



Astana 2014

FOURTH CONFERENCE OF THE MINISTERS OF JUSTICE OF THE EUROPEAN UNION AND CENTRAL ASIA

EU RULE OF LAW INITIATIVE FOR CENTRAL ASIA

**ASTANA, KAZAKHSTAN
14 – 15 OCTOBER 2014**

BACKGROUND

The European Union – Central Asia Rule of Law Initiative is one of the key elements of the European Union’s Strategy for a New Partnership with Central Asia. Within its framework, the EU supports the Central Asian States in core legal reforms, including reform of the judiciary, in drawing up effective legislation and enhancing implementation capacities. The new Outline for Future Orientations of the Strategy endorsed in June 2012 reconfirms the major importance of the cooperation in the area of the Rule of Law and further democratisation.

The Rule of Law Initiative is jointly implemented by the European Union and its Member States. It aims at a concerted regional approach in Central Asia, taking into account national situations. By promoting regional exchange and focusing on legal and judicial issues of importance for all Central Asian states, reforms can be facilitated through knowledge transfer and thus create an open region growing in unison. France and Germany have taken the joint lead in coordinating the Initiative.

The Initiative was launched at the first EU-Central Asia Ministerial Conference on Rule of Law, which was held in Brussels in November 2008. On this occasion, the need to “develop cooperation in the field of administrative law”, to share experience in “the sphere of criminal law, especially on issues of criminal procedure”, and “to foster exchanges of experience in the judicial sphere” was emphasised.

At the second EU-Central Asia Ministerial Conference on Rule of Law in Dushanbe on June 14-15, 2010, the “common wish to co-operate in all fields of law” was reaffirmed and “the proposal for an EU-Central Asia «Rule of Law Platform» project to step up the policy dialogue on Rule of Law issues” was endorsed. The Rule of Law Platform, launched in December 2011, in close cooperation with France and Germany, has been actively engaged in dialogue with Central Asian partners on supporting the implementation of the Rule of Law Initiative.

At the third EU-Central Asia Ministerial Conference on Rule of Law in Brussels on December 6-7, 2012, the Ministers of Justice of the EU and Central Asia reconfirmed “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, administrative law, commercial jurisdiction and law” and “decided to meet again in Central Asia in 2014 to discuss progress of the implementation of EU-Central Rule of Law Initiative, review the cooperation activities, and establish priorities and practical steps to continue the Rule of Law Initiative for the next period“.

Within the framework of the Italian Presidency programme, the Fourth Conference of Ministers of Justice of the European Union and Central Asia is jointly organised by France and Germany as coordinating countries with the support of the European Union. All Central Asian and all EU Member States are invited to participate at ministerial level.

The Conference aims at:

- *exchanging views on the following topics: Implementation Review and outline for Future Orientations of EU-Central Asia Strategy and **progress made in the thematic priority areas** such as: **Constitutional Law, Administrative Justice, Criminal Law and Procedure and Judicial Capacity**;*
- *taking stock of **the results of the regional seminars** on “the Right to a Fair Trial” (Bishkek, April 4-5, 2013) and on “Constitutional Law” (Helsinki, September 17, 2014), of the **national workshops** on support to the justice reforms of the Kyrgyz Republic (Bishkek, December 9, 2013), Tajikistan (Dushanbe, March 5, 2013) and Kazakhstan (Astana, June 27, 2014), and the **meeting of the working group on Judicial Capacity** (Brussels, April 24, 2014) **and recommendations** in these areas;*
- *confirming **main thematic priorities and work programme of EU-Central Asia Rule of Law Initiative for 2015 and 2016**, including **regional seminars and seminars at national level** on these matters. It will guide activities of the Rule of Law Platform – Central Asia.*

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Note: - Interpretation will be provided for English, French, German, Italian and Russian
- The press will be invited on October 15.

AGENDA

14 OCTOBER 2014

Venue: *Rixos President Hotel, Dinmukhamed Kunaev St. 7, Astana*

9:00 – 9:30: *Registration of participants*

9:30 – 10:00: Introductory remarks (Zheruik Hall)

Welcome and chairing by **Mrs. Zauresh Baimoldina**, *Deputy Minister of Justice of the Republic of Kazakhstan*

