

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions to be included in the list of issues for Pre-sessional Working Group, CRC 58th Session

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State reports submitted to the Committee on the Rights of the Child.

AZERBAIJAN

[State report](#)

Azerbaijan ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 28 January 2008.

Select references to children with disabilities in the state report:

The Republic of Azerbaijan has joined the UN Convention on the Rights of the Child on July 21 1992, and later ratified the Convention's Optional Protocols. The Republic of Azerbaijan also has joined the **Convention on the Rights of Persons with Disabilities** on October 2, 2008 adopted by the UN General Assembly on December 13, 2006.

The Cabinet of Ministers of the Republic of Azerbaijan considered the proposals of the Ministry of Education on naming of the special-type boarding schools. The submission of the proposal was grounded with the fact that special-type boarding schools for **children with physical and psychical defects** are operating within the system of general secondary education system. And naming of these education institutions as boarding school **for children with physical and mental disability**, boarding school for **deaf children**, boarding school for children with hearing difficulties and with acquired deafness, boarding school for **blind children and children with eye-sight defects**, boarding school for children **experienced poliomyelitis and cerebral palsy** and etc., creates some problems. The indication of **the defects of children** in the name of education institutions has psychological implications for parents, students and society in general and causes the children's feeling of isolation from the society and their difference from peers. Many ministries have already expressed their positive opinion on such change.

According to Article 432 of the Criminal Procedure Code, the main procedural guarantees on provision of rights of minors must be observed during all stages of the preliminary investigation on the minors, such as:

- The right to obtain information on the laid charge;
- The right to refuse to give testimony;
- The right for defense;
- The right of participation of parents or other legal representatives;
- The confidentiality right.

Investigator must provide participation of a teacher or psychologist during conduct of investigation actions involving minors under 16 with signs of **mental disabilities**. In all instances, cancellation of criminal cases on minors must be done upon receipt of consent of the minors' themselves or their parents (other legal representatives). When informing an accused minor about the end of preliminary investigation and presenting the criminal case materials to him/her, the investigator and prosecutor who undertakes procedural lead of the preliminary investigation based on their own suppositions may decide not to share the materials of the investigation with the minor due to possible negative effect of the materials on him/her. In such case, the minor's attorney or legal representative must be obligatorily familiarized with the materials. When minor is detained, his/her parents or other legal representatives shall be informed about it.

Pursuant to Article 6 of "The Statute on Calculation and Payment of the Compulsory Social Security Allowances and the Allowances Paid to the Temporarily Disabled Persons at the Expense of the Insurer" approved by the Decision #189 of the Cabinet of Ministers of the Republic of Azerbaijan, dated September 15, 1998, if there is necessity to look after the ill family member, the insured person shall be given the **temporary disability allowance**. The **temporary disability allowance** shall be assigned based on the illness sheet (reference on **disability**) issued in the manner established by the legislation.

List of institution for children separated from their parents

Baku city special boarding school No. 16 for children suffering from cerebral palsy and poliomyelitis

Baku city special general education boarding school for children with hearing difficulties and acquired deafness

Baku city republican special boarding school after E. Mirzayev for children with speech deficiencies

Sanatorium-type boarding school for children with different initial and fading phase of tuberculosis

Open-type special education and training institution for boys

Boarding home No.3 for mentally diseased children

Baku city boarding school No. 4 after E. Quliyev for children with speech deficiencies

Baku city psycho-neurological children's home

Baku city republican boarding school for children with eye-sight disabilities

Baku city boarding school No. 1 for deaf children

Baku city republican special boarding school No. 3 for deaf children

Baku city sanatorium-type boarding school No. 10 for children suffering from rheumatism

Surakhani special boarding school No. 7 for mentally disabled children

Boarding school No.7 for mentally ill children

Ganja city sanatorium-type basic boarding school No. 4

Sumgayit town special boarding school for mentally and physically disabled children

The Decree # 373 of the President of the Republic of Azerbaijan of February 24, 2006 on application of the Law of the Republic of Azerbaijan "On Social Allowances" with regard to recovery of costs for childcare is of significant importance. According to the legislation, the following category of citizens receive monthly social allowances in the amounts indicated below for their children under 16 (for those up to 18 and studying on general education institutions (on-site training):

- Children of martyrs – 10 manat;
- Children of **disabled war veterans**, of people who became disabled after January 20, 1990 events, of people who became I and II category disabled after Chernobyl accident, or children of died parents, as well as children of the participant of Chernobyl accident rescuers who are in dispensary registry - 5 manat.

