

**Implementation of the  
UN Convention on the Rights of Persons with Disabilities in Azerbaijan**

**Submission to the CRPD Committee  
for consideration for the list of issues on Azerbaijan  
by the Union of Disabled People Organizations (UDPO)**

**August 2013**

## **Abbreviations**

<b>CM</b>	- Cabinet Ministry of the Republic of Azerbaijan
<b>CoE</b>	- Council of Europe
<b>CPC</b>	- Criminal Procedure Code
<b>CRPD</b>	- Convention on the Rights of Persons with Disabilities
<b>ECHR</b>	- European Convention on Human Rights
<b>Manat</b>	- National currency of the Azerbaijan
<b>MLSP</b>	- Ministry of Labour and Social Protection of Population
<b>MSEC</b>	- Medical and Social Expert Commission
<b>OP</b>	- Optional Protocol
<b>UDPO</b>	- Union of Disabled People Organizations of Azerbaijan
<b>UN</b>	- United Nations
<b>UNICEF</b>	- United Nations International Children's Emergency Fund

## CONTENTS

<b>INTRODUCTION.....</b>	<b>4</b>
<b>Articles 1-4: Purposes, definitions, general obligations .....</b>	<b>7</b>
<b>Article 5: Equality and non-discrimination .....</b>	<b>9</b>
<b>Article 6: Women with disabilities .....</b>	<b>10</b>
<b>Article 7: Children with disabilities .....</b>	<b>11</b>
<b>Article 8: Awareness-raising .....</b>	<b>12</b>
<b>Article 9: Accessibility .....</b>	<b>13</b>
<b>Article 12: Equal recognition before the law.....</b>	<b>14</b>
<b>Article 13: Access to justice .....</b>	<b>15</b>
<b>Article 14: Liberty and security of the person .....</b>	<b>16</b>
<b>Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment .....</b>	<b>16</b>
<b>Article 16: Freedom from exploitation, violence and abuse.....</b>	<b>17</b>
<b>Article 17: Protecting the integrity of the person .....</b>	<b>17</b>
<b>Article 19: Living independently and being included in the community .....</b>	<b>18</b>
<b>Article 20: Personal mobility.....</b>	<b>19</b>
<b>Article 21: Freedom of expression and opinion, and access to information .....</b>	<b>19</b>
<b>Article 23: Respect for home and family .....</b>	<b>20</b>
<b>Article 24: Education.....</b>	<b>21</b>
<b>Article 25: Health.....</b>	<b>22</b>
<b>Article 26: Habilitation and Rehabilitation .....</b>	<b>23</b>
<b>Article 27: Work and employment.....</b>	<b>24</b>
<b>Article 28: Adequate standard of living and social protection.....</b>	<b>25</b>
<b>Article 29: Participation in political and social life .....</b>	<b>26</b>
<b>Article 31: Statistics and data collection .....</b>	<b>27</b>
<b>Article 32: International cooperation .....</b>	<b>28</b>
<b>Article 33: National implementation and monitoring.....</b>	<b>28</b>

# INTRODUCTION

## Purpose

This report is presented by Union of Disabled Peoples' Organizations<sup>1</sup> (UDPO) of Azerbaijan. The ultimate goal of the present report is to the exercise of rights and liberties of persons with disabilities and analyze national legislation against the standards of the UN Convention on the Rights of Persons with Disabilities (CRPD) and to present an objective report for comparison with the report submitted by the government on CRPD pointing out existing obstacles, difficulties, concerns and proposals to achieve better execution of the Convention. Concrete questions are also proposed for consideration by the Committee for the purposes of the adoption of the list of issues on Azerbaijan.

## Methodology for the preparation of the present submission

### Used means

- Observations and experience of the organizations
- Monitoring of the legislation
- Reports on the country

## Support for the preparation of the report

A workshop on Monitoring of the Convention on the Rights of Persons with Disabilities was held in Baku from 11 – 13 June 2013 organized by the Union of Disabled People Organizations (UDPO) of Azerbaijan, Disabled People's International (DPI)<sup>2</sup>, European Disability Forum (EDF)<sup>3</sup> and World Federation of the Deaf (WFD)<sup>4</sup> on behalf of the International Disability Alliance (IDA)<sup>5</sup> and with the support of the Open Society Foundation.

## List of DPOs which participated in the preparation of the report

1. Union of Disabled People Organizations
2. Azerbaijan Society for Disabled of Eyesight (member of International Eyesight Organization)
3. Azerbaijan Society of Disabled Women
4. Azerbaijan Deaf Society Public Union
5. The Society "For International Cooperation of Disabled People" (member of Disabled People's International)
6. Republican Association of Haemophiliac Patients (member of International Haemophiliac Organization)
7. Azerbaijan Diabetic League
8. "Zaur" Charitable Society of Disabled People
9. "Umman" Care to Children with Disability

---

<sup>1</sup> [www.udpo.az](http://www.udpo.az)

<sup>2</sup> <http://www.dpi.org/>

<sup>3</sup> <http://www.edf-feph.org/>

<sup>4</sup> <http://wfdeaf.org/>

<sup>5</sup> <http://www.internationaldisabilityalliance.org/en>

10. "CHIRAK" Child Development Public Union
11. "Autism" Defectological Psychological Aid Public Union
12. "Origami" Child Rehabilitation Centre
13. Research Social Rights Public Union
14. Integration Disabled People into Society
15. "You are not alone" aid to young girls with disability
16. "My world" Rehabilitation Center for disabled children and young people with hearing and speech

Azerbaijan<sup>6</sup> ratified the UN CRPD and its Optional Protocol on 2 October 2008 and the Convention is in force since 29 January 2009. The Government of Azerbaijan submitted its first report to the CRPD Committee in 2009.

The Constitution of the Azerbaijan Republic was adopted in 1995, while the Law of the Republic of Azerbaijan on "Prevention of disabilities and impaired health of children and rehabilitation and social protection of the persons with disabilities (PWD) and persons with health problems" in 1992.

