



**INDEPENDENT
LAWYERS
NETWORK**

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Ms. Margaret Satterthwaite
United Nations Special Rapporteur on the Independence of Judges and Lawyers
Office of the United Nations High Commissioner for Human Rights (OHCHR)
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10 October 2025

Submission Concerning the Draft Amendments to the Law “On Advocates and Advocacy Activity” in Azerbaijan

Dear Ms. Satterthwaite,

On behalf of the Independent Lawyers Network (ILN), I am submitting this communication concerning the draft amendments to the “Law on Advocates and Advocacy Activity” (hereinafter as Law on Advocates or LOA) in the Republic of Azerbaijan which have been under review by the Azerbaijani Parliament since 10 of October 2025 and not have yet been adopted.

The submission aims to inform your mandate of developments that pose serious risks to the independence, self-governance, and integrity of the legal profession in Azerbaijan and to provide contextual analysis in light of international standards, including the UN Basic Principles on the Role of Lawyers (1990).

The Independent Lawyers Network is a non-profit, non-governmental organization established in 2020 in Azerbaijan with the mission of strengthening the protection of human rights and fundamental freedoms, promoting the rule of law, and supporting the independent lawyer profession in Azerbaijan.

The Independent Lawyers Network submits the preliminary legal opinion – attached as annex to this letter - requesting urgent attention to the proposed legislative amendments to the Law “On Advocates and Advocacy Activity” that further threaten the already shrinking environment for the lawyer profession in Azerbaijan.

Draft amendments

On 10 October 2025, it came to the attention of the lawyers of the Independent Lawyers Network that Azerbaijani Parliament (*Milli Məclis – National Assembly*) published the draft “Law on

amendments to the Civil Procedure Code of the Republic of Azerbaijan, the Criminal Procedure Code of the Republic of Azerbaijan, the Code of Execution of Punishments of the Republic of Azerbaijan, and the Law of the Republic of Azerbaijan On Lawyers and Lawyer Activity”.¹

Upon reviewing the draft amendments to the Law on “Advocates and Advocate Activity,” the Independent Lawyers Network has identified multiple problematic provisions within the proposed text of the draft law, raising serious concerns about their compatibility with international standards on the independence of the legal profession.

If adopted in their current form, these amendments would further erode the institutional autonomy of the legal profession by placing the Azerbaijan Bar Association under executive and political control; accordingly, the Independent Lawyers Network submits its preliminary opinion that outlining provisions that pose an immediate threat to the independence, self-governance, and human rights functions of the legal profession in Azerbaijan.

The proposed amendments to the Law on Advocates collectively represent a profound threat to the independence, self-governance, and integrity of the legal profession in Azerbaijan. By expanding executive control over admission, training, and disciplinary mechanisms; removing internal term limits and democratic safeguards within the Bar Association; and introducing vague, punitive, and prolonged disciplinary procedures, the draft law would entrench political influence and effectively strengthening the Bar’s already government-controlled role with more administrative supervision profile rather than a self-regulating professional body that responsible to its members - lawyers.

If enacted, these changes would further dismantle the institutional autonomy of the Bar, weaken the right to effective legal assistance, and undermine the foundations of fair trial guarantees in Azerbaijan.

Broader context

The institutional independence of the Azerbaijani Bar Association has been the subject of consistent concern by international legal and human rights organizations. Reports by the International Bar Association’s Human Rights Institute (IBAHRI, 2021)², the International Commission of Jurists (ICJ, 2016)³, and Lawyers for Lawyers (L4L, 2023)⁴ all highlight systemic deficiencies in the Bar’s autonomy from executive control. These reports describe a structure in which the Bar’s leadership operates under significant political influence, and disciplinary and admission mechanisms are frequently used to marginalize or exclude independent and human rights-oriented lawyers.