The Law of the Republic of Azerbaijan "On Social Allowances" sets monthly social allowance

in the amount of 40 manat for children of died person under 18 (before graduation from on-site education, but not older than 23), or children with identified health limitations before reaching 18, and **disabled children older than 18**. For bringing the law to compliance with the international standards, the term “**disabled children under 16**” is replaced with the term “children with health limitations under 18”. People from this category receive 50-manat monthly social allowance.

B. Article 23. Children in need of special care

There are **56,5 thousand children in need of special care** in Azerbaijan.

The **number of children in need of special care and residing in the special care boarding schools is 1282**.

Within “the Development Program on organization of education of the **children in need of special care (with disabilities)** in the Republic of Azerbaijan (2005-2009)”, approved by the Decision #20 of the Cabinet of Ministers of the Republic of Azerbaijan, 3 inclusive education projects’ implementation are continued together with the international organizations. These projects covered more than 30 institutions in Baku, Sumgayit, Mingachevir towns and Yevlakh district, and more than 200 pre-school and school-aged children in need of special care.

19 schools and 6450 children in these schools are involved in special education.

2 Children Rehabilitation Centers (in Baku and Nakhchivan cities) in connection with the medical and social rehabilitation of the children with health limitations are constructed and running.

The criteria for identification of the health limitations children have been updated.

The work for provision of the children with health limitations with the rehabilitation means (prosthetic- orthopedic devices, wheel chairs, hearing devices and etc.) was continued.

The capital maintenance and reconstruction works started in the children sanatorium called “Tabassum (Smile)” by the Foundation in 2007, ended in January 2009.

A specialized music school for **children with eyesight disabilities** functions in Baku. State-owned child and family support centers for the persons with health limitations and disabled ones operate. 3 out of 16 rehabilitation and family support centers functioning in the country are State-run centers, and the rest are non- governmental organizations. 2 out 3 State institutions operate under the State Committee for Family, Women and Children Affairs (in Shuvelan and Goranboy district), and one is the center under the Ministry of Education (in Mingachevir town). More than 1000 children and families benefit from each of the centers in Goranboy and Shuvelan. Active and art therapy, music classes, computer courses, English, Russian language courses are functioning in these centers (for IDP and refugee children, children from low-income families, de- institutionalized children).

The State Committee for Family, Women and Children Affairs regularly distributes wheel chairs, orthopedic shoes, special orthopedic chairs, and other equipment to the children benefiting from the activity of the centers. Besides, new active therapy equipment is installed, new rooms are prepared and equipment are bought for **children with autism**, and 4 specialists are sent to Turkey to gain practical and theoretical knowledge on work with the **children having autism**. It is planned that upon return, the specialists will prepare a training program, organize and conduct training sessions the staff of all rehabilitation centers and boarding institutions.

Regularly, at the State Committee for Family, Women and Children Affairs initiative and together with the Ministries of Health and Education, the Committee conducts repeated diagnostics of the children residing in the institutions for the **children with physical and mental disabilities** and as a result of this diagnostics, the children are placed to the institutions for normal children and involved to the inclusive education at maximum level.

Pursuant to Article 18 of the Law of the Republic of Azerbaijan “On Protection of Public

Health”, and in the manner established by the Ministry of Health of the Republic of Azerbaijan, the children not reached the age of majority have the right to be under free dispensary control and get free treatment, to get education in the conditions meeting the sanitary and hygienic requirements, to get free consultations during identification of their professional appropriateness in the child and juvenile health care institutions of the State health system, to get nutrition under the favorable conditions in accordance with the rules established by the Cabinet of Ministers of the Republic of Azerbaijan at the expense of the budget funds. The **minors with physical or mental disabilities** can be kept in the institutions of the social security system at the request of their parents or legal representatives.

Pursuant to Article 19 of the Law on “The Labor Pensions”, the unemployed handicapped persons of the first and second category who have **disabled dependants** (including children under 18) shall receive additional 5% on top of the base retirement pension per each disabled family member.

“The Children-Friendly Budget” is discussed in the Parliament for improvement of the social welfare of children based on the Ombudsman’s initiative and taking into account the recommendations stated in Item 4 of Article 17 of the UN CRC presented to the Government of Azerbaijan in 2006. For improvement of social security of children, the Ombudsman made a request to the Parliament to increase the amount of allowances provided to the children of the persons serving in army for regular term, children of **disabled war veterans**, of people who became **disabled** after January 20, 1990 events, of people who became I and II category **disabled** after Chernobyl accident, or children of died parents, custodians (guardians) of the children who lost their parents and deprived from parental care.

