



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations**

**GENEVA**

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and in response to the Communication Ref.: OL AZE 3/2025 of 15 December 2025 sent by the Special Rapporteur on the independence of judges and lawyers, has the honor to transmit herewith the information of the Government of the Republic of Azerbaijan.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 27 February 2026

Enclosure: 10 pages

**Office of the United Nations  
High Commissioner for Human Rights  
GENEVA**

**Information submitted by the Government of Azerbaijan  
in response to the communication  
of the Special Rapporteur on the independence of judges and lawyers**

The Government of Azerbaijan acknowledges the receipt of the communication of the Special Rapporteur on the independence of judges and lawyers dated 15 December 2025 (Ref. OL AZE 3/2025) regarding the amendments to the Law of the Republic of Azerbaijan “On Advocates and Advocacy Activity” (the “Law”) and submits its observations on the issue at question.

At the outset the Government reaffirms its full commitment to ensuring the rule of law and preserving the independence of the legal profession, in compliance with its international obligations, including those arising under the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the United Nations Basic Principles on the Role of Lawyers, and other relevant international instruments.

It should be noted that the new amendments to the Law has been developed and adopted through a consultative process with participation of all interested stakeholders. Milli Majlis (parliament) of the Republic of Azerbaijan conducted discussions, hearings, and review of draft amendment and the relevant institutions provided their views on matters during the legislative process. The Azerbaijani Bar Association (ABA) as the statutory, self-governing professional organization directly responsible for the regulation of advocacy in the Republic of Azerbaijan was extensively involved in the process.

The Government attests that the amendments to the Law pursue legitimate objectives and constructive approach aimed at enhancing the prestige of the legal profession, strengthening professional ethics, improving the quality of legal services, and reinforcing public confidence in advocacy as an essential institution of the rule of law. Since their adoption, no substantiated complaints or objections have been received from members of the ABA regarding the substance or implementation of the amendments.

With all due respect to the mandate of the Special Rapporteur, the Government submits that the communication appears to rely on unverified information received from third parties and contains misinterpretation of the new amendments to the Law, as well as the factual and legal inaccuracies. The authorities consider that the communication presents an incomplete and one-sided characterization of the amendments, which does not accurately reflect their purpose, scope, or legal effect. Observations set out in the communication are mainly based on assumptions, rather than on established facts and concrete examples, and they do not sufficiently take into account the broader legislative framework, constitutional guarantees, and established institutional practice governing the legal profession in Azerbaijan.

The Government provides below a detailed response to the communication prepared by the ABA, which outlines the main amendments to the Law and their compatibility with international standards, provides factual clarifications, legal context, and explanations concerning the content, objectives, and practical application of the amendments, as well as addresses the concerns raised in the communication.

## **1. Innovations in the new Law concerning the concept of legal practice and strengthened guarantees for exercising legal profession**

1.1. Legal practice must be independent by its legal nature. One of the most important amendments introduced in the Law is the reaffirmation of the independence of legal practice within the framework of the law. According to the amendment, it is restated that legal practice is an independent legal activity professionally carried out exclusively by a lawyer for the purpose of ensuring and protecting the rights of individuals and legal entities, as well as state institutions.

1.2. Respect for human rights has been reflected in the Law as a new principle for the implementation of legal practice.

1.3. Another important amendment to the Law concerns lawyer's confidentiality. A legal definition of lawyer confidentiality has been introduced, and it is established that requesting information constituting confidentiality of a lawyer from lawyers, lawyer assistants, lawyer entities, as well as from lawyers whose activity has been suspended or terminated in relation to the period during which they acted as lawyers, is inadmissible. This approach serves to preserve trust in lawyer–client relations and to ensure the real and effective protection of the right to defense. Strengthening the inviolability of confidentiality of lawyers in the legislation reinforces the professional independence of lawyers and prevents external interference with their legal functions.

1.4. Lawyers have been granted the right to represent themselves before the cassation instance court and the Constitutional Court; previously, lawyers were required to participate in these instances exclusively through another lawyer, which constituted an unnecessary formality.

1.5. A legal definition of a lawyer's inquiry has been introduced, and the time limit for a relevant institution to respond an inquiry has been established as 7 working days. This serves to improve the responsiveness and effectiveness of lawyers' activities, to ensure timely and full provision of legal assistance, as well as to ensure legal certainty in relations with state bodies and other institutions. This regulation facilitates the exercise of the right to defense and representation, by preventing inquiries from being left unanswered in an unjustified manner.