In March 2025, the Independent Lawyers Network has also submitted a Rule 9.2 communication to the Committee of Ministers of the Council of Europe under *the Namazov v. Azerbaijan* group of cases, addressing the general measures related to the independence of the legal profession. The

¹ <https://meclis.gov.az/news-layihe.php?id=2522&lang=az&par=0>

² https://www.ibanet.org/document?id=IBAHRI-The-Bar-and-Lawyers-in-Azerbaijan-English&utm_source=chatgpt.com

³ https://www.icj.org/resource/azerbaijan-the-independence-and-role-of-lawyers-must-be-respected-icj-report-says/?utm_source=chatgpt.com

⁴ <https://www.lawyersforlawyers.org/wp-content/uploads/2023/04/Def-UPR-Azerbaijan-03042023.pdf>

submission highlighted ongoing concerns about the draft amendments to the Law on Advocates and their incompatibility with the international standards.⁵

Overall, international observers concur that the Azerbaijani Bar Association does not presently function as an independent professional body capable of safeguarding the rights of lawyers or ensuring genuine self-regulation and these new amendments once adopted will further erode the institutional capacity of the legal profession in Azerbaijan.

In light of these serious concerns, the Independent Lawyers Network respectfully request the UN Special Rapporteur on the Independence of Judges and Lawyers to:

1. Engage with the Azerbaijani authorities and the Bar Association to urge suspension of the proposed amendments until broad, transparent consultations are held with lawyers, civil society, and relevant international partners.
2. Request information from the Government and the Bar Association on the compatibility of the draft amendments with international standards and on the extent of participation by lawyers and civil society in their preparation.
3. Remind the Government and the Bar Association that lawyers must remain free from state or executive influence, as an independent legal profession is essential to access to justice, the right to defense, and the rule of law.
4. Encourage the Council of Bars and Law Societies of Europe (CCBE) and the European Bars Federation (FBE) to engage with the Azerbaijani Bar Association and relevant stakeholders to ensure that its membership in these bodies aligns with international standards of independence and self-regulation.

Your Faithfully

Emin Abbasov,

Human Rights Lawyer, Cofounding chair of the Independent Lawyers Network

Annex – 1. Preliminary Opinion of the Independent Lawyers Network

⁵ [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)575E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)575E)

Annex – 1.

Preliminary Opinion of the Independent Lawyers Network

I. Principal Concerns of the Draft Amendments

a. *Redefining the Bar’s duties in contradiction with international standards*

The draft amendments propose to delete the words “natural and legal persons” from the second part of the preamble of the “Law on Advocate and Advocate Activity” (hereinafter referred to as the “Law on Advocates” or simply “LOA”), which currently states:

«This Law defines the main principles of advocacy activity for providing high-quality legal assistance ~~to natural and legal persons~~ in the Republic of Azerbaijan, as well as the legal status of lawyers and the foundations of their self-governance. »

The concern is further amplified when this provision is read alongside another proposed amendment to the Article 3 of the LOA, titled “Duties of the Legal Profession” which expands the mandate of the legal profession. According to the draft text, the Bar’s duties would no longer be limited to the protection of individuals and legal entities but would also extend to “state bodies (institutions)”. This amendment introduces a substantial shift in the definition of the legal profession’s mandate. The revised wording reads:

*«The main duties of the advocacy (lawyer profession) are to protect the rights, freedoms, and legally protected interests of natural and legal persons, **as well as state bodies (institutions)**, and to provide them with high-quality legal assistance »*

Additionally, Part I of Article 4 is proposed to be amended as follows:

*«Advocacy activity is an independent legal activity carried out professionally and exclusively by a lawyer, in accordance with this Law and other normative legal acts of the Republic of Azerbaijan, for the purpose of ensuring and protecting the rights of natural and legal persons, **as well as state bodies (institutions)**.»*

The deletion of the phrase “natural and legal persons” from the preamble is not merely stylistic but conceptually problematic, as it removes the explicit reference to the very subjects whose rights the legal profession is meant to defend. The preamble sets the interpretative framework of the entire law, and its human-centered language affirms that advocacy exists to protect individuals seeking justice. Stripping this reference, particularly in a context where state authorities are being added in a subsequent amendment in the law as “beneficiaries” of legal protection, effectively

reorients the law away from its core purpose transforming the profession from a safeguard of citizens' rights into a service structure with diluted public interest focus.

