

Brief report on the main activities of the Azerbaijani Bar Association since the election of the current Board in December 2017

1. Admission to the bar

Since 2018, the institution of representation in Azerbaijan has been restricted and a partial monopoly of advocacy on court cases was ensured. Taking into account the experience of developed countries in this area, we can consider the change in the legislation on the restriction of representation as a belated step.

As of 2018, the Azerbaijani Bar Association (hereinafter "the ABA") has started large-scale work to increase the number of lawyers.

Taking into account that the admission to the bar by test method began in 2004, it should be noted that in the period from 2004 to 2018 (for 14 years) the number of lawyers increased from 600 to 931, but in the period from 2018 to 2022 (for 4 years) the number of lawyers increased from 931 to 2135 (the number of applications over 4 years was 4087 accordingly). Currently, there are 142 candidates who have successfully passed the written waiting for the oral examinations and 119 candidates who have successfully passed both stages and are enrolled in mandatory training.

The mandatory training courses have been developed for raising awareness of lawyers with respect to CoE conventional toolkits. The course program includes seminars on filing applications to the European Court of Human Rights, legal assistance to the victims of gender-based violence, international conventions and mechanism for the protection of human rights, etc.

With the increase in the number of young lawyers, advocacy has been rejuvenated. Similarly, the number of female lawyers and the number of lawyers in the regions have increased many times. In addition, 4 years ago the number of law offices was 39, now this number has increased to 113, and many of them have been renewed and fully restored.

However, it should be mentioned that the number of law graduates in Azerbaijan is about 10 times less than in other countries. This has a direct impact on the number of lawyers.

For the last 4 years, the reception of applications for bar membership is carried out on a regular basis. The written test is carried out on a computer at the State Examination Center. The transparent admission procedure is monitored by representatives of international organizations such as the UN, the German Society for International Cooperation (GIZ), the CoE, and the embassies. The admission of documents is carried out in an electronic way and in accordance with the exam preparation program shown on the Bar's website. Also, the lawyer candidates who attend the verbal exam on the same day are asked the same exam questions with the purpose of maintaining objectivity. However, in previous years, a different kind of experience has been observed.

Moreover, more than 90% of lawyers have been trained over 4 years in cooperation with the GIZ, the ICRC, UN agencies, and other international organizations. In addition, the Legal Aid and Training Center of the ABA (hereinafter "the ABA LATC"), which has been operating since the beginning of 2020, conducts training both in traditional and online methods.

In addition, according to the agreement reached with the Law Society of the United Kingdom, members of the ABA can now be admitted to advocacy and practice law in England and Wales.

We would also like to note that by the Order of the President of the Republic of Azerbaijan dated December 25, 2019, every year December 28 is celebrated as "Advocate's Day", a professional holiday of lawyers.

2. Disciplinary proceedings

Unlike in previous years, there is a more humanistic approach to disciplinary proceedings since the election of the new Board in 2017. Although the number of lawyers has increased, the number of disciplinary cases has decreased. In fact, in most cases, the Board does not initiate disciplinary proceedings against lawyers on appeals from state bodies and does not send these applications to the Lawyers' Disciplinary Commission.

As a result, 55% of appeals and complaints from law enforcement agencies against the lawyers were rejected and not considered by the Board at all. Apart from that, no disciplinary sanctions have been imposed in 95% of all the complaints and appeals received from governmental, non- governmental bodies and citizens.

3. International cooperation

During past 4 years, we continued to strengthen our relationship with the UN specialized agencies, the International Organization for Migration, the Commissioners for Human Rights and Children's Rights, the Council of Bars and Law Societies of Europe (CCBE), the GIZ, the CoE, the EU, the World Bank, the German-Azerbaijani Chamber of Commerce amongst others. As a continuation of ongoing activities in this direction, the ABA has recently become a member of well-known international organizations in the field of the legal profession including UIA and LAWASIA. On 13 May 2022, the ABA became an observer member of the CCBE.