1.6. Pursuant to the amendment made to the Law, the status of the lawyer's assistant has been enhanced, and guarantees for their activity have been reflected.

1.7. The concepts of the lawyer's service certificate and lawyer's order, as well as provisions regulating their issuance and application, have been reflected in the Law.

1.8 Since the restriction of the institution of representation in Azerbaijan as of January 1, 2018, incidents of unlawful use of the title "vəkil" (a lawyer who is a member of the Bar Association) by persons who are not members of the Bar Association have become more frequent. In many cases, such individuals use designations such as "vəkil," "vəkil bürosu," and "vəkil xidmətləri" (meaning lawyer, law office, and legal services, respectively) at the premises where they operate for advertising purposes. In order to prevent such practices, the recent amendments prohibit non-lawyers from

using terminology related to activities that are exclusively reserved for lawyers who are members of the Bar.

1.9. Pursuant to the amendment made to the Law, the funds of the Bar Association are no longer limited solely to membership fees and are formed from all sources not prohibited by law. This amendment serves to strengthen the financial independence and institutional sustainability of the Bar Association.

## **2. Facilitating access to the legal profession and improving the quality of legal assistance**

2.1. The required length of work experience in the field of law, which is one of the conditions for admission to the legal profession, has been reduced from 3 years to 1 year. Given that the number of lawyers per capita in Azerbaijan is among the lowest in Europe, and taking into account the experience of member states of the Council of Europe, the introduction of this amendment was deemed necessary.

2.2. The obligation for lawyers to participate in mandatory training activities during the year has been reflected in the Law. The dynamic development of legal relations and changes in judicial practice require continuous learning and professional development from lawyers. The amendment will serve to improve the quality of legal assistance, maintain professional standards, and strengthen public trust in the institution of legal practice.

## **3. Regulation of lawyers' disciplinary liability**

3.1. The criteria for selecting disciplinary sanctions applied to lawyers who commit disciplinary offenses have been clarified compared to the previous version of the Law.

3.2. Taking into account international practice, a new administrative disciplinary measure in the form of a monetary fine has been introduced.

3.3. The disciplinary measure of expulsion from the Bar Association may now be applied by the decision of the Association itself, and, naturally, a lawyer who is dissatisfied with this decision may appeal to the court. Previously, the Association had to apply to the court regarding expulsion.

## **4. Institutional structure of the Bar Association and its bodies**

4.1. Amendments have been made to the structure of the Bar Association, and the Disciplinary Commission and the Qualification Commission have been included into the structure. The rights and obligations of these commissions are also determined by law.

4.2. The right of the Bar Association to establish regional bodies, legal aid centers, and training centers has been established.

4.3. The powers of the General Assembly (conference) of the members of the Bar Association and the Presidium have been clarified.

4.4. The number of lawyer members in the composition of the Qualification Commission has been increased to 7. Previously, the Commission consisted of 5 lawyers, 3 judges, and 3 legal scholars. The fact that previously the number of lawyer members of the Commission was less than that of other members was sometimes cited as undermining the independence of the Commission.

### **Response to the concerns and claims raised in the communication**

#### *Who may become a lawyer*

The Special Rapporteur expresses concern that the amendments allegedly “run the risk of lowering standards governing who may enter the legal profession”, referring in this context to amendments which, according to the communication, relate to Article 7 of the Law and allow persons awarded an honorary title in the field of law to be admitted to the Bar without a written test, interview, or mandatory training.

It should be noted that the provision in question concerns Article 8 (I) of the Law, not Article 7. In substance, the concern reflects an abstract and incomplete interpretation of the amendment and fails to take into account the exceptional legal nature of honorary titles in the field of law and the strict statutory criteria governing their award. Honorary titles in the field of law are awarded exclusively in accordance with the *Decree of the President of the Republic of Azerbaijan dated 14 May 1999 #130, approving the Regulation “On honorary titles of the Republic of Azerbaijan”*<sup>1</sup>, which limits eligibility to legal professionals with at least 15 years of experience who have demonstrated outstanding merit through significant contributions to legal science, legislation, legal education, the performance of legal functions, or the provision of high-quality legal assistance.