Article 3 of the Law functions as a general normative clause that frames the interpretation of all subsequent provisions; it is not merely a technical rule listing the lawyer's duties toward different categories of clients but a foundational statement defining the public mission of the legal profession. International standards, including the UN Basic Principles on the Role of Lawyers and Council of Europe Recommendation Rec(2000)21—do not assign lawyers any duty to protect or advance state interests, precisely because the legal profession must remain structurally independent from governmental authority in order to function as an accountability mechanism.

The third amendments (Article 4) reinforce the same problematic logic by positioning state authorities as beneficiaries of legal protection alongside citizens. Presented as technical language adjustment, these amendments collectively introduce a conceptual transformation: they imply that the State itself becomes a “client” of lawyers, which fundamentally distorts the adversarial nature of legal defense and erodes the basic principle that lawyers exist to protect individuals' rights in relation to state power.

These amendments directly contradict the core principles of the legal profession as articulated in the UN Basic Principles on the Role of Lawyers (1990)⁶, which establish that the primary function of lawyers is to protect the rights of individuals against potential abuse of power by the State. By placing state institutions among the beneficiaries of legal protection in the same normative category as individuals, the amendment distorts the adversarial nature of legal representation and risks transforming lawyers from rights defenders into auxiliary actors of state interests.

b. Lowering legal guarantees through substitution of “laws” with “normative legal acts”

Article 1 of the Law on Advocates, titled “*Advocacy in the Republic of Azerbaijan,*” sets out the foundational guarantees and normative framework of the legal profession. Its current Paragraph III establishes that the legal profession must operate in compliance with the Constitution, this Law, procedural legislation, and other laws of the Republic of Azerbaijan. However, the proposed amendment seeks to replace the reference to “laws” with “normative legal acts”, which—under Article 148 of the Constitution of Azerbaijan includes not only parliamentary laws but also presidential decrees, Cabinet of Ministers' decisions, and regulatory acts of other central executive authorities.

The proposed version of the provision reads:

«III. *The foundations of the legal profession are as follows: compliance with the Constitution of the Republic of Azerbaijan, this Law, the procedural legislation of the*

⁶ According to the UN Basic Principles on the Role of Lawyers (1990), in particular Principles 12, 14, 16, and 24, the role of lawyers is defined as the protection of individuals' rights and interests in relation to state authority, ensuring accountability and acting as independent agents of justice. By placing state bodies as beneficiaries of legal protection on equal footing with individuals, the proposed amendment contradicts these principles and undermines the adversarial and rights-protection function that the international standards assign to the legal profession.

Republic of Azerbaijan, and other laws normative legal acts of the Republic of Azerbaijan. »

This proposed amendment is conceptually and legally problematic, as it lowers the standard of legal guarantees for the profession, allowing the executive branch to unilaterally regulate or restrict fundamental principles of advocacy through secondary acts, rather than through laws adopted by Parliament. In effect, it transfers the regulatory power over the legal profession from the legislative domain to the executive, enabling political control through administrative instruments rather than democratically adopted legal norms.

Such a shift undermines the constitutional principle of legal certainty and weakens the institutional independence of the Bar, making it vulnerable to rapid changes imposed by executive regulation without parliamentary oversight or professional consultation.

c. Lifetime chairmanship and controlled elections: governance of the Bar Association without democratic safeguards

With the current draft legislation, it is proposed to delete the third sentence of Article 11(2) of the Law on Advocates, which currently states:

«No person may be elected as the Chairperson of the Presidium of the Bar Association more than twice. »

By eliminating this two-term limit, the draft legislation effectively opens the way for indefinite re-election of the same leadership within an already non-competitive and non-transparent electoral system.

Under the current framework, the Bar's governing body, the Conference of Lawyers, is formally the highest decision-making authority (Article 10 of LOA), empowered to amend the Charter, adopt disciplinary rules, determine the budget, and elect the Presidium, the Chairperson, and members of disciplinary bodies. However, because the Bar's membership now exceeds 500, the Conference operates through delegates, whose selection is neither directly regulated by law nor democratically determined.

Pursuant to Article 8(2) of the Bar's Charter, the incumbent Presidium itself determines the norms of representation and the procedure for delegate selection. In practice, delegates are nominated by directors of lawyers' offices who operate under the Presidium's supervision, resulting in the selection of loyal candidates and the exclusion of independent or critical lawyers.

