



Ankara, 13/11/2017

**Mr. Nurlan NIGMATULIN**  
**Chairman**  
**Mazhilis of the Parliament of the Republic of Kazakhstan**  
**2, Mangilik El str.**  
**Astana, Kazakhstan**

Dear Chairman Nigmatulin,

It is our duty to state that the law-making initiative of the Ministry of Justice of the Republic of Kazakhstan concerning the role of advocates must adhere to and respect existing international standards concerning legal profession, the rule of law and the right of individuals to qualified legal assistance.

We consider that every state must, in the process of adopting new laws, adhere to its international obligations, including the following: “governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics [...] Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.”

The Union of Lawyers Organizations of Turkic Speaking and Related Countries (TURK-AV) is therefore forced to insist, that fundamental standards governing legal profession such as independence, self-regulation, obligatory bar membership, and realisation of the right to qualified legal assistance through representation of clients by qualified advocates only, cannot be questioned, doubted or interpreted broadly. Nor can such fundamental standards be subject to generalization in the process of law making by the executive organs of the state.

Since the creation of legal profession, the role of advocates was to serve the interests of justice, rule of law, and protection of interests of those in need of legal assistance. There is no doubt that such professional legal assistance may not be offered by a dependent organ, including an organ dependent on the executive branch or the court. Furthermore, individuals who have not undergone necessary training and qualification barriers, individuals not subject to ethics norms or disciplinary regulations, may not render such legal assistance.



**TÜRK DİLİ KONUŞAN VE AKRABA ÜLKELER AVUKATLIK ÖRGÜTLERİ BİRLİĞİ**  
**THE UNION OF LAWYER ORGANIZATIONS OF TURKIC SPEAKING AND RELATED COUNTRIES**  
**АССОЦИАЦИЯ АДВОКАТСКИХ ОРГАНИЗАЦИЙ ТЮРКОЯЗЫЧНЫХ И РОДСТВЕННЫХ СТРАН**

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The TURK-AV is therefore compelled to issue this statement, because the proposed law presented by the Ministry of Justice of the Republic of Kazakhstan has, to the TURK-AV's greatest regret, been drafted without relevant participation or contribution from practising advocates and directly contradicts basic norms, standards and principles regulating legal profession.

For instance, inclusion of representatives of the executive branch of the state in the advocates' disciplinary commissions; interference by the government with financial independence of the bar association, including government-imposed norms regulating types and amounts of member fees; state control in the sphere of advanced legal training of practising advocates and ability of the executive organs to issue decisions regarding fitness to practice; regulation of advocates' earnings, including introduction of a 'ceiling' amount of advocates' earnings; legal provisions in favour of unlicensed lawyers, who, in accordance with the draft law and in contradiction to international standards, are allowed to represent clients alongside advocates admitted to the bar; such provisions favouring unlicensed lawyers include: favourable tax regime, absence of disciplinary regulation of unlicensed lawyers etc. Such term directly contradicts abovementioned principles and threatens the mere existence of independent legal profession within the Republic of Kazakhstan and in the proposed form, the bill requires revision.

Sincerely Yours,

**Prof. Dr. Metin FEYZIOĞLU, Esq.**  
**Secretary General of TÜRK-AV**  
**President of the Union of Turkish Bar Associations**



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**THE UNION OF LAWYER ORGANIZATIONS  
OF TURKIC SPEAKING AND RELATED COUNTRIES**

With the desire to make the affirmative relations, that exist between the lawyers of countries who are friends and brothers in terms of history and culture, more efficient and sustainable through discussing and evaluating the cooperation opportunities, TÜRK-AV (Union of Lawyer Organizations of Turkic Speaking and Related Countries) has been established on April 8, 2016 in Ankara. The founder members of TÜRK-AV are the Union of Turkish Bar Associations, the Association of Mongolian Advocates, Georgian Bar Association, the Bar Association of the Republic of Azerbaijan, Kazakhstan Republican Bar Association, Kyrgyzstan Bar Association and the Albanian National Chamber of Lawyers. TÜRK-AV also has participant and observer members. The participants members of TÜRK-AV are the Kosovo Bar Association, the Bar Association of the Federation of Bosnia and Herzegovina, the Cyprus Turkish Bar Association and the Moldovan Republic Lawyers' Association. Finally, the observer members of TÜRK-AV are the Russian Federal Chamber of Lawyers, the Dagestan Republic Chamber of Lawyers, the Tatarstan Republic Chamber of Lawyers, the Bashkortostan Republic Chamber of Lawyers and the International Association of Black Sea-Caspian Countries Legal Professionals.