

## **Recommendations of the EU-CA Rule of Law Regional Seminar on "Judicial Capacity"**

**Brussels, 12-13 November, 2012**

Participants welcomed the presentations made during the regional seminar, addressing issues related to strengthening the judicial capacity which is a key for sustainable development of the judicial systems of the Central Asian countries. The European Union has put emphasis on supporting the efforts of the Central Asian countries in developing efficient judicial systems and will continue to share its experience and knowledge with the relevant authorities and civil society of all engaged parties in the framework of the EU Central Asia Rule of Law Initiative.

All participants agreed that the new Neighborhood policy adopted by the Council of Europe provides a new scope for cooperation in applying European standards and guidelines for further democratization of the judicial system of respective countries. It was agreed that the members of the Council of Europe could suggest concrete solutions for promoting effective implementation of instruments of the Council of Europe and the Venice Commission relevant to the organization of justice.

The participants also agreed that the work of the European Commission for the Efficiency of Justice (CEPEJ ) could serve as a useful reference to support the modernization and reforms of justice systems in Central Asia. The CEPEJ 4th report on the evaluation of the European judicial systems provides policy makers and justice professionals with practical tools to better understand the operation of the public service of justice in order to improve its efficiency and its quality. Such framework established with the support of the Council of Europe Member States is an important basis to propose concrete solutions to assess and improve the quality and efficiency of justice and it could also contribute to judicial reforms in Central Asia.

In consideration of the presentations and discussions during the seminar, the participants developed recommendations, which will be presented at the 3<sup>rd</sup> EU Central Asia Rule of Law Initiative Ministerial Conference on 6-7 December 2012 in Brussels. The participants proposed to establish a

permanent working group on Judicial Capacity, as part of the EU-Central Asia Rule of Law Initiative, in order to advance those recommendations and further develop cooperation in the areas concerned.

The participants recommended the following:

1. To facilitate the effort to establish and develop independent institutions for inclusive training of all legal professionals and officials of law-enforcement agencies and to improve the general training system of those officials.
2. To create a specialized network of legal training institutions and agencies by engaging all Central Asian countries and creating the link with relevant EU entities.
3. To recognize the important role of independent lawyer institutions, as developed in the EU based on international and European principles, in guaranteeing a well-functioning justice system and the rights of individuals. To further cooperate in developing and establishing the statutes, governing rules, guarantees, and suitable conditions for the proper functioning of bar associations in Central Asia.
4. To support the organization of a regional seminar on the Universal Declaration of Human Rights on the implementation of human rights standards in the field of justice.
5. To establish proper status and professional career track for judges, for which initial mandatory training programs and establishing proper monitoring system for judge's qualifications play an essential part. Those programs should be of sufficient length and consist of both practical training (learning by doing) and academic courses in specialized training centers for judges.
6. To support and enhance professionalization of judges through in-service training and specialization of practicing judges on thematic areas such as constitutional, commercial, administrative and criminal law. To this end, to closely cooperate with the academia and international experts, and to assist in developing appropriate up-to-date teaching materials for judges and trainers of judges, and by applying interactive and other methods of training.

7. To support increasing the transparency and openness of the procedure for selection, appointment and evaluation of qualified judges, by establishing independent councils and strengthening the role of representatives of the judiciary in the selection process.

8. To ensure that disciplinary proceedings against judges are the result of a fair and transparent trial, in line with international standards and norms of national legislation and that judges are entitled to the right of appeal, if a decision is taken against them.

9. To contribute to the preparation and publication of materials regarding the independence of justice in Central Asia.

10. To organize training seminars related to the dissemination of information by courts using new technologies.

11. To ensure that the judicial system is further improved and the court decisions are executed in a timely and proper manner, and ensure that all persons in receipt of a final and binding court decision have the right to enforcement.

12. To ensure that the procedures of enforcement are monitored, reviewed and amended in order to improve the efficiency of the executing judge and the enforcement officer.

13. To further support the development and strengthening of systems of law enforcement by strengthening the role and responsibilities of the enforcement officers whose functions should be clearly defined and prescribed by national law.