- Statement by **Mr. Cosimo Maria Ferri**, *Undersecretary of State, Ministry of Justice of the Italian Republic, the Presidency of the Council of the European Union*
- Statement by **H. E. Ms. Aurélie Bouchez**, *Ambassador, Head of the Delegation of the European Union to the Republic of Kazakhstan*
- Statement by **H. E. Mr. Francis Etienne**, *Ambassador of France to the Republic of Kazakhstan, EU Member State Coordinator of the Rule of Law Initiative*
- Statement by **H. E. Dr. Guido Herz**, *Ambassador of the Federal Republic of Germany to the Republic of Kazakhstan, EU Member State Coordinator of the Rule of Law Initiative*

10:00 – 10:50: Part I – Plenary session: Implementation review of the EU-Central Asia Strategy and outlines for future action (Zheruik Hall)

Moderated by **Ms. Elvira Azimova**, *Deputy Minister of Justice of the Republic of Kazakhstan*

Perspectives of the Rule of Law Initiative and policy guidelines (10:00 – 10:15)

- Statement by **Mr. Luis Felipe Fernández de la Peña**, *Managing Director, Europe and Central Asia, European External Action Services*

EU Rule of Law Initiative for Central Asia, the EU added-value: views and remarks from an EU Member State (10:15 – 10:25)

- Statement by **Mrs. Monika Jankovská**, *State Secretary of the Ministry of Justice of the Slovak Republic*

EC development cooperation in support of the Rule of Law: global and regional perspectives (10:25 – 10:35)

- Statement by **Mr. Jean-Louis Lavroff**, *Head of the Operations Section, Minister Counsellor, Delegation of the European Union to the Republic of Kazakhstan*

The Council of Europe's Cooperation with Central Asia in the field of the Rule of Law (10:35 – 10:50)

- Statement by **Ms. Verena Taylor**, *Director, Office of the Directorate General of Programmes, Council of Europe*

10:50 – 11:15: *Coffee break*

11:15 – 12:45: Part II –Main agenda of legal and judicial reform in the Rule of Law Initiative (Choice of sessions)

Delegates are invited to participate to the sessions of their choice, which will be held in different conference halls. Sessions 1, 3 and 5 will take place in Zheruik Hall; Sessions 2 and 4 will take place in Shanyrak Hall.

Session 1: Fostering the Rule of Law by developing Administrative Law in Central Asia: Current situation and prospects (Zheruik Hall, 11:15 – 12:45)

Chaired and introduced by **Mr. Dirk Mirow**, *Director of the German Foundation for International Legal Cooperation (IRZ)*

- **Mr. Jörg Pudelka**, *Judge at the Administrative Court of Berlin, Director of the Programme “Promotion of the Rule of Law in Central Asia” (Germany)*

Administrative Law as a key to sustainable economic development: the current situation and future prospects in Central Asia

- **Ms. _____**, _____ (*Kyrgyz Republic*)

- **Mr. Gunārs Kutris**, *Lecturer at the University of Latvia, Faculty of Law, Former President of the Constitutional Court of Latvia, Substitute Member of the Venice Commission of the Council of Europe*

The Administrative Procedure Law and its implementation: Latvian experience

Panel discussion on Administrative Law Reform

Administrative Justice and the administrative procedural law as key to sustainable economic development

The development of Administrative Law in Germany and Europe

The present stage of development of Administrative Law in Central Asia and perspectives

Session 2: Access to Justice (Shanyrak Hall, 11:15 – 12:45)

Chaired and introduced by **Mr. Paul-André Breton**, *President of the Tribunal of Higher Instance of Lyon (France)*

Access to Justice and access to rights

- Presentation by **Mr. Thierry Polle**, *President of the Tribunal of Higher Instance of Amiens (France)*

The President of Tribunal of Higher Instance at the heart of the system of Access to Justice in France

- Presentation by **Mr. Bakytzhan Abdiraiym**, *Deputy Minister of Justice of the Republic of Kazakhstan*

Mediation

- Presentation by **Mr. Mikko Puumailainen**, *Deputy Chancellor of Justice of Finland*

Finland and Equality before the Law in Central Asia: lessons to be learnt and future orientations

Panel discussion on Access to Justice

Reception of the parties by courts

Providing of legal aid to people otherwise unable to afford legal representation and access to the court system

Alternative methods of dispute resolution

12:45 – 14:00: Lunch hosted by **Mr. Cosimo Maria Ferri**, *Undersecretary of State, Ministry of Justice of the Italian Republic, the Presidency of the Council of the European Union (Al Farabi Restaurant)*

14:00 – 15:15: Part II (Cont'd) – Main agenda of legal and judicial reform in the Rule of Law Initiative (Choice of sessions)

Session 3: The development of individual rights and freedoms by the Constitution and Humanising Justice (Zheruik Hall, 14:00 - 15:15)