In addition, effective cooperation has been established with international organizations specializing in the field of advocacy (CCBE, ICJ), and with the recommendations of these organizations, we made additions and amendments to the Charter on the Lawyers' Rules of Conduct.

Within the framework of cooperation between CCBE and the ABA, two successful events have been held jointly. On June 29, 2021, the webinar “On the role of the ECHR and criteria for admissibility of applications - theory and practice” was held, live-streamed for the whole legal community, and all the addressed questions were answered by international experts. On January 12, 2022, the CCBE and the ABA held the next joint webinar on “Deontology issues of lawyers – professional secrecy and freedom of speech” with more than 200 participants and 1600 viewers.

During the official visits of Alexander Gessel, the head of the Political Affairs Directorate, Mikhail Lobov, Head of the Human Rights Policy and Cooperation Department, Dunja Mijatović, Commissioner for Human Rights, and Christos Giakoumopoulos, Director General of Human Rights and Rule of Law of the Council of Europe, to Azerbaijan on different years, they visited the ABA as well and we had useful discussions on the development of the legal profession.

On February 16, 2022, the ABA officially joined the activities of the regional project “Strengthening the profession of lawyer in line with European standards” funded by the European Union and the Council of Europe within the framework of the Partnership for Good Governance 2019-2021 (PGGII). The regional project “Strengthening the profession of lawyer in line with European standards” is implemented in the countries of the EU Eastern Partnership and is aimed at strengthening cooperation between the bar associations and law societies of the participating countries with a view to improving the internal functioning and independence of the bar.

On the eve of the professional holiday, December 28 - "Advocate's day", between December 17-29, 2021, the ABA organized the international exhibition “World Advocates' Robes and Attributes” for the first time. Hundreds of people visited there every day and had the opportunity to get acquainted with the exhibits. Lawyer and judge robes were collected from about 70 different countries within two years in accordance with the national legislation of each country irrespective of the severe pandemic conditions. At the same time, negotiations with the bar associations of foreign countries are ongoing, and in the near future, the number of these robes (gowns) will cover more than 100 countries; the judge robes of different countries will also be exhibited in the museum. At the exhibition, medals, orders, badges, stamps, and banknotes related to the history of advocacy and justice were also displayed.

All in all, such an event organized by us for the first time arouse great interest among our lawyers, court and law enforcement officers, the local and foreign legal community, as well as increased interest in advocacy and the profession among young lawyers.

Starting on 27 February 2022, the Ukrainian National Bar Association, International Association of Lawyers, and other international organizations addressed the request to provide our Ukrainian colleagues with financial or any other kind of support. The ABA reached all its members and the chairman Mr. Anar Baghirov shared the call on his personal social media accounts. As a response, Azerbaijani lawyers have greatly contributed to the financial aid for the members of the UNBA. Also, upon the request, the ABA has provided the members of the Ukrainian community in Azerbaijan that have left Ukraine after the Russian hostilities took place there with free legal aid and financial support.

4. Digitalization of services

The application of innovations in advocacy is one of the issues that are always approached with special sensitivity. In order to ensure citizens’ access to legal assistance, an online register of all the law offices and members of the ABA has been created on our website and all information provided here is constantly updated.

In addition, an electronic cabinet was put into operation for each lawyer and these e-cabinets were integrated into the "electronic court" information system.

Also, the circulation of official documents of the board and lawyers’ documents is carried out through this e-cabinet. Lawyers are also notified about the newly-sent documents and information via SMS and e-mail.

Since the beginning of the activity of the current Board, the application for admission to the Bar has been electronic, and now this is being further improved and candidates will be able to send their documents online via the relevant platform on the website.

In the framework of digitalization, the personal files of lawyers are also digitalized and an electronic database is created in the archival storage.

Furthermore, as stated above, for the professional development and vocational training increase of our members as well as lawyer assistants, the ABA established LATC; and roundtables, seminars, workshops, webinars, training, discussions, etc. are weekly organized there. The LATC has also introduced the "Continuing Education" electronic platform which aims at facilitating participation for everyone, in particular the members of the ABA that live far away from the capital.

