To ensure efficiency and avoid overlapping of activities, the Council of Europe also co-ordinates with all other relevant players active in the field of justice and human rights protection, including Penal Reform International (PRI), the American Bar Association, European Association of Lawyers (AEL-EAL), the International Bar Association, German Foundation for International Legal Co-operation (IRZ), and the World Bank by organising joint events. The Council of Europe co-operates with international civil society organisations by involving them in programme activities as participants and national experts, in particular with the Coalition Against Torture, the Union of Crisis Centres, the Eurasia Foundation of Central Asia and the Kazakhstan International Bureau for Human Rights and the Rule of Law.

The Council of Europe also maintains close contact with the development agencies of the Organisation's member States.

3.3 FUNDING

The overall budget of the Neighbourhood Co-operation Priorities is approximately €3 million.

Projects in respect of the Neighbourhood Co-operation Priorities are to be funded from multiple sources. Funding will be provided mainly through voluntary contributions (VC) from donor countries and international organisations, including the European Union (EU)/Council of Europe. On the basis of on-going negotiations relating to various Joint Programmes (JPs),⁵ it is estimated that around €1.5 million could be financed by the EU.

Co-ordination of the implementation of the Neighbourhood Co-operation Priorities is carried out under a general management costs budget amounting to not more than 7% of the Neighbourhood Co-operation Priorities' direct costs.

In line with the Council of Europe resource mobilisation strategy, the fundraising efforts co-ordinated by Office of the Directorate General of Programmes (ODGP) are focused on the Neighbourhood Co-operation Priorities as a whole.

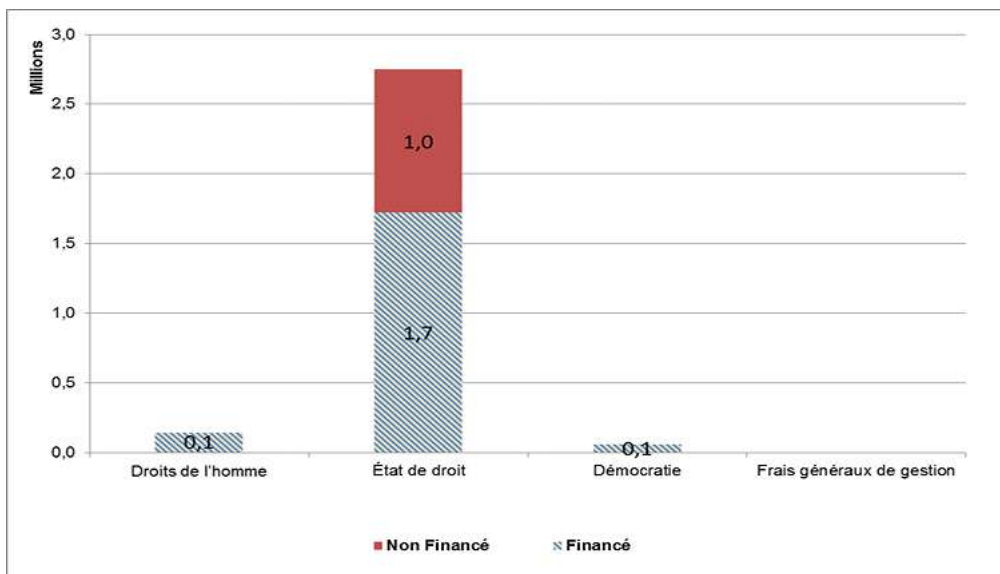


Figure 2: Estimated budget per theme of the Neighbourhood Co-operation Priorities with Kazakhstan 2019-2022

3.4 GOVERNANCE

The Committee of Ministers (CM) is responsible, through its GR-EXT, for overall assessment of the implementation of the Neighbourhood Co-operation Priorities.

⁵ Joint Programmes "Rule of Law programme for Central Asia" (2019-2022, 48 months) and "Support to targeted key actors and processes – regional human rights instruments and mechanisms, Component on Central Asia" (24 months).