Opening of **special schools for the children in need of special care**, strengthening of material and technical base of the existing boarding and special schools and concrete measures for development of special education programs and teaching aids are envisaged in “The Program on Organization of Education for the Children in Need of Special Care (with Disabilities) (2005-2009)” approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan on 03.02.2005.

Promotion of the “Education for All” principle of UNESCO in “The National Plan of Action on Protection of Human Rights in the Republic of Azerbaijan” approved by the Directive of the President of the Republic of Azerbaijan, dated 28 December 2006, enhancement of legal education, preparation of teachers, speakers and trainers on different categories of human rights (civil, political, economic, social and cultural) for more effective protection of those rights among different groups of population (women, children, youth, disabled and elderly persons, refugees, IDPs, convicted persons, drug abusers, HIV/AIDS carriers) by the support of the groups and communities, development of the population’s legal views and thinking, prohibition of discrimination, conduction of education activities in the towns and districts of the Republic of Azerbaijan for the purpose of promotion of the tradition of peace and tolerance are identified as important directions in the field of human rights protection.

According to the requirements of article 13.12 of the Law, the physical power towards a minor in the mentioned institutions can be applied only as an exception and if other measures are not effective. Application of the physical power towards the **persons with physical or psychological disabilities** is prohibited (except the cases of armed resistance or attacks threatening life and health). The institution must report on any cases of physical power application to the relevant local persecution office within 24 hours and must prepare an opinion as a result of service investigation.

4. Article 39. Physical and psychological rehabilitation and social reintegration

Psychological and physical assistance is provided to the children of special category in need

of social integration and rehabilitation in 16 operating rehabilitation centers and children institutions. This assistance is free. **Children suffering from Down's syndrome** were helped to visit Turkey to participate in the Second Child Festival.

Regularly every year, social integration events and festivals for the children in need of social protection are organized and held.

1. Article 32. Child labor

Pursuant to Part 3 of Article 42 of the Labor Code of the Republic of Azerbaijan, A person who has reached the age of fifteen may be a party to an employment contract. An employment contract may not be signed by a **person considered disabled** as established by legislation.

Suggestions for list of issues

- What steps are being taken to promote the positive image of children and adults with disabilities amongst government personnel, the public and families? What campaigns are being designed and led together with organizations of persons with disabilities to raise awareness about persons with disabilities as equal citizens and contributors to society?
- What steps are being taken to provide sufficient support to families to ensure that all children, including children with disabilities, can live and be raised in family environments in the community, and to eliminate the institutionalisation of children by building up community based services and support (including through increased social assistance and welfare benefits) to children with disabilities and to their families, including foster families ?
- Does the Government have a general plan for deinstitutionalisation and one in particular for reintegrating children residing in boarding schools and institutions, including children with disabilities, into community settings?
- What steps is the Government taking towards providing inclusive education to children with disabilities in accordance with Article 24 of the CRPD? Is a definition of inclusive education incorporated into the law? What measures are being taken to ensure that mainstream schools are accessible to children with disabilities (e.g. physical environment, teacher training, curricula development, etc)?
- Do special schools and special boarding schools come under the mandate of the Ministry of Education? Are teachers in special schools or special boarding schools required to have the same teaching qualifications and diplomas as for teachers in mainstream schools?
- What steps are being taken to incorporate inclusive education (as set out in Article 24 of the CRPD) into all core teacher training curricula and in service training to infuse the values and principles of inclusive education at the start of a teacher's careers and continuously, in order to create a culture of inclusive learning in a school?
- Are there laws that authorise institutionalisation of children or placement in locked facilities, for reasons based on mental health or other disability of the child, against the will of the child or against the will of his/her parents? If so, what is being done to abolish such laws and end such institutionalisation?
- With respect to decisions concerning the child him/herself, how does the Government ensure that children with disabilities have the opportunity to express their views and for their views to be given due weight in accordance with the child's age and maturity, on an equal basis with other children, and are provided with age- and disability-appropriate support to exercise these rights?
- How is information about seeking help and making complaints against perpetrators made available to children with disabilities regarding violence, exploitation, or harmful practices ?
- Is public information and programmes targeted at children made available in accessible

IDA suggested questions on Azerbaijan

formats for children with disabilities?