On the other hand, in 2020, due to the pandemic, taking into account the quarantine regime, the "LegalAid" electronic legal aid mobile application was developed and made available to citizens.

In connection with the provision of legal assistance at the expense of the state, decisions are centralized and sent to the LATC in an electronic form, and these decisions are transferred from LATC to law offices and individual lawyers online through their personal cabinets.

At the same time, free legal assistance – i.e. “Pro Bono” is provided not only in the traditional way but also online.

Also, work is underway with relevant agencies for the digitalization of obtaining lawyer inquiries. In addition, in the near future, the “Electronic lawyer order” platform will also be launched.

5. Amendments to the legislation and support for the legal reforms

Our legislative initiatives aim at improving the independence of lawyers, the realization of the rights of citizens to receive high-quality legal assistance, protection of human rights and freedoms, and the efficient functioning of the administration of justice. The ABA’s efforts include appeals to various authorities regarding amendments to Procedure Codes, Law "On Lawyers and Legal Practice" and other legislative acts.

The ABA has drafted amendments to the Law “On Lawyers and legal practice” which have been reviewed by CCBE’s experts. Following the review, all the amendments proposed by experts have been accepted, and the draft law has been adjusted in concordance with the recommendations.

Also, the ABA is one of the two co-founders of the Mediation Council and has held several online meetings and events related to experiences and solutions with the participation of the administration of the Mediation Council and more than 100 lawyers and mediators. In addition, in order to organize the normal functioning of the mediation in the country, the appeal addressed to the ABA from the Mediation Council was considered and according to the Decision of the Board dated 04.11.2021, a positive decision was made to donate.

On 12.03.2021, the ABA and the Supreme Court jointly organized a roundtable on “Judge and lawyer, procedural and non-procedural relationships” and analyzed the mutual procedural relationships between judges and lawyers, and problems encountered in this area.

In particular, some technical problems arising in the "Electronic court" information system caused justified concern of our lawyers and in this regard, on 01.11.2021 a conference was held with the administration of the Ministry of Justice and the Judicial-Legal Council. All proposals and complaints made by lawyers were summarized and sent to the Ministry.

On 22 January 2022, the ABA presented its suggestions on draft Laws “On amendments to the Civil Code”, “On amendments to the Code of Administrative Offences” and “On amendments to the Criminal-Procedural Code”. Further, on 21 December 2021, the ABA presented its suggestions on Law “On amendments to the Criminal-Procedural Code” to the Supreme Court of Azerbaijan Republic.

Within the framework of the joint project funded by the European Union and implemented by the Azerbaijani government, the draft law “On free legal aid” has been prepared and delivered to relevant state bodies for review; the ABA is a key coordinator of the project. The law is expected to be adopted latest in the 2023 year.

In November 2020 and December 2021, the ABA submitted its opinion upon the request of the Constitutional Court required for the interpretation of particular Articles of Civil Code and Code of Execution of Punishments respectively, and in February 2022, of Criminal Code and Law “On banks”.

Further, as part of the cooperation between the ABA and the Administration of the Regional Medical Divisions (TABIB), certain places and medical personnel in hospitals were allocated for the lawyers as the priority group in all the vaccinations-doses since April 2021. Furthermore, the appeal of the Prosecutor General’s Office related to our principal and courageous female lawyers demonstrating exemplary behavior, honoring the name of advocacy, carrying out the legal activity with high professionalism, especially in the field of detection of grave crime and exposure of the criminal without any personal interest for the interests of our society was considered, and a decision to award our valuable colleagues Sevda Maharramova and Rovshana Rahimli with the honorary diploma was adopted in the Board meeting.

On the other hand, one of the issues related to the competence of the Board of the ABA defined by our Law is elaborate methodical recommendations on matters of legal practice.