Treaties are integral part of the national legislation and when any conflict occurs those documents are prevail over the other norms excepting the national laws that are adopted by referendum or national voting.<sup>7</sup>

There is no a separate body dealing with rights of persons with disabilities and the Ministry of Labour and Social Protection of Population is empowered<sup>8</sup> to deal with such issues. The Policy of social protection of persons with disabilities is financed by this public institution. The Institute of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in the capacity of the national human rights institution was established in 2002. Azerbaijan became a member to the CoE in 2001 and acceded to the European Convention on Human Rights (ECHR) in the same year.

## Statistics<sup>9</sup>

Currently, according to the official statistics in Azerbaijan:

Number of population	9 235 100
Persons with disabilities	520 793 (5.5% of total population)
including:	
Women	202 450 (40% of total population )
Children with disabilities	62 866 (12% of total population)
Labour retired	338 213 (65.5% of total population)
Persons who get social allowance	119 714 (20.6% of total population)
Minimum wage	93.5 AZN <sup>10</sup> (Azeri Manats)
Public associations of persons with disabilities	69
Boarding homes of the elderly and of persons with disabilities	7

<sup>6</sup> [www.azerbaijan.az](http://www.azerbaijan.az)

<sup>7</sup> [http://www.azerbaijan.az/portal/General/Constitution/constitution\\_e.html](http://www.azerbaijan.az/portal/General/Constitution/constitution_e.html)

<sup>8</sup> <http://www.mlspp.gov.az/az/pages/172>

<sup>9</sup> <http://stat.gov.az/>

<sup>10</sup> National currency (AZN rates in 26 august 2013: 1AZN=1.078USD, 1AZN=1.049 euros)

### **Boarding homes of the elderly and of persons with disabilities**

- No. 9 Buzovna mental-nervous boarding house
- Young pensioners Area Social Service Center
- No. 8 veterans with mental-nervous boarding house
- Mardakan pension Treatment
- Treatment for war veterans pension
- Boarding houses for war and labour veterans
- Ramana Young Disabled labour and rest house
- Shakhbuz boarding house for the elderly and orphans
- Shamakha No. 1 Specialized mental-nervous boarding house

### **Besides that, for the children with disabilities:**

- 12 boarding schools,
- 3 sanatorium boarding,
- 13 secondary boarding school,
- 6 children's homes are acting.

#### **2.2.5. Boarding houses for children and for elderly and disabled<sup>11</sup> (beginning of the year)**

	<b>2001</b>	<b>2006</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012<sup>1)</sup></b>
The number of boarding homes for the elderly and disabled	7	7	7	7	7	7	<b>7</b>
In them:							
number of seats	1,012	1,012	1,012	1,012	1,012	1,012	812
The number of people living in	677	797	787	779	848	816	732
The number of boarding homes for mentally retarded children	2	2	2	2	2	2	2
In them:							
number of seats	605	605	605	605	602	605	370
The number of people living in	300	298	306	330	279	267	300

*The reduction of the number of places in the boarding homes are connected with their repair and reconstruction*

---

<sup>11</sup> <http://www.stat.gov.az>

## Positive steps

- Ratification of the CRPD and its Optional Protocol;
- The representatives of DPOs have been invited to the discussions when the draft law about "Social service" was discussed in the Parliament (Milli Mejlis). The Social policy Committee of the Azerbaijan Parliament held discussions with the representatives of DPOs concerning adapting the base law of the Azerbaijan Republic "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health" to the CRPD. A working group on improving the legislation including the representatives of DPOs was formed in MLSPP. At present, the final version of Law "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health" is under construction.
- Of course the medical model is still dominant and there are few trends towards the social model. The officials, representatives of mass media, and some part of public stress the importance of the social model in their speeches. It is said that it has been taken into account in the new draft law in accordance with the CRPD.

## Articles 1-4: Purposes, definitions, general obligations

The Constitution of Azerbaijan Republic, in Article 25(III), which is dedicated to the equality of people's rights and freedom, fails to name disability as a prohibited ground for restriction of rights and liberties.<sup>12</sup>

There is only one article about persons with disabilities in the Constitution of the Azerbaijan Republic. According to Article 38 of the Constitution,<sup>13</sup> persons with disabilities have a right to social protection.

The definitions of "disability" and "children with limited health opportunities" are set out in the second article of the Law of Azerbaijan about "The prevention of disability and children's limited health opportunities, rehabilitation and social protection of persons with disability and children with limited health opportunities" and according to that article, persons with disabilities are persons with limited life activity as a result of congenital mental and physical defects and defects caused by diseases and casualties. According to the legislation, the expression of "disability" was substituted by the expression of "limited health opportunities". Thus, "a child under the age of 18 with limited health opportunities" is the child with "limited life activity as the result of various mental, physical defects and diseases that lead to the disruption of the general development of the organism, and who is in need of social help and protection."

---

<sup>12</sup> [http://www.azerbaijan.az/portal/General/Constitution/constitution\\_e.html](http://www.azerbaijan.az/portal/General/Constitution/constitution_e.html)

<sup>13</sup> Article 38 Right for social protection

(1) Everyone has the right for social protection.

(2) Most vulnerable persons must get support, in the first place, from members of their families.

(3) Everyone has the right for social protection on reaching specific age according to legislation, in case of illness, disability, loss of bread-winner in the family, due to unemployment and in other cases envisaged by legislation.

(4) Minimum sum of pensions and social allowances is specified by law.

(5) The state creates possibilities for development of charitable activity, voluntary social insurance and other forms of social protection.

Then, this law defines the limited life activity as losing partially or completely the abilities of self-service, movement, to be directed, intercourse, to control one self's behaviour, to study and take part in labour activity.

It is not considered in legislation to grant persons with autism with the status of disability. Hence, persons with autism are still not recognised as persons with disabilities.

The purpose intended in the Law about the "Prevention of disability and children's limited health opportunities, rehabilitation and social protection of persons with disabilities and children with limited health opportunities" is not compatible with the purpose intended in Article 1 of the Convention. Some of the main terms used in the law (persons with disabilities, child with limited health opportunities, rehabilitation of persons with disabilities, prevention of disabilities,) are not defined precisely, and it is clear that the meaning of "disabled" is not compatible with the social and human rights model put forward by the Convention.

