

German Bar Association (Deutscher Anwaltverein, DAV) considers independence of Turkish Bars in danger
Reform of the Bars is an attack on progressive legal profession

Berlin (DAV). The German Bar Association (DAV) is very concerned about the reform of the Turkish Bars, effective as of 15 July 2020. It will be a reform impacting on the burden of the progressive Bars.

According to the law adopted by the government under President Recep Tayyip Erdogan, any group of at least 2.000 lawyers may set up their own Bar association in provinces with over 5.000 lawyers. The three largest Bar associations in Turkey, namely Istanbul, Ankara and Izmir are especially affected by the reform - the three metropolises are rather opposition-oriented. Pursuant to the amended law, it is now possible for new and presumed government-friendly Bars to be established here in addition to the existing Bars. Other provinces such as Adana and Antalya could follow.

"The aim of establishing these new Bars is an attempt to divide lawyers and undermine their role and function, thus reducing their influence in the long run", worries DAV president Edith Kindermann. "In addition, a membership in Bars critical of the government could result in a negative effect towards authorities and courts in the future." It would also be devastating for the rule of law in Turkey if the important work of the Bars in the area of human rights could not be continued.

The law also provides for a change in the number of representatives of the local Bars in the Turkish Bar Association (UTBA). Small Bars will thus be able to send more representatives, while the large Bars will be represented by considerably fewer delegates. Again, the major cities will be particularly affected by this regulation.

"In our view, the changes that have now come into force represent a clear attack by the government on the progressive, large Bars in Turkey," Kindermann points out. "Their continued calls for human rights and the rule of law seem to have long been a thorn in the government's side." The independent Bars in Turkey traditionally have considerable political influence and a significant position within society.

The DAV has been closely following the attacks on the independence of lawyers in Turkey in recent years and is in close contact with Turkish colleagues. "We know the situation of the Turkish legal profession from numerous discussions, delegation visits and joint events. The official argumentation of the Turkish government that the reform would lead to a 'more democratic and pluralistic' system seems to us, also from these experiences, to be plainly cynical," says Kindermann. "The law is rather aimed at aligning the legal profession in Turkey with the government's interests - this is a further major setback for the rule of law in Turkey."