



EUROPEAN UNION

OSCE Permanent Council N° 1168 Vienna, 14 December 2017

EU Statement on Access to Justice in Azerbaijan

The EU and its member states would like to take this opportunity to draw attention to the recent amendments to several laws in Azerbaijan, including the Code of Civil Procedure, the Code of Administrative Procedure, and the Law on Bar. These amendments were adopted by the Parliament on 31 October and signed into law on 7 November. They will enter into force on 1 January 2018.

We understand that from 1 January, according to the new amendments, lawyers and lay practitioners who are not members of the Azerbaijan Bar Association will be prohibited from practising law. As a result these individuals will not be able to represent clients and appear before courts. We understand up to 8000 lawyers and lay practitioners would be affected.

We recognise the important function that bar or lawyers' associations can play, and fully support the principle that lawyers and other legal representatives should have the skills to effectively represent their clients. However, we are concerned that the introduction of these amendments will dramatically reduce access to justice for people in Azerbaijan. As fewer than 1000 lawyers are members of the Bar Association, and only around 200 of those are based outside Baku, we believe that there is a significant risk that individuals will no longer be able to find lawyers to represent them in civil, criminal and administrative cases. We would be interested to know whether consideration has been given to delaying the introduction, or what steps will be taken to ensure that there is a clear and transparent process for fully qualified lawyers who wish to join the Bar Association to be able to do so.

In line with OSCE commitments on the rule of law (including Moscow 1991 and Brussels 2006), we would welcome information from the delegation of Azerbaijan on its government's plans for the implementation of this new procedure, in particular how

it will avoid a sudden reduction in legal representation available to Azerbaijan's citizens from the beginning of next year.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, SERBIA* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA country NORWAY, member of the European Economic Area, as well as the UNITED STATES OF AMERICA align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.