The Council of Europe will provide regular updates on the progress and outcomes of the Neighbourhood Co-operation Priorities. 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 Neighbourhood Co-operation Priorities;
- a comprehensive mid-term Progress Review Report 24 months after the adoption of the Neighbourhood Co-operation Priorities;
- a final Progress Review Report upon completion of the implementation of the Neighbourhood Co-operation Priorities.

Progress made under the Neighbourhood Co-operation Priorities will also be jointly assessed by the Council of Europe and the Kazakh authorities. For this purpose, a Neighbourhood Co-operation Priorities Steering Committee will be established, composed of representatives of the Ministry of Foreign Affairs and other national stakeholders involved in the implementation of the Neighbourhood Co-operation Priorities as well as representatives of the Council of Europe.

This Steering Committee will assess the implementation of the projects, discuss future co-operation and challenges encountered and recommend any measures to improve the effectiveness of the Neighbourhood Co-operation Priorities.

In addition, ODGP will address annual reports on the Neighbourhood Co-operation Priorities to those donors contributing at the level of the Neighbourhood Co-operation Priorities, in line with reporting requirements.

Neighbourhood Co-operation Priorities contacts
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4 APPENDICES

APPENDIX I: LOGFRAME

Gender equality and civil society participation in decision-making (cross-cutting issues):

- 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 in decision making is promoted by the Organisation in line with the Guidelines on Civil Society Organisations' participation.

Impact: The rule of law, good governance, democracy and human rights in Kazakhstan, in accordance with European and other international standards are reinforced

Human rights	
Thematic result: European human rights standards are promoted at the national level in Kazakhstan	
Results	Indicators
1.1. PROTECTING HUMAN RIGHTS <ul style="list-style-type: none"> • Legal professionals throughout the Central Asian region acquire enhanced knowledge of European human rights standards through the HELP methodology 	<ul style="list-style-type: none"> • Level of knowledge of European human rights standards among legal professionals (through HELP methodology).
Rule of law	
Thematic result: the Rule of Law system in Kazakhstan is enhanced	
Results	Indicators
2.2.1 ENSURING JUSTICE <ul style="list-style-type: none"> • The laws and policies pertaining to justice are brought into line with European standards thanks to the legislative expertise contributed by Council of Europe experts; • The professionalism of judges in the regions of Kazakhstan is improved; • Access to justice is improved; • Alternative dispute resolution mechanisms are strengthened; • The quality of services delivered to the population, including free legal aid, is improved. 	<ul style="list-style-type: none"> • Number of draft laws adopted by the national Parliament; • Number of Council of Europe recommendations implemented; • Quality of legal aid services provided to the population.

2.2.2 STRENGTHENING THE RULE OF LAW

- Awareness is progressively raised regarding the benefits of a common legal area between Europe and Central Asia based on key Council of Europe conventions open to non-member states and other international standards;
- National authorities are well-familiar with the range of conventions available for signature and ratification by non-member states of the Council of Europe;
- Requests for accession to these conventions are made.
- In-depth analysis of the existing legislation, the regulatory framework and institutional/operational systems is available to all major stakeholders;
- The new legislation in the field of administrative law and justice, including the reform of public administration and ADR is prepared and ready for implementation;
- The constitutional reform process is supported; and
- Representatives of public administration and the judiciary gain in efficiency.

- Level of knowledge and ability to use international standards by national public administrations, judiciary and legal professionals in their daily work;
- Number of conventions in which the beneficiaries expressed clear interest to participate;
- Number of Working Groups on Council of Europe conventions with Ministry of Foreign Affairs (MFA) and line ministries established
- Number of draft laws submitted to the Venice Commission for an opinion;
- Number of draft laws adopted by the national parliament;
- Number of stakeholders with access to the in-depth analysis.

2.2.3 COUNTERING THREATS TO THE RULE OF LAW

- Business integrity practices and protection of the rights of entrepreneurs are promoted;
- Mechanisms and the authorities' capacities to prevent corruption are improved;
- The capacities of law enforcement authorities to tackle corruption, money laundering and economic crime are enhanced;
- The national system to combat money laundering and terrorism financing is strengthened.

