

EU – Central Asia Rule of Law Initiative

**Fourth Conference of Ministers of Justice
of the European Union and Central Asian Countries**

Astana, 14-15 October 2014

Joint communiqué

The Ministers of Justice of the European Union and Central Asian countries,

Aware of the importance of strengthening the rule of law as an essential condition for the development of a stable political framework, good governance and democratisation, effective functioning of judicial structures and upholding, support and protection of human rights,

Convinced of the compelling importance to pursue and further implement the European Union Strategy for a New Partnership with Central Asia adopted by the European Council on 21 June 2007 and building upon the Progress Report on the implementation of the EU Strategy for Central Asia with an Implementation Review and outline for Future Orientations adopted by the Foreign Affairs Council on 25 June 2012,

Reconfirming the priority areas of co-operation of legal reforms and reform of judicial system such as the independence of judicial system, access to law, criminal justice, the Habeas Corpus principle, constitutional law, administrative law, commercial jurisdiction and law, and transposition of norms of international agreements and legal training and their effective application, taking into account regional synergies as well as characteristics, needs and reforms of each Central Asian country,

Building upon the results and recommendations of the 1st Conference of Ministers of Justice of the European Union and Central Asia, held in Brussels on 27 and 28 November 2008, the 2nd Conference of Ministers of Justice of the European Union and Central Asia, held in Dushanbe on 14 and 15 June 2010¹, and the 3rd Conference of Ministers of Justice of the European Union and Central Asia, held in Brussels on 6 and 7 December 2012,

¹ Uzbekistan attended the 2nd Conference of Ministers of Justice of the European Union and Central Asia, as observer.

Taking into account the further implementation of the European Rule of Law Initiative for Central Asia and recognising the EU's support to Central Asian countries for the strengthening of the independence of their judicial systems,

Emphasising the importance of strengthening the Rule of Law, promoting legal reforms and conveying international standards of human rights, good governance and democracy,

Welcoming the strengthening of the cooperation and coordination between Central Asian countries and other international partners, especially the Council of Europe and the European Commission for Democracy through Law, as well as the donor community in general,

In agreement with the thematic priorities for bilateral and regional cooperation jointly defined by the European Union, the EU Member States and the countries of Central Asia,

1. *Welcome* the progress achieved since the inauguration of the European Rule of Law Initiative for Central Asia, which is contributing to building a relationship of trust between the countries of both regions and has stimulated a constructive co-operation in this crucial sphere,

2. *Take stock* of the strengthened cooperation in the areas of constitutional law, administrative law, criminal justice and judicial reform and endorse the recommendations adopted by the participants of the Regional Seminars on the “Right to a Fair Trial” (Bishkek, 4-5 April 2013), and on “Constitutional Law” (Helsinki, 17-18 September 2014), the National Workshops on support to the justice reforms of the Kyrgyz Republic (Bishkek, 9 December 2013), Tajikistan (Dushanbe, 5 March 2013) and Kazakhstan (Astana, 27 June 2014), and the meeting of the Working Group on Judicial Capacity (Brussels, 24 April 2014)²,

3. *Stress* the importance to develop an administrative procedural law, separated from the civil procedure, for resolving the public law disputes, to ensure the accountability of State entities and their agents towards citizens, and reform the laws governing the general administrative procedure as a key aspect for sustainable economic development and the improvement of the business climate. Support the development of administrative legislation and stress the need for its effective implementation to ensure legal security, notably for investments,

4. *Emphasise* the progress achieved since 2012 in the reform of criminal law and procedure, especially in the areas of pre-trial proceedings and effective right of defence, and reaffirm the importance of further cooperation in the implementation of these reforms with a view to making the criminal justice system more human.

Express their interest in improving access to law and justice, notably by providing legal aid, encouraging alternative methods of dispute resolution and ensuring the availability of laws and regulations, including by developing and disseminating legal commentaries, the wider availability of legal literature, raising people's awareness about their rights and increasing public trust in the judicial system ; introducing best practices in providing free legal aid to the public,

5. *Underline* the importance of developing a steady cooperation towards further reforming the legislation on the judiciary, prosecution and other related areas, as well as the compelling need to uphold, support and protect the fundamental rights and freedoms enshrined in their constitutions and in international conventions, notably with the assistance of the Venice Commission of the Council of Europe, by building on the results of current cooperation programmes and activities with Central Asian partners and exploring, as appropriate, further avenues of cooperation. Take note with interest of the orientations proposed in this respect by the Council of Europe during the Conference,

6. *Underline* the need to foster cooperation for increasing judicial capacity and accountability of all institutions, entities and personnel, based on a transparent application of Rule of Law principles in Central Asia taking into account European practices and experiences, generalising the use of IT procedures for case management, further specialising judges, rationalising the organisation of courts, as advocated by the working group on Judicial capacity,

7. *Underline* the need to consolidate the status, organisation, professionalism and independence of the legal and judicial professions, developing governance rules, ethical standards, standards for accessing these professions and fighting corruption,

8. *Underline* the need to develop, in a systematic way, programmes of initial and on-going vocational training of the judiciary in the area of decision drafting, methodology, execution of court decisions, and sharing of comparative law information and best practices,

² Uzbekistan attended the meeting of the Working Group on Judicial Capacity, as observer.

9. *Stress* the paramount importance of the economy's regulatory environment of economic relations environment for business, as an integral part of the Rule of Law. Note that international investment may only develop if a stable level-playing field is established for business activities, including amongst other regulations and practices, enforcement of contracts and property rights, tax and trans-border trading regulations,

10. *Express their determination* to forge a close partnership with a view to fostering exchanges of experience in the legal and judicial sphere, based on current projects and support platform, and further developing new, practical projects designed to strengthen cooperation between the European Union and Central Asia,

11. *Emphasise* the importance of exchanges of experience and expertise, creating closer links between academic and professional legal institutions in the EU and Central Asia, increasing cooperation between the Ministries of Justice and specialised agencies, taking account of the regional synergies as well as of the reforms and needs of each Central Asian country,

12. *Emphasise* the importance of legal education by academic institutions and inclusive training of all legal professionals, strengthening of bi-lateral cooperation between legal educational institutions to which the EU Education Initiative could also contribute,

13. *Express their readiness* to organise national seminars and regional thematic conferences in Central Asia in 2015-2016, with a view to stepping up the constructive dialogue on Rule of Law issues, as a follow-up to this Ministerial Conference,

14. *Decide* to meet again in Europe in 2016 to discuss the progress made in the implementation of the EU-Central Asia Rule of Law Initiative, review cooperation activities, and establish further priorities and modalities to step up the implementation of the Rule of Law Initiative during the next period,

15. *Thank* the Republic of Kazakhstan for its warm hospitality and its dedicated support in organising this Conference.