Chaired and introduced by **Pr. Beniamino Caravita di Toritto**, *Professor of Constitutional Law, University La Sapienza of Rome (Italy) (tbc)*

- Presentation by **Mr. James Hamilton**, *Former Director of Public Prosecutions, Former Member of the Venice Commission of the Council of Europe for Ireland, President of the International Association of Prosecutors 2010-2013*

The right to a fair trial by an independent and impartial tribunal

- **Mr. Victor Malinowski**, *Member of the Constitutional Council of the Republic of Kazakhstan*

- **Mr. _____**, *Representative of the Kyrgyz Republic*

- **Mr. I___ Mansurov**, *Deputy Authorised person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) (tbc)*

Panel discussion on Constitutional Law

The protection of fundamental rights and freedoms
The efficiency of constitutional control mechanisms
International conventions and constitutions

Session 4: Contributions to a more efficient administration of justice (Shanyrak Hall, 14:00 – 15:15)

Chaired and introduced by **Mr. Zafar Azizzoda**, *Chairman of the Council of Justice of the Republic of Tajikistan*

- **Dr. Gerhard Reissner**, *President of the District Court of Floridsdorf, (Vienna, Austria), President of the International Association of Judges (IAJ), Member and former President of the Consultative Council of European Judges of the Council of Europe (CCJE)*

The Responsibility of Legislation, Executive and Judicative for the efficiency and transparency of the justice system

- **Mr. Georg Stawa**, *Head of Department at the Austrian Ministry of Justice (projects, strategy and innovation), Vice-President of the Commission for the Efficiency of Justice of the Council of Europe (CEPEJ)*

Priorities for increasing efficiency of judicial work and administration – tools of CEPEJ

- **Ms. Natalia Spitz**, *Public Prosecutor, Public Prosecutor's Office to the Regional Court of Kiel (Germany)*

Strategies and development priorities in the reform of prosecution

Panel discussion on Court Reform

- Improved and more efficient organisation of courts
- Transparency of case management
- Changes in the role of the public prosecutor
- Better communication between courts and the public

15:15 – 15:35: *Coffee break*

15:35 – 16:30: Part II (Cont'd) – Main agenda of legal and judicial reform in the Rule of Law Initiative (Choice of sessions)

Session 3: The development of individual rights and freedoms by the Constitution and in Humanising Justice (Cont'd) (Zheruik Hall, 15:20 - 16:30)

Chaired and introduced by **Mr. U___ Kholov**, *Judge at the Supreme Court of the Republic of Uzbekistan (tbc)*

- **Ms. Anara Ibraeva**, *Representative of the Kazakhstan International Bureau for Human Rights and Rule of Law*

- Improving conditions of prison detention
- Alternatives to imprisonment

- **Mr. Vasily Lukashevich**, *Case processing lawyer, European Court of Human Rights*

The role of a judge in safeguarding fundamental rights in criminal trials: principles and international standards

Panel discussion on the humanizing of the Criminal Justice System

- Reduction of the number of pre-trial detainees and prison inmates
- Extension of judicial control to limit restrictions to human rights and freedoms
- Substitution of criminal liability by administrative liability for certain categories of offences

Session 4: Contributions to a more efficient administration of justice (Cont'd) (Shanyrak Hall, 15:35 – 17:00)

Chaired and introduced by Mr. _____, *Representative of the _____*

- **Mr. Pierre-Olivier Sûr**, *President of the Paris Bar (France)*

The role of an independent legal profession and an organized bar in the strengthening of democracy and securing the right to a fair trial

Prospective cooperation between the Paris and the Almaty Bars

- **Mr. Daniyar Kanafin**, *Attorney, Member of the Board of the Almaty City Bar*

The legal profession in Central Asia: its current state and perspectives of development

- **Mr. Hakim Mirsayzod**, *Deputy Minister of Justice of the Republic of Tajikistan*

- **Mr. Denys Duprey**, *Honorary Attorney, Former Member of the Board of the Paris Bar (France)*

udicial expertise in Central Asia: review and prospects

- **Mr. João Tiago Silveira**, ____ (*Portugal*)

(Best enforcement practices)

Panel discussion on capacity-building of the legal and judicial professions

Admission to professions; initial and on-going training
Strengthening capacity to increase independence
Ethical requirements

Session 5: Commercial Justice and secured investment as necessary conditions to the development of Rule of Law (Zheruik Hall, 16:30 – 17:00)

- **Mr. Frits Lauwaars**, *Retired Judge, Former Vice-President of the Court of Amsterdam (The Netherlands)*

