



Платформа верховенства права  
Центральная Азия

Rule of Law Platform  
Central Asia

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## **Recommendations of the EU-CA Rule of Law Regional Seminar on “The Right to a Fair Trial”**

**Bishkek, 4-5 April, 2013**

Participants welcomed the presentations made during the regional seminar, addressing issues related to access to justice and the right to a fair trial. The European Union has put emphasis on supporting the efforts of the Central Asian countries of introducing international standards of the fair trial to Criminal Procedure. A constructive dialogue took place during the seminar with the relevant authorities, civil society and all parties engaged in the framework of the EU Central Asia Rule of Law Initiative.

Exchanges of experience on Criminal Procedure took place on the perspectives of development of Criminal Justice in Central Asia taking into account European experience, and especially on the best practices on pre-trial proceedings and rights of defence.

Following up the implementation of the Third Joint Ministerial Communiqué in the area of Criminal Justice which recommended “to elaborate a programme of professional education and further training of judiciaries“, “sharing of comparative law information especially in drafting of criminal legislation”, the participants to the seminar elaborated recommendations in the area concerned.



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The participants recommended the following:

1. The long-term importance and relevance of recommendations of the "Rule of Law Platform" for the countries of Central Asia with respect to the "Right to a Fair Trial" is emphasized. To this aim, the countries of Central Asia confirmed their interest to cooperate with the "Rule of Law Platform" and other similar initiatives in the development and implementation of training programs and professional development for judges, law enforcement systems in support of the "right to a fair trial."

2. To encourage cooperation and exchange in matters of criminal justice and in other legal matters, among the countries of Central Asia, and between the countries of Central Asia and the European Union Member States.

### I – Access to justice and public perception of the judicial system

3. To ensure the citizen's effective access to a tribunal, especially in the form of free legal aid for low income citizens.

4. To evaluate the awareness and perception of the justice system by the citizens of Central Asian countries, and their expectations concerning the evolution of their justice system, especially with respect to issues related to the fair trial.

5. To disseminate through a Government Internet portals the rules regulating the functioning of the justice system of their country, means of access to justice (including providing a map of existing judicial institutions), the procedural rights, the main caselaw of the Supreme Court, regularly updated statistics concerning the judicial system.

6. To consider the possibility of introducing indicators for evaluating the duration of the judicial process on civil and criminal matters, from the time of lodging of a complain until the time of enforcement of a court decision, and to keep statistics in relation thereto.

7. Existing practices and regulation limiting access of the public to the court buildings and courtrooms should be repealed, with the exception of the cases for which access is permitted according to national legislations and applicable international standards.



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## II – Principles of the fair trial

8. To focus the attention of the Central Asia countries on the need to comply with international standards, which entered into force in due course, in the implementation of the principles of the "fair trial" and their impact on the protection of the rights and interests of citizens, including on issues such as,

- Ensuring the conditions of access to a lawyer for persons under arrest,
- A system for controlling the activities of law enforcement agencies involved in criminal prosecution, including the issues of a suspect's arrest, length of detention, the way the investigation is conducted, the right to appeal of the decision to arrest or extend of arrest,
- Availability of the balance of rights between the prosecution and the defense at the pre-trial stage,
- Improvement of the adversarial mechanism at the trial stage,
- Providing opportunities for the right of the accused to judicial review of investigations, to obtain expert's clarification on the issues of his interest, as well as the right to invite witnesses on his request for a hearing;
- The parties to a trial should have an effective right to an interpreter in criminal as well as in administrative cases,
- Equal weight should be given to evidence presented by the public prosecutor and the defense,
- The parties should have a right to be tried within reasonable time,
- To envisage the introduction of jury trials for criminal law matters.

## III – Independence, status and liability of judges

9. To draw attention to the need to respect the independence of the judiciary, including through the establishment of objective criteria and mechanisms for selecting candidates for judges, to provide judges security of tenure, the conditions for the fair administration of justice, provision of judges with social and material guarantees.

10. To allocate the resources necessary for the proper functioning of the judicial system.



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11. To define procedures for distributing cases, such as an automated docket system.

12. To provide for legislation regulating the liability of judges. Disciplinary proceeding for judges should provide for a fair and transparent trial in accordance with international standards.

13. To develop and operate an objective evaluation system of the professional abilities of judges

#### IV - The legal profession

14. To strengthen the status of attorney, to strengthen the institution of the Bar in Central Asia, both in material and in procedural terms.

#### V – Reform of the legal education system, including the training of judges and attorneys

15. To provide assistance in the development and implementation of initial and continued training programs aimed at improving the qualification of lawyers and judges in the Central Asia states.

16. To provide for the introduction European Law in the curriculae of institutions of higher legal learning with the support of the European Union.

17. To assist in providing the translations of all relevant international norms and standards related to the “right to a fair trial” to the languages used by the Central Asian states, with the support of the European Union.

18. To provide to the judges and attorneys of Central Asia the opportunity to intern in French and German courts/law firms.



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