The definition of disability in Azerbaijan does not cover lower degrees of disability and is based on strictly on medical evaluation. As a result, one can be denied the right to work according to their recognised degree of disability and not on whether they are able to perform the job's functions.

The conception of "disabled" presented in the law is based on the individual (medical) conception which defines the disabled person as a person with "limited life activity as the result of defects and a person in need of social help and protection", it does not address the barriers imposed in society which create obstacles for the full participation and inclusion of persons with disabilities.

Furthermore, there is the continued use of derogatory terminology in laws and government discourse to refer to persons with disabilities. For example, the definition of a disabled person refers to "defects" (as stated above in the law on the prevention of disability and children's limited health opportunities, rehabilitation and social protection of persons with disability and children with limited health opportunities). In addition, the Criminal Procedure Code makes use of the following language in reference to persons with disabilities "dumb", "mental incapacity", "defects" (Articles 92, 229), etc.

In the government report the information presented are mainly reflects legal-regulatory documents. The level of the co-operation with the disabled people's organizations is low. For example, the level of consultation with DPOs regarding projects in the Ministry of Labour and Social Protection towards rehabilitation, social protection and integration into society of persons with disabilities and children with disabilities is insufficient. Organizations of persons with disabilities are not represented in Social Council and in Board of Ministry.

Within the Ministry of Social Protection and Labour in Azerbaijan, there is an Executive Board on social issues. According to the Law on the "Prevention of disabilities and impaired health of children and rehabilitation and social protection of the persons with disabilities (PWD) and persons with health problems", representatives of DPOs should be members of appropriate local executive bodies (Article 6)<sup>14</sup> and can also participate in board meetings. However, in practice there is no DPO on this board and no information is available on whether these meetings are held or not.

---

<sup>14</sup> [http://e-qanun.az/files/framework/data/7/c\\_f\\_7652.htm](http://e-qanun.az/files/framework/data/7/c_f_7652.htm)



### **Suggested questions:**

- What steps is the government taking to amend the law and to introduce a new definition of persons with disabilities which adopts the human rights/social model of disability as represented in Article 1 of the CRPD, resulting in recognition of persons with varying degrees of disability and including persons with autism?
- What measures is the government taking to eliminate derogatory terminology from legislation and government documents and rhetoric to refer to persons with disabilities?
- What steps is the government taking to include persons with disabilities and their representative organizations in the process of drafting and development of laws and policies concerning persons with disabilities, including children, women, older persons and migrants with disabilities, as well as persons with intellectual disabilities, persons with psychosocial disabilities, and persons with disabilities living in rural areas? And to ensure mechanisms of participation which are effective in law and in practice?

## **Article 5: Equality and non-discrimination**

Equality of all persons before the law and the court, and the guarantee of everyone's rights and liberties is set out in the Constitution.

Corresponding to the law of "Prevention of disability and children with limited health opportunities, rehabilitation and social protection of persons with disabilities and children with limited health opportunities" persons with disabilities and children with limited health opportunities have all the social-economic, political, private rights and liberties presented in the declaration of rights which was adopted by the General Assembly of UN, in the Constitution of Azerbaijan Republic and in this Law.

Discrimination against them is prohibited and prosecuted under the law. According to Article 16 of the Labour Code, determination of privileges, concessions and additional guarantees to persons with disabilities is not considered as discrimination.

However, the prohibition of disability based discrimination is not incorporated into either the Constitution or legislation nor is it sanctioned in legislation. Under legislation, no particular measure (sanction) regarding disability based discrimination is provided.

According to the "State Programme for the placement of children living in state-owned child institutions in families (deinstitutionalization) and alternative care in the Republic of Azerbaijan (2006-2015)"<sup>15</sup> there is a list of diseases that prohibit adoption and taking on the guardianship of the child. All persons with disabilities whose disabilities are classified in disability groups I and II (those who are deemed to have lost their working capacity)<sup>16</sup> are automatically prohibited from adopting a child.

There is a main law on disability which is being drafted and it will be discussed in Fall 2013. Despite DPO involvement in this process, and some advances, such as ensuring the right to work of persons with disabilities and not linking that to their percentage of disability, there are concerns, such as « reasonable

---

<sup>15</sup> <http://edu.gov.az/view.php?lang=en&menu=404&id=5320>

<sup>16</sup> The disability is determined in three main groups in Azerbaijan. (I, II, III). I group - are those who are deemed to have the largest percentage of disability, II group - is relatively less and the III group - are those who are deemed to have a few disability problems.

accommodation » mistranslated into «conscious» accommodation- providing less protection from discrimination. This «conscious» accommodation is explicitly incorporated into law whilst there is the need to rather incorporate «reasonable accommodation». Furthermore, there is no training on reasonable accommodation to the government or private sector.

Additionally, there are restrictions on traffic law by reason of disability. Although the driving licenses of non-disabled persons should be renewed every 10 years according to the law, this period is 2 years for persons with disabilities.

### **Suggested questions:**

- What steps are being taken to include in the Constitution and in laws the explicit prohibition of disability based discrimination?
- What measures are being taken to ensure that the denial of reasonable accommodation is recognised in the law and draft laws as a form of disability based discrimination? As well as the incorporation into law of protection against multiple and intersectional discrimination, discrimination by association, and discrimination against persons perceived to have a disability, including effective remedies such as concrete dissuasive sanctions for perpetrators and redress and compensation for victims?
- What steps is the government taking to conduct awareness-raising and to provide training to public and private actors including state officials, judges, court personnel, lawyers, employers, as well as to persons with disabilities, DPOs and the general public, on the prohibition of disability based discrimination and reasonable accommodation?
- What about the enforceability of sanctions for perpetrators of disability based discrimination- are sanctions based in criminal law sufficiently dissuasive and applied in practice?
- What are the remedies available for victims of discrimination, including disability based discrimination?

