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Statement by the Delegation of the Republic of Azerbaijan

***1168th Meeting of the Permanent Council,
14 December 2017***

*in response to the statement by the EU Delegation
on access to justice in Azerbaijan*

Thank you Mr. Chairperson,

Our Delegation has taken a due note of such an interest of the EU Delegation to the process of judicial and legislative reforms in Azerbaijan. We would have wished that the EU Delegation before expressing its concern in this statement had properly consulted with our Delegation or asked from the Azerbaijani Government more information about the legislation prior to raising the matter at the PC. This would have allowed the EU Delegation to understand current situation in administration of justice in Azerbaijan and reforms pursued by the Government of Azerbaijan. Apparently, it looks like requesting clarification is less attractive for the EU and aligned countries than raising the matter publicly.

Mr. Chairman,

The Government of Azerbaijan has been consistently taking measures to strengthen the rule of law. The package of amendments to respective legislative acts, to which the EU Delegation referred to, was submitted to the Milli Majlis (Parliament) of Azerbaijan by the Supreme Court in the framework of judicial system reform and is yet another step aimed at improving the quality of legal counsel and access to justice for the citizens of Azerbaijan. The new measures will further develop the institution of Collegium of Advocates (Azerbaijan's Bar Association) and will increase access to qualified lawyers.

Registering with Bar associations to practice as lawyer is a requirement under the law in many countries. Lawyers training systems in almost all EU Member States also require registration with the Bar Associations to become a full-fledged lawyer. For example, Belgium, Bulgaria, France, Czech Republic, Estonia, Denmark, Germany, Ireland, Greece, Spain, Croatia, Italy, Cyprus, Lithuania, Luxembourg, Hungary, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and UK require registration with the Bar Associations.

Furthermore, EU Establishment Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained, also contains provisions requiring registration with the competent authority in the host

State, which is usually the Bar.

Thus being said, we find the concerns raised by the Delegation of EU with regard to requirement to register with the Collegium of Advocates in Azerbaijan are groundless and cast doubt as to the real intentions of the EU Delegation in raising this current issue.

We remind the EU Delegation that promotion of the rule of law is based on adherence to the norms and principles of international law, obligations under bilateral agreements and relevant UN Security Council resolutions. Unfortunately, a selective and double standard approach we frequently observe on the part of the EU Delegation to the OSCE and of those aligned countries towards Azerbaijan in Vienna, especially in the statements delivered on the Armenia-Azerbaijan conflict, lack a sense of respect for these obligations and undermines trust in sincerity of the EU interest in restoring the rule of law in the conflict affected territories of Azerbaijan.

Our Delegation finds this exchange of views under current agenda item as hardly conducive to restoring confidence between us. We once again strongly encourage the Delegation of EU to the OSCE and those countries aligned to its statement to review such a double standard policy vis-a-vis Azerbaijan in the interests of strengthening of the Organization.

Thank you.