

EU ABETS DIALOGUE ON ATTORNEY-CLIENT PRIVILEGE IN ALMATY



Ms Laurence Kiffer and Mr Daniyar Kanafin, Board Members of the Paris and the Almaty Bars

On 22 May 2017, the EU-Central Asia Rule of Law Platform organised [a round table “On the Attorney-Client privilege”](#) (ACP), in cooperation with the Almaty and Paris Bars. Co-chaired by Mr Daniyar Kanafin and Ms Laurence Kiffer, the round-table pursued the cooperation between the Almaty and Paris Bars initiated with the signing of a [Partnership Agreement in October 2014](#), under the auspices of the Rule of Law Platform.



A group of 42 European and Kazakhstani lawyers gathered to explore best practices aiming at bolstering ACP

The objective of the round-table was to provide exposure to best European practices in the area of defence rights and to propose [recommendations](#) for guaranteeing the independence of lawyers and the effective defence of their clients, contributing to strengthening rule of law in Kazakhstan. It aimed at strengthening the protection of attorneys in the implementation of their activities, securing their professional status and the confidentiality of their communication with clients, guaranteeing the ACP. Experts from Ireland, France, Germany and Kazakhstan engaged in a dialogue and exchanged information on the laws and practices of their countries, with emphasis of relevant case law of the European Court of Human Rights.



Mr Vasily Lukashevich, Case processing lawyer at the European Court of Human Rights

ACP and confidentiality of advocacy represent the fundamental right and duty of advocates. They represent an organic component of advocate's status, being a basis for "trust" between client and advocate, these rights mediate the participation of lawyers in the administration of justice, and reflect the independence of lawyers.



Lively exchanges followed the presentation on ACP in prisons by Mr Tom McGonigle, Prisoner Ombudsman for Northern Ireland

Access to counsel and confidentiality of communication between a lawyer and his client, including in places of confinement, are crucial defence rights the enforcement of which should be carefully protected.



Mr Nurlan Zhazyzbekov, Member of the Almaty Bar and former Member of the Parliament of Kazakhstan: the link between the Board of leading Bars and Parliament is essential to translate the proceeds of professional SROs such as Bars into primary legislation and underpinning regulations

Statutory safeguards to protect ACP within the custodial setting should be developed. While the legislation may address wider matters about the use of investigative powers, it should specify the importance of attorney-client confidentiality within prison settings. The basic principle is one of confidentiality: that attorney-client interaction should be within sight, but out of sound, of prison officers.