## **Article 6: Women with disabilities**

According to the Constitution of Azerbaijan, men and women have the same rights and freedoms. The state ensures the equality of everyone's rights and freedoms independent of gender and limitation of human and civil rights and freedoms based on gender is prohibited.

The inequality of women with disabilities is striking; unlike in the Convention, there are no special clauses specifically aimed at the rights of disabled women in Azerbaijan's legislation. Overall, there is an absence of mainstreaming of the rights of women with disabilities in wider policies and programmes aimed at women generally. For example, regarding employment, in the Law on "State Guarantees of Equal Rights for Women and Men Gender"<sup>17</sup> there is no provision about the consideration of the rights of women with disabilities. Although the Law against "domestic violence" dated 22 June 2010 prohibits domestic violence in relation to the women and children, it does not refer to women and girls with disabilities and neglects the specific challenges they face in seeking help, and making complaints whether it be within the family, school, community or institutions.

---

<sup>17</sup> <http://en.scfwca.gov.az/news/a-200.html>

**Suggested questions:**

- What steps are being taken to ensure that women and girls with disabilities are consulted on an equal basis with other women and girls when it comes to the development and drafting of laws, programmes and policies concerning women? How will the State ensure that women and girls with disabilities across the country are meaningfully consulted and are enabled to participate in the legislative and political spheres?
- What steps is the government taking towards a twin track approach to women and girls with disabilities? What concrete steps will be undertaken in order to mainstream the rights of women and girls with disabilities across all laws, policies and programmes in line with Convention and to systematically collect data disaggregated not only by gender but also systematically disability?

**Article 7: Children with disabilities**

In the legislation of the Republic of Azerbaijan, the term of “disabled children” was substituted with “children with limited health opportunities” and it was given a legal definition. This acts to label children with disabilities in accordance with their health and is a purely medical approach which is stigmatizing because it establishes and presupposes “limits” of the individual child.

In accordance with the “Children’s Rights Protection Law“, adopted on 19 May 1998, all natural and legal persons have to ensure the best interest of children within their activities aiming to provide opportunities to ensure their rights.

There is a requirement of minimum 5 years of social insurance length of service in order to be granted labour pension for “children with limited health opportunities”.

The amount of social benefits (about 60 euros) that is paid to children with limited health opportunities does not cover sufficiently the child’s needs.

Children with disabilities continue to live in institutions separated from their families against their best interests.

There is no norm or law to ensure inseparability of children with disabilities from their parents against their will or any provision for effective support to families to care for their child within their home.

**Suggested questions:**

- What steps are being taken to close institutions, develop community-based services and strengthen support to families to care for their disabled child in the home?
- What other social benefit schemes are foreseen for the parents of children with disabilities with regard to covering disability-related as well as providing assistance and training for families of children with disabilities?
- What kind of steps will be taken in order to allow for the minimum level of benefit (allowance) for the children with disabilities? What steps are being taken to abolish the requirement of minimum 5 years of social insurance?

## **Article 8: Awareness-raising**

Although the state has taken a positive position related to the awareness-raising of persons with disabilities, the measures realized in this field are not enough. There is an official translation of the CRPD in Azerbaijani language. But the Convention is not published in accessible formats such as Braille, or in sign language.

According to Article 22 of the law “On prevention of disabilities and disabilities of children, rehabilitation and social protection of the disabled and children with disabilities” the state approves sign language as the communicative, training, interpretation means between persons.

Awareness-raising initiatives about the rights of persons with disabilities are mostly carried out by NGOs. In TV legislation it is foreseen to have telecasts about education, teaching and information. There are no separate telecasts about the rights of the persons with disabilities. There are no serious problems related to giving information about the organizations of the persons with disabilities, however there is a lack of information about those organizations in the regions.

Sign language, Braille, other accessible formats publications of the Convention and other laws are limited and have not been disseminated across the territory of the Republic.

The explanation of the Convention and other laws and publication of them in simple/plain language is not sufficient and also it does not cover all the territories of the Republic. Furthermore, there is not sufficient awareness raising of the government, private sector and general public about the human rights approach to disability and disability as a social construct imposed by the environment and discriminatory and stigmatising attitudes. More efforts need to be taken by the government to lead campaigns, together with DPOs, in order to raise the positive image of persons with disabilities and their contributions to society.

### **Suggested questions:**

- What activities are foreseen to disseminate and facilitate understanding of the CRPD in accessible formats across the country including in plain language, Braille, sign language and other languages?
- What steps as the State taken to launch and promote awareness raising campaigns the general public, persons with disabilities, DPOs, the media, employers, health and educational professionals to foster the positive image of persons with disabilities?
- What steps is the State taking to consult with and actively involve DPOs in the design, execution, evaluation and monitoring of awareness-raising campaigns?
- What steps is the government taking to undertake accessible awareness-raising programmes and campaigns targeted to different stakeholders including the public and private sector, general public and in particular persons with disabilities (including children with disabilities and persons with disabilities living in rural regions, older persons with disabilities, refugees and migrants with disabilities) about their rights and to eliminate the charity/medical discourse and to promote a human rights based approach to disability, including via the media such as TV, newspaper, film etc?

## **Article 9: Accessibility**

Accessibility is mentioned in the Law about the “Prevention of disabilities and impaired health of children and rehabilitation and social protection of the persons with disabilities and persons with health problems” of Azerbaijan Republic dated in 1992. In 2001, the "Interim Instruction" on accessibility was published by the State Architectural Committee. But, this instruction is not in a law form. This instruction was published by UDPO in more comprehensive and appropriate format taking into account international practice. At the same time, it was copied to discs for electronic use. In 2012, the same instruction was prepared again by the UDPO with the order of MLSPP (taking into account the international practice) and submitted to the Cabinet of Ministers for approval as the legal document. Yet the urgency of this document is not considered and there is no liability or enforceability for not adhering to the provisions because it is not confirmed as an official legal document.

