

RECENT EVENTS

IMPLEMENTATION OF INTERNATIONAL CONVENTIONS AND NATIONAL LAWS DISCUSSED IN ASHGABAT

A high-level Seminar on “The Implementation of International Conventions and National Laws” took place in Ashgabat on July 7, 2016. It was organised by the EU-Central Asia Rule of Law Platform, in partnership with the National Institute of Democracy and Human Rights (NIDHR) under the President of Turkmenistan and the Parliament of Turkmenistan.

The seminar aimed to promote a dialogue to ensure a better implementation of international treaties and national laws. Principles and approaches for implementing the European Convention of Human Rights and Fundamental Freedoms were presented, as well as mechanisms developed by the United Nations to ensure the implementation of international agreements. The need for strict implementation of national laws has been emphasised by the President of Turkmenistan, while the country's active policy on the international stage requires specific attention to the implementation of its international commitments, especially the UN Conventions on Human Rights, Women's Rights and Children's Rights.

The seminar heard statements from the Heads of the diplomatic missions of France, Germany and the EU in Ashgabat, while experts from the Czech Republic, France, Germany, Latvia and Russia shared European experience in detail. The seminar was co-chaired by Mr. Denis Daniilidis, European Union Chargé d'Affaires in Ashgabat, and Mr. Batyr Orazov, Deputy Director of NIDHR.

Mr Orazov made a presentation on the process of implementing the [National Human Rights Action Plan for 2016-2020](#) for Turkmenistan, which was



This project is funded by the European Union

adopted in January 2016 and which provides for 17 objectives for which distinct indicators have been identified.



Delegates at the seminar on the implementation of international conventions and national laws in Ashgabat

RULE OF LAW PLATFORM STUDY ON LEGAL EDUCATION AND TRAINING IN CENTRAL ASIA

A new report has been prepared under the auspices of the EU-Central Asia Rule of Law Platform, entitled “Curriculum for Legal Education and Professional Legal Training in Central Asia”. Research for this was conducted by a team of European and Central Asian experts, under the direction of Mr Mikhail Antonov, Associated Professor at the Higher School of Economics (Saint-Petersburg branch). A draft of the report was presented to, and served as a useful background for, the regional conference on “Networks of Judicial and Legal Training Institutions: Factor for the Success of Judicial Reform,” which took place on June 22-23, 2016, in Bishkek in the Kyrgyz Republic.

The Study starts with an examination of context. It reviewed the structure of legal education institutions, the regulations and policies governing them, the influence of recent Soviet and post-Soviet history on them, and the « ideals and models » that have influenced them. It then proceeds to a survey, for each of the five Central Asian states, of law schools and institutions for legal education (for judges, advocates, prosecutors and notaries). It ends with

The Rule of Law Platform:

The Rule of Law Platform acts as a coordination mechanism to facilitate policy dialogue and promote the measures needed to encourage and support legal and governance reforms in each of the Central Asian countries.

general assessments and recommendations about a variety of topics, including types of training; specialisation; the teaching of writing, learning and editorial skills; theory and practice; the need for comparative perspectives; the contents of law curricula; and transparency. A final section on « Enlarging Curricula » sets out considerations on the need to balance passivity and creativity and to take account in legal education of the active role of the judiciary, techniques of legal interpretation, transnational and customary law, and the application of ethics in law.

A final version of the Study will be posted on the Rule of Law Platform's website.



The Prosecutors' Training Centre of Uzbekistan

Contact us:

We welcome your feedback and ideas for this newsletter. Please contact Xavier Barré - barre@ruleoflaw.eu <http://ruleoflaw.eu/>

This project is implemented by IBF consortium

FIFTH EU-CENTRAL ASIAN RULE OF LAW MINISTERIAL CONFERENCE POSTPONED TO 2017

An introductory meeting was held at the European Commission in Brussels on June 14, 2016, to prepare for the Fifth EU-Central Asian Rule of Law Ministerial Conference. The conference is to be held at the level of Ministers of Justice, and is one of a series of conferences held every two years since 2008, through which high-level political dialogue is maintained within the framework of the EU Strategy for a New Partnership with Central Asia. Meetings bring together the European Commission, the EU Presidency, EU Member States, and the Central Asian partner countries to review policy developments related to legal and judicial reform.