As acknowledged in the correspondence, international standards require that lawyers possess appropriate legal education and training and be aware of the ideals and ethical duties of the legal profession, as well as of the protection of human rights and fundamental freedoms recognized by national and international law. However, these standards establish substantive objectives, rather than a single mandatory model or set of admission procedures, since no binding international legal instrument prescribes criteria for lawyer’s admission to the Bar. Since the category of persons concerned by the amendment is narrow and exceptional, and their qualifications and professional integrity have already been subject to rigorous assessment under national law, the amendment fully complies with these international requirements.

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<sup>1</sup> <https://e-qanun.az/framework/3122>

In the absence of any factual examples or evidence demonstrating that the amendment has resulted, or is likely to result, in diminished professional quality or harm to the administration of justice, the concern raised in the communication remains speculative and unsupported by verified facts. Subsequently, the allegations that the amendment to Article 8 lowers standards governing access to the legal profession is unfounded and does not reflect the substance or legal effect of the amendment.

#### *Lawyers' Duties towards the State*

It has been alleged that the amendments to the Law reorient lawyers' duties away from their clients toward protecting State bodies, thereby undermining the independence of the legal profession. This claim was explained by removing language that anchored a lawyer's obligation to act in the client's interest or by introducing a parallel duty to assist state institution (organizations).

This interpretation is incorrect. State institution, like natural and legal persons, may be parties to judicial or other legal proceedings and may require legal representation for the protection of their rights and lawful interests before courts or other competent authorities. The removal of the wording referring only to "natural and legal persons" was made because state institutions do not fall strictly within either category.

On the contrary, the amendments reaffirm the central and indispensable role of lawyers in ensuring effective legal protection. The amendments were introduced to ensure equal access to legal protection for all participants in legal proceedings, including natural persons, legal entities, and state institutions, thus expanding the scope of legal protection to all persons and entities. They do not create any parallel obligation for lawyers to protect state interests, do not establish dependence of the legal profession on the state, and do not accord state institutions any priority in legal proceedings. All parties remain equal before the law, and the principles of professional independence and the right to a fair trial remain fully applicable.

Article 67.1 of the Civil Procedural Code of the Republic of Azerbaijan dated 28 December 1999<sup>2</sup> provides that cassation and additional cassation complaints, as well as applications for the review of judicial acts on the basis of newly discovered circumstances, are accepted for proceedings only if prepared by a lawyer, and that parties may only participate in such proceedings with a lawyer. This requirement applies equally to all parties to proceedings, without distinction.

#### *Normative Legal Acts*

The communication expresses concern that the reference to "normative legal acts" in the amendments to the Law expands lawyers' duties beyond compliance with laws adopted by Parliament and subjects them to rules and policies allegedly created

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<sup>2</sup> <https://e-qanun.az/framework/46945>

unilaterally by the Executive Branch, thereby undermining the independence of the legal profession.

This concern is based on an improper understanding of the legal nature and function of normative legal acts in the legal system of the Republic of Azerbaijan. Pursuant to the Constitutional Law of the Republic of Azerbaijan "On Normative Legal Acts" dated 21 December 2010 No. 21-IVKQ, normative legal acts are official legal instruments adopted by competent state authorities within their constitutionally or legally defined powers, containing generally binding rules of conduct intended for an indefinite circle of persons and for repeated application. Such acts are binding on all subjects, without distinction, and do not impose special or profession-specific obligations on lawyers.

Compliance with normative legal acts is therefore not a new requirement introduced by the amendments, nor is it unique to the legal profession. It has always been an inherent element of the general legal order and the rule of law. Moreover, normative legal acts are not limited to acts of the Executive Branch; they include laws adopted by Parliament, acts adopted by referendum, and legally binding instruments issued by various State authorities acting within their lawful competences. Consequently, the reference to normative legal acts cannot be interpreted as placing lawyers under the control of executive branch.

Furthermore, the purpose of the relevant amendment, including Article 7(i), is not to weaken institutional guarantees of advocacy, but to clarify and strengthen the obligation of legal entities and State organizations to respect and protect the rights and professional guarantees of lawyers, as established in normative legal acts. In this respect, the amendment imposes additional responsibility on state institutions, rather than creating any form of dependence of the legal profession on them.