The free movement of persons with physical disabilities who are in wheelchair and people with visual impairments are limited. Free movement of persons with disability belonging to the above mentioned category is limited. The roads, buildings, generally the places belonging to the physical infrastructure are not accessible. Old buildings, newly built roads, new buildings, public places were not made accessible for persons with disabilities. In some cases all performed works in these places were not carried out according to the standards.

Because of the fact that the regulations and temporary instructions on disabilities are not legally binding, the organizations in charge of their monitoring do not usually implement them effectively. The road signs are not accessible. The audible signals are available in limited cases, mainly in subways. Sound traffic lights have been installed in some places, however it is impossible to use them.

Although the accessibility was considered in the buses brought to the Republic for the first time, later it was not possible to use these accessibility means in these buses. While there are some accessible taxis (London taxis brought to the Republic), people with disabilities cannot afford using those taxis and they are limited to only the capital. Accessibility of public transports was not considered according to the program of “Intelligent transport management” (stops, information monitors installed in them, transport services). This program started in 2012.

Accessibility was partially incorporated into the design of the newly built airport named after H. Aliyev, but it was not considered in the construction of the International Bus Terminal and Railway Station. The entrance to Baku subway is especially difficult for people in a wheelchair.

The work done on 75 pedestrian crossings mentioned in the government report is off-standard and they cannot be used by persons with disabilities. Besides, the limited coordinating work which has been performed in parks and public places is not suitable for the use of persons with disability. In regions, particularly in rural areas, attention to this is hardly ever given. There are no places where the accessibility equipments and accessories can be produced.

The use of subtitles is applied on TVs. But there is no sign language translation. There is a specialist deficiency. There is a small number of inclusive and specific programs on disability. They are usually shown on significant days for the persons with disabilities. For any kind of airtime a large amount of financial resources is required.

The education, health services, employment and other areas do not have sign language services. They are not equipped with appropriate equipment and specialists.

Accessible ICT centres were established by the Ministry of Communications and Information Technologies<sup>18</sup> of the Republic of Azerbaijan and Heydar Aliyev Foundation<sup>19</sup> in Baku and the regions. However, because of their small number, especially in the regions, many people with disabilities cannot take advantage of these opportunities yet.

Computers with accessible software were distributed among blind people by the organizations mentioned above since 2012. Up to 100 computers have been distributed as a gift.

Lack of internet services creates difficulty in the field of ICTs.

### **Suggested questions:**

- Has the government adopted an accessibility plan which covers all facets of accessibility including, physical, environmental, information and communications to eliminate all existing barriers within a reasonable timeframe across both urban and rural zones across the country? If so, does this plan have adequate budget allocation and intermediate benchmarks to allow for the monitoring of progress, and is the plan anchored in law? Do formal accessibility standards exist?
- Are there any enforceable sanctions against those who put barriers in violation of the plans and standards on accessibility?
- What kind of measures are being undertaken in order to incorporate accessibility standards into the legal framework for the creation of equal opportunities, and when will it be dealt with?
- What is the level of cooperation of government with disability organizations in the process of monitoring and evaluation of accessibility of facilities, services, information and communications, and are there funds allocated by the government for the adaptation (alignment) activities?
- What kinds of measures have been taken by the government in order to develop and train professional sign language interpreters? What measures has the government of Azerbaijan taken to start training sign language interpreters in cooperation with deaf organizations and fund sign language interpreter service?

## **Article 12: Equal recognition before the law**

In Azerbaijan, persons under guardianship are denied the exercise of their fundamental rights - right to vote, marry, give free and informed consent, right to choose where to live, etc.

Guardianship continues to exist and there has been no step to abolish it and to introduce supported decision making.

The Government needs to provide awareness raising and training on supported decision making for judges, for government officials, social workers, healthcare professionals etc to ensure that individuals with disabilities can make their own decisions with the support they request to do so.

---

<sup>18</sup> <http://mincom.gov.az/home/>

<sup>19</sup> <http://www.heydar-aliyev-foundation.org/en>

**Suggested questions:**

- What steps are being taken to abolish guardianship measures in the law and to ensure the recognition of the legal capacity of persons with disabilities as equal to that of others, and to introduce supported decision-making to provide for support to exercise that capacity, subject to the autonomy, will and preferences of the person?

**Article 13: Access to justice**

According to the Constitution of Azerbaijan Republic, everyone including persons with disabilities have the right of appealing to the court. Children with disabilities are examined by the presence of their parents or tutors in the preliminary investigation.

Despite this, there is a lack of accessible information for persons with disabilities on how to bring cases to court. In addition, there are lacks of disability-appropriate and age-appropriate accommodations to ensure participation by children and adults with disabilities during court proceedings, and physical environment and buildings of the courts are not accessible to persons with disability yet. Even in the new buildings this problem is not taken into account.

The Criminal Procedure Code provides that an interview with a “dumb, deaf or blind witness” shall be held with the participation of a person who understands his signs or who can communicate with him in sign language (Article 229.1), this falls short of upholding deaf persons’ access to justice who require interpretation by a professional sign language interpreter to ensure communication on an equal basis with others.

Furthermore, there is a lack of the advocates and legal advice offices across all regions, and training is necessary for judges, court staff, police and other security agency personnel.

**Suggested questions:**

- What kinds of measures are being taken to ensure that all persons with disabilities can access justice across Azerbaijan including providing accessible information and legal aid and assistance, as well as informational and communicational accessibility through procedural accommodation, including professional sign language interpreters for deaf persons participating in court proceedings, and physical accessibility to premises of courts?
- What kind of measures will be undertaken in order to raise the level of awareness among judges, lawyers, court personnel, employees of law enforcement, police and other government owned institutions regarding the rights of persons with disabilities in accessing justice including the obligation to provide reasonable accommodation?

## **Article 14: Liberty and security of the person**

Azerbaijani law permits for the deprivation of liberty based on disability and provides for involuntary hospitalisation and forced institutionalisation of persons with disabilities including children and adults with intellectual disabilities, and psychosocial disabilities (Article 93-99, Criminal Code).

The absence of knowledge among disabled prisoners regarding their rights at penitentiary institutions, leads to the treatment which does not take into account their need for reasonable accommodation.