Thus, the ABA prepared the methodological manual “Defense activity of a lawyer in criminal case”, the collection of “Lawyer’s recommendations” and the textbook on “Protection of Family Rights. The right to social, legal and economic protection of the family: theory and practice” and presented to lawyers and legal community for free of charge. In addition, according to the cooperation agreement signed between UNICEF Azerbaijan and the ABA the handbook on “Protection of children's rights” was prepared. Furthermore, since 2021 was declared the “Year of Nizami Ganjavi” in Azerbaijan, with the support of the ABA, the book entitled “Nizami Ganjavi”: his exhortations, sayings, wisdom, and aphorisms” was published.

Within the framework of various collaborations with GIZ, OHCHR, and other international organizations, the magazine "Azerbaijani Lawyer" is issued four times a year and distributed to all the lawyers and other members of the legal community.

6. Support for members

By the decisions of the Board, over the past period, 18 lawyers suffering from coronavirus and other diseases were provided with financial assistance from the Advocacy Development Fund. In general, in the past period, 95 lawyers were exempted from paying membership fees on the grounds of maternity leave, education, etc.

Furthermore, the ABA is always working within the framework of cooperation and negotiations with state authorities to eliminate all problems that occur or may occur in the process of professional activities of lawyers. During the last few years, more than 100 lawyers approached the ABA and expressed their concerns and challenges relating to artificial obstacles caused by the government bodies. The ABA brought the issues to the agenda of several state authorities and as usual, the ABA's interference has become helpful in resolving these issues.

According to the Decree of the President dated December 30, 2020, a group of the ABA members were awarded the "Progress" medal as well for their long-term fruitful activity in the field of law.

Furthermore, on 12 March 2022, for the purposes of promoting intellectual games among its members and fruitful organization of their spare time, the ABA initiated and organized an intellectual game "What? Where? When?" with the participation of more than 100 lawyers from Baku and regional Law Offices.

Also, the national football team of the ABA finished 3rd in the Grand World Championship, which took place in Morocco from the 7th to the 15th of May 2022.

In May, the children's drawing exhibition competition "The profession of advocacy through the eyes of children" will take place as well.

7. Gender policy

On 3 March 2022, the ABA initiated the organization of the roundtable on "Women in advocacy: yesterday, today and tomorrow". The event was attended by the chairman of the Bar Anar Baghirov, chairperson of the State Committee for Family, Women and Children Affairs Bahar Muradova, the leadership of the board, and more than 50 women lawyers.

On 1 April 2022, following the request of 22 female members of the ABA, according to the decision of the Presidium of the ABA Women Lawyers' Alliance was established.

Furthermore, webinars and training courses on the Council of Europe Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention"), legal assistance to the victims of domestic violence, and gender-based violence were held throughout the year for members of the ABA, particularly for female members of the Bar within the framework of the Council of Europe's HELP (Human Rights Education for Legal Professionals) program. From 2017 to 2020 Azerbaijan was ranked 13th, 10th and 15th according to the number of HELP users by country.

Moreover, according to the Orders of the President of the Republic of Azerbaijan dated 30.12.2020 and 07.03.2022, 6 female members of the ABA have been awarded the "Progress" medal for their fruitful activities in the socio-cultural life of the Republic of Azerbaijan.

8. Support for the young generation of lawyers - increasing interest in the legal profession among young people

Over the past few years, the ABA signed the memorandums of understanding with around ten universities, and internal events of the universities, the projects of students have financially and academically been supported by the ABA.

According to the cooperation agreement signed between the ABA and ELSA (European Law Students' Association), joint projects, conferences, round tables, seminars, discussions, court competitions, summer, and winter law schools are held with the support of the ABA, as well as ELSA members can apply and practice at our law offices at any time.

In April 2022, with the financial support of the ABA the project aiming at raising legal awareness of young generations "Voice of law" took place at ADA University.

For 2 years in a row, financial and media support were provided for the Philip C. Jessup International Moot Court Competition both in Azerbaijan and for the winners to participate in the rounds in the United States.

Additionally, in different years, the travel expenses of the teams representing Azerbaijan at the International Commercial Arbitration Competitions (Willem C. Vis Moot) in Europe were covered.

Last year the libraries of Baku State University and the Academy of Public Administration were renewed, restored, and provided with books with the support of the ABA.