- **Mr. Christophe Bernasconi**, *General Secretary of Hague Conference on Private International Law*

18:30 – 20:30: Reception hosted by **H. E. Mr. Berik Imashev**, *Minister of Justice of the Republic of Kazakhstan (Music Hall Restaurant, Bauyrzhan Momysuly Avenue 1, Astana)*

15 OCTOBER 2014

Venue: Rixos President Hotel (Zheruik Hall), Dinmukhamed Kunaev St. 7, Astana

10:00 – 11:30: Ministerial session in the presence of the press

Chaired by **Mr. Cosimo Maria Ferri**, *Undersecretary of State, Ministry of Justice of the Italian Republic, the Presidency of the Council of the European Union*

- Statement by **Ms. Zuzana Fiserova**, *Director General responsible for International Affairs, Ministry of Justice of the Czech Republic*
- Statement by **Mr. Laurent Lassale**, *Deputy Head of the Department for European and International Affairs, Ministry of Justice of the French Republic*
- Statement by **Mr. Alfred Bindels**, *Director General, Directorate-General IV (Constitutional and administrative law; international and European law), Ministry of Justice and Consumer Protection of the Federal Republic of Germany*
- Statement by **Mr. Nicolas Kanellopoulos**, *Secretary General of the Ministry of Justice, Transparency and Human Rights of Greece*
- Statement by **H. E. Mr. Berik Imashev**, *Minister of Justice of the Republic of Kazakhstan*
- Statement by **H. E. Mr. Almambet Shykmamatov**, *Minister of Justice of the Kyrgyz Republic*
- Statement by **H. E. Mr. Rustam Shohmurod**, *Minister of Justice of the Republic of Tajikistan*
- Statement by **H. E. Mr. Nigmatilla Yuldashev**, *Minister of Justice of the Republic of Uzbekistan (tbc)*

11:30 – 12:15: Reporting session

Chaired by **H. E. Dr. Guido Herz**, *Ambassador of the Federal Republic of Germany to the Republic of Kazakhstan, EU Member State Coordinator of the Rule of Law Initiative*

- Report on the session on Fostering the Rule of Law by developing Administrative Law in Central Asia: Current situation and prospects, by **Mr. Jörg Pudelka**, *Judge at the Administrative Court of Berlin, Director of the Programme “Promotion of the Rule of Law in Central Asia” (Germany)*
- Report on the session on Access to Justice, by **Mr. Paul-André Breton**, *President of the Tribunal of Second Instance of Lyon (France)*
- Report on the session on the Development of Individual Rights and Freedoms by the Constitution and Criminal Proceedings, by **Mr. Victor Malinovski**, *Member of the Constitutional Council of the Republic of Kazakhstan*
- Report on the session on Contributions to a more efficient administration of justice, by **Mr. Georg Stawa**, *Head of Department at the Austrian Ministry of Justice (projects, strategy and innovation), Vice-President of the Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe*

12:15 – 12:40: Adoption of the Ministerial declaration: priorities for the EU – Central Asia Rule of Law Initiative

Chaired by **H. E. Mr. Francis Etienne**, *Ambassador of France to the Republic of Kazakhstan, EU Member State Coordinator of the Rule of Law Initiative*

- Closing remarks by **H. E. Mr. Berik Imashev**, *Minister of Justice of the Republic of Kazakhstan*
- Closing remarks by **Mr. Luis-Felipe Fernández de la Peña**, *Managing Director, Europe and Central Asia, European External Action Services*

12:40 – 14:00: Lunch hosted by Mr. Luis-Felipe Fernández de la Peña, Managing Director, Europe and Central Asia, European External Action Services (Al Farabi Restaurant)

15:30 – 17:30: Visit of Astana

- Guided city tour: the Bayterek Tower, the State flag of the Republic of Kazakhstan, the Palace of Peace and Reconciliation
- Visit to the National History Museum of the Republic of Kazakhstan

19:00 -21:00: The State Opera and Ballet Theatre “Astana Opera”
Nurzhamal Usenbayeva Concert “Art is calling me...”

With the participation of:

- Igor Borko (Ukraine)
- Philip Bandzhaka (Czech Republik)
- Meir Bayneshova (Kazakhstan)
- Beimbet Tanyrakova (Kazakhstan)
- Dina Hamzina (Kazakhstan)
- Talgat Musabaeva (Kazakhstan)
- The Symphony Orchestra and Choir of the “Astana Opera”
- Renat Salavatov Conductor (Tatarstan)