### **Suggested questions:**

- What steps are being taken to prohibit disability based detention of children and adults with disabilities including involuntary hospitalisation and forced institutionalisation in social care residencies/homes?
- Is training provided for police, judges, institution and prison staff, etc aimed at increasing the level of knowledge of the rights of persons with disabilities in the places of detentions, including on reasonable accommodation as well as communication skills?
- What steps will be undertaken in order to train the employees of penal (penitentiary) settings in alternative forms of communication including sign language? What steps will be undertaken in order to facilitate communication, including telephone contact, for deaf people residing in places of detention?

## **Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment**

Individuals with intellectual disabilities and individuals with psychosocial disabilities are subjected to forced hospitalisation and institutionalisation in which they are forcibly treated and subjected against their consent to the use of certain inhuman and degrading methods of treatment.

The National Preventive Mechanism is very weak and currently the available mechanism (The Office of Ombudsman very rarely visits penitentiary and residential institutions) and do not provide persons with disabilities with adequate assistance. Adequate budget, resources and training in consultation with DPOs should be allocated to the Office of the Ombudsman, or another independent monitoring mechanism, to ensure that the rights of children and adults with disabilities living in public and private institutions are being upheld. Furthermore, accessible information should be made available to residents in age-appropriate and alternative formats to ensure that residents are informed of their rights and how to seek assistance, as well as the opportunity to make confidential complaints.

### **Suggested questions:**

- What steps are being taken by the Azerbaijani government to prohibit forced treatment of persons with disabilities in institutions, and to ensure that independent monitoring is carried out in institutions where children and adults with disabilities reside?



- How are children and adults in institutions protected against violence occurring in institutions? How can they access independent and external complaints mechanisms?

## **Article 16: Freedom from exploitation, violence and abuse**

## **Article 17: Protecting the integrity of the person**

Persons with disabilities, in particular women and children with disabilities, are at greater risk of being targets of exploitation, abuse, and violence within the home, schools, community and institutions. Yet there is a lack of accessible information and services for victims- on how to seek assistance (hotlines exist but they are not accessible for deaf persons and not always accessible by children with disabilities and others), and protection, for example, shelters (there is an absence of specialised accessible shelters across the country). Further, the police, health professionals and other interlocutors are not trained on the rights of persons with disabilities nor on the barriers they face in seeking assistance and in communication. There are no aggravated sanctions for perpetrators convicted of abuse, violence and exploitation of persons with disabilities.

With respect to forced sterilisation and abortion of women and girls with disabilities, the law prohibits forced sterilisation (Criminal Code on sexual violence, article 108), but it does not explicitly prohibit sterilisation with the consent of a third party (parent, guardian, etc).

Similarly, there is a provision in the Criminal Code (art 141) concerning illegal abortion but there is no explicit mention of prohibiting forced abortion and thus a lack of protection for women and girls with disabilities who may be subject to forced abortion through the consent of their parent, guardian etc.

### **Suggested questions:**

- Please provide information on the availability of accessible victim support services across the country (including rural areas) such as:
  - o Accessible shelters; support groups; legal services;
  - o Accessible hotlines and reporting and complaints mechanisms.
- What accessible awareness raising campaigns exist or are being developed in consultation with DPOs, which reach out to children with disabilities to educate them on their right to be protected against violence, abuse and exploitation?
- What steps are being taken to collect data on the prevalence of persons with disabilities who are victims of abuse, violence and exploitation including forced institutionalization and treatment, disaggregated by age, gender, disability constituency, ethnicity, geographical location, etc in order to devise effective strategies and laws to better eliminate these practices?
- What kind of measures will be taken in order to identify cases of violence (e.g. police investigation) or provide help for the victims of violence (e.g. orphanages or social support) that would be made available for the persons with disabilities with the purpose of fighting against violence (e.g. awareness-raising campaigns)?
- What steps are being taken by Azerbaijani Government in order to establish provisions in legislation which provide for the aggravated sanctions for conviction of perpetrators guilty of exploitation, violence, rape and humiliation of disabled children and women?

- What steps are being taken to explicitly incorporate into the law protection of women and girls with disabilities against forced sterilisation, forced abortion, forced contraception and all other forced medication and procedures which is not authorised by individual consent?

## **Article 19: Living independently and being included in the community**

In 2013, two million manats (1 906 577 euros) were allocated for the rehabilitation of children with disabilities from the reserve fund of the President of the Republic. This fund mainly focused on the establishment of day care and rehabilitation centres. It is granted to NGOs as the government order and they implement this work. But it is a concern that disabled people's organizations are not systematically involved in this work.

Regarding the participation and quality point of view, the lack of involvement of DPOs is detrimental to activities. There is no practice to entrust monitoring and evaluation to DPOs. The trainings based in a common form are not carried out for the representatives, specialists and working staff of governmental organisations in this field.

According to the state report, 105 children were given to biological families. But there is not a disabled child among them. NGOs dealing with children's rights, reported that these activities were monitored.

In 2012, in the Ombudsman's report, it was noted that with the support of UNICEF, monitoring was carried out on the implementation of the "State Programme for the placement of children living in state-owned child institutions in families (deinstitutionalization) and alternative care in the Republic of Azerbaijan (2006-2015)".<sup>20</sup>

### **Suggested questions:**

- What are the concrete achievements and results of the Government's State Programme on De-Institutionalisation and Alternative Care 2006-2015? Please provide information on the number of children and adults who were reintegrated into the community and in which living arrangement they are living ; the number of location of community based services established during that period and how many people it services?
- What are the measures that will be taken with regard to persons with disabilities in order to allow them to receive benefits as provided for by the Convention?
- What is the method used by social medical expert review in identifying how to ensure persons with disabilities can live a life of independence? How does the expert review justify that some persons are deemed unable to live an independent life?
- Do persons with disabilities, who so require, have access to personal assistance? What are the criteria and standards of being granted a personal assistant and what standards are in place to ensure the autonomy of persons with disabilities?

