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Joint First and Second Rounds Evaluation

Summary of the Second *interim* Compliance Report on Belarus

Adopted by GRECO
at its 77th Plenary Meeting
(Strasbourg, 16-18 October 2017)

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

The Joint First and Second Round Evaluation Report on Belarus was adopted by GRECO at its 56th Plenary Meeting (June 2012) and the authorities were invited to authorise, as soon as possible, its publication, to translate it into the national language and to make the translation public. At its 62nd Plenary Meeting (December 2013), given the absence of an authorisation from the authorities of Belarus to publish the entire Evaluation report, GRECO decided that a summary would be made public on 3 February 2014 ([Greco Eval I/II \(2013\) 1E](#)) pursuant to Rule 35 paragraph 2 of the [Rules of Procedure](#).

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

Subsequently, the first *interim* Compliance Report was adopted at the 68th plenary meeting (June 2015). GRECO concluded that the level of compliance was still very low and remained “globally unsatisfactory”. It also invited the authorities to make the document public under the same terms as above. At its 76th meeting (May 2016), the Bureau noted, with particular concern, that Belarus had still not authorised the publication of the above reports including the most recent *interim* report. A summary of the *interim* compliance report was adopted by the plenary at its 72nd meeting (1 July 2016) and subsequently published on 1 September 2016 ([GrecoRC1-2\(2016\)2](#)).

At the above 72nd meeting, GRECO also adopted the second *interim* compliance report, which concluded that the level of compliance remained “globally unsatisfactory”. The authorities were invited to authorise publication. At its 77th meeting (16-18 October), GRECO decided that this summary of the second *interim* Compliance Report would be made public on 30 November 2017 in the absence of authorisation by the authorities to publish the said report in full.

As a result of the above decision, the following thus contains the conclusions from the Joint First and Second Rounds second *Interim* Compliance Report on Belarus¹:

109. In view of the above, GRECO notes that no progress has been achieved by Belarus. In total, there are still only four of the twenty-four recommendations which have been implemented satisfactorily.

110. Recommendations i, ii, x, xix, xx, xxi and xxiv remain partly implemented, and recommendations iii, iv, v, viii, ix, xi, xii, xiii, xv, xvi, xvii, xviii and xxii remain not implemented.

¹ GrecoRC1-2(2016)1

111. GRECO could reiterate almost word for word the detailed conclusions contained in the first interim compliance report. The fact is that despite some punctual new developments, these are usually not conclusive enough to warrant an upgrading of the conclusions concerning individual recommendations. For instance, legal amendments have been made to allow as from January 2016 for the participation of independent non-governmental organisations in the works of the main coordinating body responsible for anti-corruption policies; but there is no evidence as yet of such actual involvement. A new anti-crime and anti-corruption programme is being prepared (for the period 2016-2018) but it remains unclear whether preventive policies are adequately taken into account and addressed, as it was recommended. Some measures have been taken to limit the responsibility of the executive in the selection of judges but these remain insufficient. Amendments to the Code on the judicial organisation are being drafted but the work is still at an early stage; similarly, the reform of the civil service legislation did not bring any change up to now since the process was suspended. New amendments to the law on the fight against corruption came into force on 24 January 2016 but it does not address certain gaps which had been pointed out in the Evaluation Report concerning gifts and other benefits for public officials. New measures on rewards and physical protection for informants were introduced in July 2015 and February 2016; these are certainly welcome but they fall short of protective measures concerning the employment relationship and daily work of whistleblowers in the public sector.

112. Under the circumstances described above, GRECO must conclude once again that the current very low level of compliance with the recommendations remains “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. Therefore, in accordance with Rule 32 paragraph 2(i) of its Rules of Procedures, it asks the Head of the Belarusian delegation to provide a report on progress in implementing the outstanding recommendations (i.e. all recommendations except recommendations vi, vii, xiv and xxiii) as soon as possible, however – at the latest – by 30 April 2017.

113. In accordance with Rule 32, paragraph 2 subparagraph (ii) c) GRECO invites the Secretary General of the Council of Europe to send a letter to the Minister of Foreign Affairs of Belarus, drawing his attention to non-compliance with the relevant recommendations, and the need to take determined action with a view to achieving tangible progress as soon as possible.

114. GRECO wishes to reiterate that by its practice of not authorising the publication of the Evaluation Report and the subsequent reports in the compliance procedure, Belarus is preventing a broader range of domestic stakeholders to play an active role in the more effective implementation of the outstanding recommendations. This approach runs counter GRECO's established practice of ensuring utmost transparency of the process.

115. GRECO therefore urges the authorities of Belarus to authorise, as soon as possible, the publication of this second Interim Compliance Report as well as the related Evaluation Report, Compliance Report and first Interim Compliance Report, to translate them into the national language and to make the translations public.