#### *Rollback of Lawyers' Institutional Guarantees*

It is asserted that the amendments to Article 7(III) of the Law narrow the scope of lawyer–client confidentiality by replacing the term "professional duties" with "legal practice," thereby allegedly limiting protection to formal or procedural acts of advocacy and excluding other aspects of legal work such as legal advice, internal case assessment, and confidential consultations.

This interpretation is inaccurate and does not reflect the meaning of the amended provision when read in conjunction with other articles of the Law as a whole. The term "legal practice" is expressly defined in Article 4 of the Law and encompasses a broad range of professional legal activities, not limited to courtroom representation or procedural acts.

Under Article 4, legal practice constitutes an independent professional legal activity carried out by lawyers for the purpose of ensuring and protecting the rights of natural persons, legal entities, and state institutions. It explicitly includes, inter alia, legal representation before State and non-State bodies, the provision of oral and written legal advice and explanations, the preparation of legal documents, participation

in legal matters, and the provision of other forms of legal assistance. Activities such as confidential consultations, legal analysis, and internal case assessment therefore fall squarely within the scope of legal practice.

The replacement of the term “professional duties” with “legal practice” does not narrow the scope of confidentiality, but rather aligns the wording of Article 7(III) with the unified terminology used throughout the Law, ensuring consistency and legal certainty. The amendment does not exclude any category of legal services from protection and does not permit the interrogation of lawyers regarding information obtained in the course of providing legal assistance.

#### *Independence of the ABA*

It is argued that, notwithstanding Article 9 defining the Azerbaijani Bar Association (ABA) as a non-state, independent, and self-governing institution, the amendments to the Law undermine its independence by expanding the role of executive authorities, increasing mandatory professional requirements, and concentrating powers within the governing bodies of the ABA.

This assessment does not reflect the legislative history or operation of the relevant provisions. In particular, the requirement in Article 8 that the candidates for admission to the Bar should successfully complete mandatory training at a training and scientific institution of the relevant executive authority was introduced by the amendment of October 27, 2009 and does not constitute a new change. Moreover, since the introduction of this requirement in 2009, there has been no record of complaints or substantiated concerns raised by any lawyer, the ABA, or other organizations regarding political interference or politicization of access to the legal profession.

With regard to the ongoing professional development, the amendments introducing mandatory training hours for practitioner lawyers do not weaken professional independence. On the contrary, they are consistent with the standard expressly indicated in the communication, whereby stating that professional associations of lawyers and educational institutions should ensure that lawyers possess appropriate education and training. Mandatory continuing legal education, including minimum annual training hours and professional accountability for non-compliance, is a widely accepted practice in many jurisdictions, including, Poland, France, the Netherlands, Ukraine, Kazakhstan etc., and is recognized as a positive mechanism for maintaining and enhancing professional competence and the quality of legal services. The suggestion that mandatory training constitutes an undue burden is therefore principally inconsistent.

Concerns are also expressed regarding the amendments affecting governance of the ABA, including the removal of the term limit for the Chairperson of the Presidium. This change does not weaken institutional independence or democratic safeguards. Rather, it preserves the right of the members of the ABA to freely elect their preferred leadership for as many terms as they deem appropriate, in accordance with internal

democratic procedures. Comparable approaches exist in a number of jurisdictions where no statutory term limits apply to leadership positions within bar associations, including, Germany, Netherlands, Austria, Türkiye, Hungary, Liechtenstein, Estonia, Slovenia and others, where leadership remains subject to internal election and accountability mechanisms rather than the fixed term limitations.

Finally, the characterization of the powers of the Presidium as “broad unchecked powers” is legally inaccurate. The Presidium functions as a collegial governing body within the ABA, exercising powers expressly defined by law and subject to internal procedures, collective decision-making, and accountability mechanisms, including judicial review where applicable. Its competencies—such as matters relating to qualification commissions, professional training structures, disciplinary proceedings, and organizational arrangements—are inherent to the administration of a self-governing professional organization and do not diminish the participation of lawyers in the governance of the ABA.

#### *Disciplinary Proceedings*

The assertion that the amendments to Articles 11 and 22 considerably expand the ability of the Presidium of the Azerbaijani Bar Association to control and sanction lawyers in a manner susceptible to political pressure is unfounded and does not reflect the institutional design or purpose of the relevant provisions.