<sup>20</sup> <http://edu.gov.az/upload/file/dumi-2011-hesabat.pdf>.  
other information beyond the above mentioned.

DPOs and civil society do not have

## **Article 20: Personal mobility**

- Physical infrastructure does not facilitate an individual's mobility;
- The lack of signal indicators and street signs renders individual mobility impossible;
- The lack of additional services and financial difficulties poses obstacles to individual mobility;
- Training is not implemented for persons with disabilities and specialists of service and other fields;
- There is a lack of services and workshops for the repair and manufacturing of assistive means.

### **Suggested questions:**

- What kinds of measures are taken in order to teach the persons with disabilities which requires training in mobility skills?
- What steps are being taken to ensure that people with disabilities are able to access and afford assistive technologies and devices?
- What measures are taken to organize the services concerning the provision of human, animal or assistive technologies? What steps are taken to provide repairing and producing of assistive devices?

## **Article 21: Freedom of expression and opinion, and access to information**

Azerbaijani Sign Language is not recognized at the state level. As result of this, it is very difficult for deaf people to receive information in sign language including concerning public information and official documents. Because the use of Azerbaijani Sign Language is not promoted, deaf people are not being encouraged to act independently and are hindered from participating on an equal basis as hearing people. The lack of professional sign language interpretation is a significant barrier for deaf people in all areas of life.

As stated in Article 22 of the Law of Azerbaijan Republic "On prevention of disability and the disabilities of children, rehabilitation and social protection of persons with disabilities and children with disabilities," "Sign Language is recognized as a means of interpersonal communication." In fact, this implies the recognition of sign language as a means of everyday communication, however, there is a lack of programs for public support as well as a lack of formal training programs for sign language in schools for children with disabilities.

### **Suggested questions:**

- What measures will be taken to implement the provisions of the Convention of Article 21(e) of the Convention on the Rights of Persons with Disabilities' Freedom of expression and opinion, and access to information ", it is" the recognition and promotion of sign language? "
- What steps are being taken to enact legislation to ensure that information provided to the general public is accessible to persons with disabilities, by promoting and facilitating the use of sign languages, plain language, Braille, audio formats, and augmentative and alternative communication in official interactions, and to enact laws to make websites accessible and to ensure that websites are designed and developed according to accessibility guidelines?
- What kind of measures will be taken to amend Article 22 of the Law "On prevention of disabilities and disabilities of children, rehabilitation and social protection of the disabled and children with disabilities"

as well as incorporate into the law the training of professional sign language interpreters and teachers in order to?

- What kind of measures will be taken to promote the training and professional accreditation of sign language interpreters and to ensure the provision of professional sign language interpreters within public service bodies?

## **Article 23: Respect for home and family**

There are several discriminatory provisions in the Family Code which restrict the rights of persons with disabilities to home and family.

There are limitations for the marriage of people who are considered incompetent by the court as a result of "mental disease and feeble-mindedness, meaning persons with psychosocial disabilities and persons with intellectual disabilities: a court can declare their consent null and void (Article 182.1) and invalidate the marriage on the basis of disability (Article 26), a marriage may be terminated on the grounds of disability of one of the spouses (Article 17.2.2).

Further, disabled people of the 1st and 2nd group<sup>21</sup> who become persons with disabilities as a result of employment are prohibited from<sup>22</sup> adopting children (Article 120, Family code,). By the decision of the Cabinet of Ministers dated 15 August 2000, persons with disability with no working capacity of the 1st and 2nd group are not allowed to adopt children.

And there are also restrictions on persons with disabilities becoming foster parents in some circumstances (Article 144.1.6, Family Code) as well as restrictions on the parental rights of persons with disabilities (Article 68, Family Code)<sup>23</sup>.

These circumstances have been noted as follows in the Family Code of the Republic of Azerbaijan. The word "symptom of disease" is used in the articles. In addition, according to Article 144.2 of the Family Code the relevant executive body chooses the protector (foster) parents in accordance with the requirements intended in Article 137.2 of this Code. The relevant executive body in this case is the Ministry of Education of the Azerbaijan Republic.

According to this record, persons having diseases leading to disability groups (I and II) by losing working capacity cannot be foster parents.<sup>24</sup>

Furthermore, there is inadequate support provided to families with children with disabilities which often

---

<sup>21</sup> The disability is determined in three main groups in Azerbaijan. (I, II, III). I group - are those who are deemed to have the largest percentage of disability, II group - is relatively less and the III group - are those who are deemed to have a few disability problems.

<sup>22</sup> <http://www.edu.gov.az/view.php?lang=en&menu=404&id=5320>

<sup>23</sup> <http://www.edu.gov.az/view.php?lang=en&menu=404>

<sup>24</sup> Article 144. Foster parents

144.1. With the exception of the followings, adult individuals of both sexes may be the foster parents:

144.1.6 Individuals who cannot implement the duty of bringing up the child by the reason of health.

Article 68. Restriction of parental rights.

68.1 The court may adopt a resolution about depriving the child from the parents ( or one of them) taking into account the interests of the child without depriving them from the parent's rights.

68.2 Restriction of parental rights

The restriction of parental rights is accessible in the circumstances (mental diseases or other chronic disorders, and other serious cases.) When staying the child with the parent makes a danger not depending on them.

leads to the child being institutionalised rather than being raised with their family. There is no prohibition in the law that a child can in no case be separated from their parents on the basis of a disability of either the child or one or both of the parents.

According to Article 1 of the “Law of Azerbaijan Republic on Social Protection of children lost their parents deprived of parental care” (Base Definitions) persons under the age of 18, whose one parent is deceased and the other parent belongs to the category of I and II groups, those children are considered as “children deprived of parental care”. This denies the recognition of parental rights over children on the basis of disability. This denial of parental rights over children on account of disability is a flagrant act of discrimination.

The amount of social benefits (60.5 manat) which is paid to children with disabilities does not sufficiently ensure the fulfilment of the child’s needs. This is lower than the minimal benefits for families with a child with disability, benefits that are directed per family and not per child and family. The minimum benefit is 1.5 times less than minimum wage and 2 times less than the living wage.