- Number of benchmarks established for protection of rights of entrepreneurs;
- Number of international co-operation and asset recovery requests on corruption and economic crime cases.

Democracy

Thematic result: principles of democratic governance, in particular relating to the electoral process, are promoted.

Results	Indicators
<p>3.3.1 DEMOCRATIC GOVERNANCE</p> <ul style="list-style-type: none"> • National legislation relating to the electoral process and the use of new technologies in elections is aligned with European standards following recommendations by the Venice Commission; • National partners' capacities to implement the revised legislation are raised; • Awareness of the national authorities and NGO representatives concerning European standards relating to freedom of association is raised. 	<ul style="list-style-type: none"> • Number of draft laws submitted to the Venice Commission for an opinion; • Number of draft laws adopted by the national parliament.

APPENDIX II: RISK REGISTER

Scenarios	Mitigation strategies
Risks associated with the political context	
<ul style="list-style-type: none"> • Political instability in various forms, resulting in changes of government and also military or other conflicts. 	<ul style="list-style-type: none"> • The Council of Europe has significant experience of working in environments where there are risks of political and economic instability. This results in a risk assessment that is manageable, except in extreme situations; • Maintain contact at the highest level in order to discuss the political situation in the region and especially in Kazakhstan; • Make the target groups aware of the importance of implementing European standards; • Promote constant dialogue with the authorities, members of parliament (MPs) and civil society; • Examine risk mitigation strategies with international partners (especially the European Union); • Monitor the country's situation closely and adapt the activity timetable.
<ul style="list-style-type: none"> • Insufficient political will to carry out reforms. 	<ul style="list-style-type: none"> • Ensure motivation; • Build ownership of programme results.
<ul style="list-style-type: none"> • Change in the political context or leadership, decline in the authorities' interest to implement the actions, authorities' unwillingness to proceed with concrete and specific activities. 	<ul style="list-style-type: none"> • Most of the activities will be implemented in close co-operation with administrative staff to ensure institutional memory, programme ownership and continuity; • Provide strategic advice.

Risks associated with programme/project implementation	
<ul style="list-style-type: none"> • Lack of consensus between international partners with regard to the priorities and scope of programmes; • The mechanisms for co-ordination with national and international partners are not effective enough to prevent overlaps and create synergies between programmes; • Limited operational capacity of the Council of Europe; • Gender stereotypes have a negative impact on the implementation of the project. 	<ul style="list-style-type: none"> • Focus on reviewing the legislative and regulatory frameworks and building capacity in this area; • Increase the number of joint activities involving international partners with whom projects are already being co-ordinated – in order to convey a stronger joint message, promote greater economic efficiency and increase acceptance of reforms; • Careful communication on gender issues, hiring gender experts to check materials and propose new wording.
<ul style="list-style-type: none"> • Lack of engagement in the project. 	<ul style="list-style-type: none"> • The local presence will be instrumental in guaranteeing constant day-to-day contact with beneficiaries in all beneficiary states. The presence of local consultants will be ensured by the Programme team in all 5 jurisdictions, with one jurisdiction serving as the main regional hub.
<ul style="list-style-type: none"> • Delays or postponement of implementation of some programme activities due to beneficiaries' workload. 	<ul style="list-style-type: none"> • Revise Programme plans; • Continue implementation when possible.
<ul style="list-style-type: none"> • The authorities are not willing to request legal opinions from the Venice Commission. 	<ul style="list-style-type: none"> • Work with the authorities by explaining the procedures and impact.
<ul style="list-style-type: none"> • The recommendations of the Venice Commission are not followed and/or the quality of amendments is poor. 	<ul style="list-style-type: none"> • Organise follow-up activities with a wide range of actors to explain the Venice Commission recommendations.
<ul style="list-style-type: none"> • Duplication of work with other international organisations present in the field. 	<ul style="list-style-type: none"> • Liaise with the international organisations present in the field to inform them of forthcoming activities; • Co-organise activities with the organisations active in certain areas; • Become part of the co-ordination mechanism to exchange information on planned and on-going programme activities.