The problem is further compounded by the Regulations on the Organization and Activities of Lawyers' Offices (Presidium decision of 29 October 2018)⁷, which require the Presidium's prior consent for the establishment, restructuring, or even admission or dismissing members within

⁷Regulated by the Regulations on the Organization and Activities of the Lawyers' Offices adopted by the Presidium of the Bar Association on October 29, 2018. See Articles 2.4, 2.8, 2.10, 3.6 and 3.8 of the Regulations. https://barassociation.az/uploads/attachments/vekil_qurumlarinin_yaradilmasi_haqinda_qayda_c1fbdcf39e51ac0d6210eaab377c6301.pdf

lawyers' offices. This gives the Presidium pervasive control over both the institutional and professional lives of lawyers.

In this context, removing the term limit for the Chairperson would entrench an already monopolized structure, allowing indefinite leadership continuity without meaningful electoral accountability or participation by the broader legal community. Such a system undermines pluralism, perpetuates dependence of lawyers and law offices on the Presidium's goodwill, and contradicts the principles of independence, democracy, and internal accountability required for a self-governing legal profession.

d. Restriction of institutional duty to assist lawyers (Amendment to Article 7 of the Law on Advocates)

The current version of Article 7(I) of the Law on Advocates provides a clear and unconditional guarantee:

«Regardless of their organizational form, all administrations, enterprises, and organizations are obliged to assist lawyers in the performance of their professional duties. »

The proposed amendment replaces this with a new formulation under paragraph 4.8.1:

«Legal entities and state bodies (institutions) shall assist lawyers in the performance of their professional duties in cases prescribed by normative legal acts. »

This amendment would significantly narrow the existing safeguard. The current text establishes a general obligation applicable to all institutions public or private to cooperate with lawyers in their professional functions, thereby ensuring that defense rights can be exercised effectively and without obstruction. The revised wording, however, conditions this duty on the existence of additional "normative legal acts," effectively transferring the power to define, limit, or even deny such cooperation to the executive branch.

In practice, this amendment would legalize selective cooperation with lawyers, allowing state bodies to invoke the absence of a specific normative act as justification for non-compliance. It risks entrenching arbitrary administrative control over legal defense work, particularly in politically sensitive or human-rights-related cases.

Accordingly, this amendment represents a substantive regression from existing guarantees and should be viewed as incompatible with Azerbaijan's international obligations to ensure the independence, effectiveness, and protection of lawyers in the exercise of their professional duties.

e. Restriction of the prohibition against interrogating lawyers (amendment to article 7(III) of the Law on Advocates)

The current version of Article 7(III) of the Law on Advocates provides:

«It is prohibited to interrogate a lawyer about circumstances that became known to him/her in connection with the performance of his/her professional duty.»

The proposed amendment replaces this wording with a new formulation:

«It shall be prohibited to interrogate a lawyer about circumstances that became known to him/her in connection with the exercise of legal practice.»

This change appears minor in form but substantially weakens the material scope of protection afforded to lawyers. The current version, by referring to “professional duties,” encompasses both the ethical and legal dimensions of the lawyer’s role — including professional secrecy, confidentiality, and independence and therefore creates a comprehensive safeguard consistent with international standards.

By contrast, the proposed version substitutes this term with “exercise of legal practice,” narrowing the protection only to formal or procedural acts performed in the course of advocacy. This formulation may be interpreted restrictively, excluding other aspects of a lawyer’s professional function such as legal advice, confidential consultations, or strategic discussions with clients.