Firstly, the Presidium of the Azerbaijani Bar Association is not an externally appointed or executive body. Pursuant to Article 11 of the Law on Advocates and Advocacy Activity, the Chairperson, Deputy Chairpersons, and other members of the Presidium are elected by the General Assembly (Conference) of the members of the Bar Association for a fixed term. Eligibility is limited to lawyers with professional experience, an established reputation within the Bar, and no disciplinary sanctions at the time of election. Accordingly, the Presidium derives its authority directly from the will of the members of the legal profession and represents their collective interests. In this context, assertions that the Presidium may act against lawyers as a group or be inherently susceptible to political pressure lack factual and institutional basis.

Secondly, the monitoring powers introduced by the amendments, including the possibility of conducting supervision for a defined period and issuing corrective measures, are organizational and preventive in nature. They are intended to ensure compliance with decisions of the Bar Association and professional standards, not to replace or bypass disciplinary proceedings. Such supervisory mechanisms are established features of self-governing professional organizations and do not, in themselves, result in disciplinary liability.

Third, the extension of time limits for initiating disciplinary proceedings serves a protective and procedural purpose. Allowing disciplinary action to be initiated within one year of discovery and two years of occurrence ensures that citizens and other affected persons are afforded sufficient time to raise concerns about alleged professional misconduct. This approach enhances access to remedies and

contributes to the overall quality and integrity of legal services, rather than exposing lawyers to arbitrary sanctions.

Similarly, extending the investigation period of the Disciplinary Commission enables a more thorough and careful examination of allegations, thereby safeguarding the rights of the lawyer concerned and reducing the risk of hasty or ill-founded decisions.

With regard to disciplinary sanctions, the introduction of financial penalties does not constitute an excessive or punitive measure. Financial sanctions are widely used in the disciplinary frameworks of many jurisdictions, including, inter alia, Belgium, the Czech Republic, Denmark, Estonia, Germany, Slovakia, and others. In the Azerbaijani context, the proportionality of such measures is ensured by the relatively modest amounts involved. The membership fee of the Bar Association is 60 manat, meaning that a fine of ten times the fee amounts to 600 manat (approximately 300 euros). For lawyers in their first year of membership, where the membership fee is 40 manat, the corresponding fine amount is lower. These sums are considerably below the levels of comparable sanctions applied in many other jurisdictions and cannot reasonably be regarded as excessive or punitive.

It is suggested that the amendments to the Law relating to disciplinary proceedings undermine independence and increase the risk of arbitrary or politically motivated sanctions, contrary to international standards.

This assessment is based on a selective reading of the Basic Principles on the Role of Lawyers<sup>3</sup>. While the correspondence refers generally to the requirement that disciplinary proceedings be conducted by an independent and impartial body and be subject to judicial review, Principle 28 explicitly provides that disciplinary proceedings against lawyers may be conducted by “*impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court*” and shall be subject to independent judicial review. Accordingly, international standards expressly recognize and permit disciplinary mechanisms established and operated by a legal profession institution.

In this context, the Disciplinary Commission of the Azerbaijani Bar Association, as a body established within a self-governing professional organization, fully complies with international standards concerning the independence and impartiality of disciplinary proceedings. Pursuant to Article 10 of the Law, the Chairperson, Deputy Chairperson, and other members of the Disciplinary Commission are elected by the General Assembly (Conference) of the members of the Bar Association, which constitutes its highest governing body. Accordingly, the Disciplinary Commission is a representative and elective body that reflects the will and interests of the members of the legal profession. Therefore, assertions that the Disciplinary Commission is politically motivated or lacks impartiality are unfounded and unsupported by any factual evidence or demonstrated practice.

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<sup>3</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>

The amendments do not transfer disciplinary authority to the executive branch, nor do they weaken procedural safeguards. On the contrary, they clarify procedural aspects and reinforce the institutional capacity of the ABA to regulate the profession within a self-governing framework. Moreover, the recent amendments to the Law, through the newly introduced Article 22 (IX), have further strengthened legal guarantees by expressly granting the right to challenge decisions of the Presidium of the Bar Association on imposing disciplinary sanctions before a court within one month. This addition reinforces the constitutional right to judicial protection and ensures effective judicial oversight of disciplinary proceedings.