<ul style="list-style-type: none"> • Sensitivity of some topics covered by the HELP catalogue of courses; Adequate national tutors; Prompt and good quality of translations in national languages. 	<ul style="list-style-type: none"> • The Council of Europe will work closely with partners on the selection of HELP courses in line with the needs and context of targeted countries; • The field team will support partners during the selection of tutors and obtain advice to select translation services providers.
Operational risks	
Risks associated with communication	
<ul style="list-style-type: none"> • Lack of knowledge, among the main national and international partners, the target groups and the population as a whole, of the Council of Europe's contribution to the reforms under way in the country; • Confusion between the Council of Europe and the European Union. 	<ul style="list-style-type: none"> • Widen the scope of communication activities in order to provide professional groups, international partners and the general public with information about the Council of Europe's contribution to the reforms (including through regular updating of the website and the distribution of newsletters); • Give each programme its own communication strategy in order to encourage the main stakeholders to take an interest in the Organisation's activities; • Apply the visibility rules agreed between the European Union and the Council of Europe in the implementation of joint programmes.
Risks associated with human resources	
<ul style="list-style-type: none"> • Lack of training for local staff; • Competition with other international organisations to recruit locally. 	<ul style="list-style-type: none"> • Increase training opportunities for local staff; • Continue discussions within the Council of Europe on possible ways of making the Organisation more competitive in local recruitment; • Anticipate recruitment procedures as far as possible.

Risks associated with financial aspects	
<ul style="list-style-type: none"> • Lack of absorption capacity of partners in Kazakhstan. 	<ul style="list-style-type: none"> • Step up efforts to increase co-ordination between actors and with donors; • Allocate funds to programmes with added value; • Continue to respond to and take account of comments from partners and donors in order to improve design, implementation, results-based monitoring and reporting practices to attract and retain donors.
Risks associated with security and logistics	
<ul style="list-style-type: none"> • Limited accessibility of some areas of the country due to logistical difficulties. 	<ul style="list-style-type: none"> • Monitor security risk management measures in co-ordination with other international organisations working in these regions.

APPENDIX III: FINANCIAL TABLE

(All amounts in Euros)

Sectors	Total budget	Funded EU (with Council of Europe co-funding)[1]	Funded VC	Unfunded
Human rights	140 000	140 000	0	0
1. Protecting Human Rights	140 000	140 000	0	0
2. Promoting Human Rights and Dignity	0	0	0	0
3. Ensuring Social Rights	0	0	0	0
Rule of Law	2 750 000	1 250 000	0	1 500 000
1. Ensuring Justice	1 500 000	0	0	0
2. Strengthening the Rule of Law	470 000	470 000	0	0
3. Countering Threats to the Rule of Law	780 000	780 000	0	0
Democracy	60 000	60 000	0	0
1. Strengthening Democratic Governance and Fostering Innovation	60 000	60 000	0	0
2. Promoting participation and diversity	0	0	0	0
General management costs	140 000	0	0	140 000
Unearmarked (not-yet-allocated)				
TOTAL	3 090 000	1 450 000	0	1 640 000

[1] Estimates based on on-going negotiations of the Joint Programmes “Rule of Law programme for Central Asia” (2019-2022, 48 months) and “Support to targeted key actors and processes – regional human rights instruments and mechanisms, Component on Central Asia” (24 months).