It is proposed that the Fifth Ministerial Conference should concentrate primarily on two main topics, economic governance and administrative law. These two topics, along with judicial reform, have been evoking most interest from the Central Asian states recently. Codes on Administrative Procedure and Administrative Law are being enacted this year in the Kyrgyz Republic and Kazakhstan while administrative law reform is gathering momentum in Turkmenistan. As to economic governance, individual countries are keen to pursue particular sub-topics (public-private partnerships, corporate governance, etc.), but all share an interest in international arbitration, the legal framework for investment, and other issues. Of the Platform Agenda's five core topics, constitutional law and criminal law and procedure are evoking less interest at present, but they — and the ever-popular topic of judicial reform — may also be considered in a less detailed manner at the Conference.

The Conference's joint communiqué is to provide a roadmap focused on the two main topics, incorporating both benchmarks and concrete and achievable steps for all CA countries. A side-event at the European Parliament (e.g. presentations) could also be organised.

UPCOMING ACTIVITIES

International investment to be discussed in Bishkek: A seminar on "International Investment in the framework of the EU Rule of Law Initiative for Central Asia" will be held on 30 September 2016, in Bishkek, Kyrgyz Republic. Topics to be discussed include: bilateral investment treaties; existing methods of dispute resolution; and the search for an optimal legal framework and dispute resolution procedures balancing states' interests and investor protection.

International arbitration in focus in Dushanbe: A "Regional Seminar on International Arbitration" will be held in Dushanbe, Tajikistan, on 6-7 October 2016, within the framework of the EU Rule of Law Initiative for Central Asia. Development of legislation on alternative dispute resolution—especially arbitration—is seen as a key aspect of sustainable economic investment and an improved business climate, by helping ensure legal security for investors. Topics discussed will include Central Asian, French, German and British arbitration law; models of arbitration; bilateral investment treaties; arbitration clauses; the independence and training of arbitrators; and third-party financing.

Analysis agenda in Akmola: Between 26 September and 7 October, an analysis of a pilot Kazakh court of justice will take place in Akmola, near Astana in Kazakhstan. The exercise is designed to provide information relevant to the burdensome procedures and inefficiencies that still plague Kazakhstan's court system. Strengths and weaknesses will be identified, and measures developed with regard to quality standards, efficiency, timeliness and legal certainty. The focus will be on the resources available to the court; its administration; civil justice; criminal justice; and other specialized judicial services. The results of the analysis will be the basis of an analytic report, including recommendations, to be presented to the Supreme Court of Kazakhstan at the end of 2016.

Judicial independence study to be updated: Work is underway on a new edition of the 2013 "Study on the Independence of the Judiciary in the Central Asian States." The original, prepared during Phase I of the project, included research into and analysis of the laws and practices governing the judicial systems of the five Central Asian States and recommendations for developing legislation and practices that will allow the Judiciary to function independently from the Executive, impartially, and with integrity. The new edition takes into account recent developments—such as a reform of the status of judges in the Kyrgyz Republic and a constitutional reform in Turkmenistan. It will be published and ready for dissemination at the Fifth EU-Central Asian Ministerial Conference on Rule of Law in December 2016.

New edition of administrative law study: Work is in progress on a third edition of "General Administrative Law in Central Asia". The original background study was delivered in 2012 within Phase I of the project and updated in 2014. Administrative law and administrative procedural law are core legal topics in the Platform Common Agenda. A large number of dialogue and training activities have been conducted recently, helping administrative justice reform in the Central Asian region, and bringing significant achievements in the Kyrgyz Republic and some planned legislative changes in Kazakhstan, Turkmenistan and Uzbekistan. These will be reflected in the third edition of this study which, apart from updating of the text, will include a distinct synthetic presenting the changes, with comments and recommendation. The study will be published and ready for dissemination at the Fifth EU - Central Asian Ministerial Conference on Rule of Law in December 2016.