In practice, this amendment would enable investigative or prosecutorial authorities to argue that certain information known to a lawyer does not fall within the scope of his/her “legal practice” and thus justify interrogation. Such an interpretation would undermine the principle of professional secrecy and the trust-based nature of the lawyer–client relationship, which are essential components of the right to defense and the right to a fair trial.

f. State interference in the admission and training of lawyers (amendments to article 8 of the Law on Advocates)

The draft proposes that paragraphs I, IV, and V of Article 8 be amended as follows:

«I. Citizens of the Republic of Azerbaijan who have higher legal education, at least one year of professional experience in the field of law or at least one year of work in legal academic or educational institutions, who have successfully passed the qualification examination — consisting of a written test and an interview — before the Qualification Commission of Lawyers for the purpose of determining professional suitability, and who have successfully completed mandatory training at an educational or scientific institution of the relevant executive authority, may become lawyers, provided that none of the circumstances specified in paragraph II of this article apply. »

This proposed wording raises serious concerns regarding state interference in the admission and training process of lawyers. By assigning to the “relevant executive authority” the power to determine, organize, and certify the mandatory training required for entry into the legal profession, the amendment effectively transfers a core function of the Bar Association to the executive branch.

The proposed model creates a dual system in which the executive authority controls mandatory professional preparation, while the Bar retains only a formal or residual role. This structure compromises the transparency, impartiality, and autonomy of the qualification process, allowing political or administrative influence to determine who may enter the legal profession. It also undermines the public's confidence in the Bar's independence and the neutrality of its admission mechanisms.

g. Expansion of disciplinary and supervisory powers of the presidium of the Bar Association (amendment to article 11(III) of the Law on Advocates)

Proposed version:

«III. The Presidium of the Bar Association shall:

- decide on admission to membership of the Bar Association, exercise the powers regarding termination of legal practice in accordance with Article 23 of this Law, and maintain the register of lawyers;*
- conduct monitoring, for a period of at least three months, of the activities of regional branches (centers) of the Bar Association, legal-aid centers, training centers, lawyer entities, and individual lawyers in connection with the implementation of the decisions of the Bar's governing bodies, and adopt decisions to remedy deficiencies identified during such monitoring. »*

The new version of the provision introduces an entirely new and extensive clause authorizing the Presidium to conduct monitoring of all Bar structures, law offices, and individual lawyers for at least three months and to issue binding corrective decisions. This introduces a continuous oversight mechanism unprecedented in the existing law.

In practice, this provision transforms the Presidium from a collegial administrative organ into an inspectorial body capable of intervening directly in the daily operations of regional offices and individual practitioners. Such power lacks procedural safeguards or external review and could be used to exert disciplinary or political pressure on independent lawyers or dissenting regional offices.

The combined effect of removing the Bar's qualification and methodological responsibilities while expanding its disciplinary and monitoring powers results in a centralization of authority within the Presidium. The institution that should serve as a representative organ of the profession risks becoming an enforcement arm within the Bar structure.

It worth to note that continuous monitoring "for at least three months" is vague and open-ended, allowing indefinite inspections. The power to "adopt decisions to remedy deficiencies" is undefined and it may include suspension or informal sanctions outside disciplinary due process.

h. Expansion of disciplinary sanctions and control powers (amendments to article 22 of the Law on Advocates)

The draft law revises Article 22 of the Law on Advocates as follows:

Paragraph III: the time limits are extended — “six months” is replaced with “one year,” and “one” is replaced with “two.”

Current version (Article 22(III)):

“A disciplinary sanction against a lawyer may be imposed within six months from the date the disciplinary violation was discovered, and no later than one year from the date it was committed.”

The current provision establishes clear time limits for disciplinary action, ensuring predictability and legal certainty. By limiting sanctions to one year from the date of the offense, it protects lawyers from retrospective or politically motivated proceedings. The proposed extension of these limits to one and two years respectively would undermine legal stability, allowing disciplinary cases to remain open for prolonged periods and enabling sustained pressure on lawyers critical of the authorities or Bar leadership.

Paragraphs V–VI: the Disciplinary Commission’s investigation period is expanded from one to three months (extendable by an additional three months), and a new system of disciplinary sanctions is introduced, including monetary fines and broader suspension powers.

The revised list of sanctions authorizes the Presidium of the Bar Association to impose:

- warning;
- reprimand;
- fine in the amount of ten times the membership fee;
- suspension of the lawyer’s activity for three months to one year (for repeated violations of Article 9 of the Law on Combating Corruption or more than three breaches of ethics rules);
- expulsion from the Bar Association for “acts discrediting the lawyer’s title” or “undermining the reputation of the legal profession,” or for repeated violations of normative legal acts causing harm to the client’s interests.