APPENDIX IV: ACCESSION STATUS OF KAZAKHSTAN TO THE RELEVANT CONVENTIONS AND PARTIAL AGREEMENTS OF THE COUNCIL OF EUROPE

1. Participation in Conventions

Accession		Entry into force for Kazakhstan
ETS 018	European Cultural Convention	05/03/2010
ETS 127	Convention on Mutual Administrative Assistance in Tax Matters as amended by the 2010 Protocol	01/08/2015
ETS 141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime	01/01/2015
ETS 165	Convention on the Recognition of Qualifications concerning Higher Education in the European Region	01/02/1999

2. Enlarged Agreements, Enlarged Partial Agreements, Partial Agreements

Title	Status
European Commission for Democracy through Law (Venice Commission)	Member Since March 2012
Convention on the elaboration of a European Pharmacopoeia	Observer Since 2006
Invitations to accede	
Group of States against Corruption (GRECO)	Since December 2013

3. Participation in Steering and ad hoc Committees

Type	Committee name	Status
Ad hoc	European Social Cohesion Platform	Participant
Ad hoc	Consultative Council of European Prosecutors	Participant
Ad hoc	Steering Committee for Educational Policy and Practice	Member
Ad hoc	Ad hoc European Committee for the World Anti-Doping Agency	Member
Steering Committee	European Steering Committee for Youth	Member
Ad hoc	Advisory Council on Youth	Member
Ad hoc	Joint Council on Youth	Member
Steering Committee	Steering Committee for Culture, Heritage and Landscape	Member
Steering Committee	European Committee of Pharmaceuticals and Pharmaceutical Care (Partial Agreement)	Participant
Steering Committee	European Committee on Blood Transfusion (Partial Agreement)	Participant
Steering Committee	European Committee on Organ Transplantation (Partial Agreement)	Participant
Steering Committee	Committee for Food Contacts Materials and Articles (Partial Agreement)	Participant
Steering Committee	Committee for Cosmetics and Consumer Health	Participant

4. Participation in Committees established by a Convention

Committee name	Status
Standing Committee on Transfrontier Television	Observer
Monitoring Group of the Anti-Doping Convention	Observer
Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches	Observer
Committee of the Council of Europe/ United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Recognition of Qualifications concerning Higher Education in the European Region	Contracting Party
European Network of National Information Centres on Academic Mobility and Recognition	Observer
Multilateral Consultation Meeting on the Implementation of the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access	Observer
Standing Committee on the European Convention for the Protection of the Audiovisual Heritage	Observer

5. Participation in Consultative Bodies

Consultative Body	Status
Consultative Council of European Prosecutors (CCPE)	Observer
Consultative Council of European Judges (CCJE)	Observer
European Commission for the Efficiency of Justice (CEPEJ)	Observer

APPENDIX V: FULL LIST OF OPINIONS ADOPTED BY THE VENICE COMMISSION

- **CDL-AD(2018)020**
Kazakhstan - Opinion on the Administrative Procedure and Justice Code, adopted at the 116th Plenary session (Venice, 19 -20 October 2018)
- **CDL-AD(2017)010**
Kazakhstan - Opinion on the amendments to the Constitution of Kazakhstan, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017)
- **CDL-AD(2017)008**
Kazakhstan - Opinion on the draft law of the Republic of Kazakhstan on administrative procedures, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017)
- **CDL-AD(2016)013**
Republic of Kazakhstan - Opinion on the Draft Code of Judicial Ethic, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016)
- **CDL-AD(2011)012**
Joint Opinion on the constitutional law on the judicial system and status of judges of Kazakhstan adopted by the Venice Commission at its 87th Plenary Session (Venice, 17-18 June 2011)
- **CDL-AD(2009)058**
Amicus Curiae Brief on the Interpretation of the Kazakh Constitution concerning the participation in the Customs Union within the Euro-Asian Economic Community for the Constitutional Council of Kazakhstan endorsed by the Venice Commission at its 81st Plenary Session (Venice, 11-12 December 2009)
- **CDL-AD(2007)020**
Opinion on the possible reform of the Ombudsman Institution in Kazakhstan adopted by the Venice Commission at its 71st Plenary Session (Venice, 1-2 June 2007)
- **CDL-AD(2007)020**
Opinion on the possible reform of the Ombudsman Institution in Kazakhstan adopted by the Venice Commission at its 71st Plenary Session (Venice, 1-2 June 2007) (in Russian)

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