#### **Suggested questions:**

- What steps will be taken by the Government to repeal discriminatory provisions of the Family Code and provide the right to marry to persons with intellectual disabilities, persons with psychosocial disabilities, and persons under guardianship, as well as the right to adopt on an equal basis with others?
- What steps will be taken to enact legislation which prohibits the child being separated from their parents on the basis of the disability of either the child or one or both of the parents? And to revise the terminology of children whose parents are disabled?
- What amendments does the Government need to make in the law in terms of raising the amount of benefits for the full exercise of rights of persons with disabilities in the families, and accommodate for the average level of livelihood for them, and to provide support and assistance services to parents with disabilities to care for their children at home?

### **Article 24: Education**

There is no legal provision which ensures inclusive education in Azerbaijani education law currently. Only about 300 children were involved in inclusive education. The Ministry of Education is implementing pilot projects in a total of six schools.

Attempts to provide disabled children with pre-school, school, college and university education are not sufficient. The bill on “Education” which had been adopted on 19 June 2009, does not include any normative procedures regarding inclusive education for children with disabilities and this therefore leads to the prioritization of special education. Only 300 among a total 62 866 children with disabilities had been provided with inclusive education. Another worrying issue is the fact that after reaching the age 18, children with disabilities have to leave orphanages and other specialised institutions and their further accommodation is not clear.

The UN Committee on Economic, Social and Cultural Rights recently highlighted the same concerns and recommended that Azerbaijan “to ensure the full enjoyment of the right to education to children with disabilities and to ensure that all measures are taken in this regard. The Committee requests that the State

party include in its next periodic report statistics on the number of schools that enrolled students with disabilities disaggregated by academic year, sex and disability by urban and rural regions” (Concluding Observations of the UN Committee on Economic, Social and Cultural Rights, May 2013, para 17).

There are no particular trainings in sign language for children who are deaf or with speaking problems, as well as for their parents and teachers. Staff working with children who are deaf or hard of hearing, have very poor skills in sign language.

#### **Suggested questions:**

- What steps are being taken to recognize and incorporate into the law the obligation to provide inclusive education to children with disabilities and the need to implement it widely (covering the regions and rural areas)?
- What steps has the government taken to ensure obligatory training of all teachers (beyond special education teachers) on teaching children with disabilities, and to include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers?
- Are individual education plans required for all students? How is the availability of assistive devices and support in classrooms, educational materials ensured?
- What steps has the government taken to ensure the accessibility of physical school environments, to encourage the teaching of sign language and deaf culture, including by reinforcing the level of professional training of sign language teachers for both mainstream and special schools?
- What kind of measures will be taken with regard to persons with disabilities in order to provide access to career and vocational training and guidance in all categories in rural as well as in urban areas?

#### **Article 25: Health**

Diagnostic centres are being built in regions particularly in the regional centres. However, persons with disabilities meet with difficulties to go to diagnostic, rehabilitation centres and other places from remote areas. The lack of appropriate transport and financial difficulties are the main obstacles.

Despite the "State Programme for the placement of children living in state-owned child institutions in families (deinstitutionalisation) and alternative care in the Republic of Azerbaijan (2006-2015)", the results which are intended have not been achieved. There is only this provision about health in this programme: Involving children with impaired health to education and ensuring them with the health and rehabilitation services.

There are 14 rehabilitation centres across the country, which clearly do not satisfy current needs. These centres are located mainly in Baku and some regional centres. It does not cover all the territories of the Republic. Persons with disabilities living in rural areas cannot benefit from the services of these centres.

They face these difficulties:

- infrastructure is not accessible;
- transportation is not accessible;
- The pension which the persons with disabilities receive from the state does not give them the opportunity to go these centres;

- Trainings on the rights of disabled people for doctors and other medical personnel should be fulfilled in villages and country areas.

Compulsory medical insurance approved by legislation should be applied in reality.

Articles 93-99 of the Criminal Code permit for the forced medical treatment of persons with disabilities which goes against the right of persons with disabilities to free and informed consent to medical treatment.

### **Suggested questions:**

- What measures are being taken to repeal legislation which violates the right of disabled persons to free and informed consent and to enact legislation which explicitly recognises this right for persons with disabilities, including persons with intellectual disabilities, psychosocial disabilities and regardless of any status under guardianship, which recognises and makes available support to persons with disabilities to exercise their right to free and informed consent?
- What steps are being taken to train all health professionals on the rights of persons with disabilities including the right to free and informed consent, and the way they communicate with the persons of disabilities?
- What kind of measures are being taken to deal with issues such as access to accessible health services including sexual and reproductive health services, implementation of medical insurance, lack of human resources in the field of rehabilitation and limited number of medical facilities, to ensure access to health services for persons with disabilities across the country, in particular in rural and remote areas?
- What kinds of measures are planned for the dissemination of information on health services, including sexual and reproductive health, in languages (including sign language) and formats accessible by the persons of disabilities?
- What kind of measures will be taken in order to train the staff of health care facilities in sign language and to provide professional sign language interpretation services?

## **Article 26: Habilitation and Rehabilitation**

Currently, the implementation of social projects which aim to provide persons with disabilities with medical care, jobs, education and social services, as well as issues of early intervention and assistance are not sufficient. The implementation of mentioned projects in villages and country areas is almost absent. The implementation of exclusive rehabilitation projects for persons with disabilities is schemed without participation of any persons with disabilities in social organizations.

Although it is mentioned in legislation, there are problems with the provision of hearing disabled people with assistive hearing devices and other technology.

### **Suggested questions:**

- What kind of measures are being undertaken in order to ensure quality voluntary services which involves development of experts, qualified staff, and offers peer support increasing the number of

- rehabilitation centres in the regions, provision of quality rehabilitation services, and provision of rehabilitation centres equipped with special devices and technical facilities?
- What kind of measures will be taken to include the facilities of rehabilitation for the deaf people into the list?

## **Article 27: Work and employment**

20 000 people with disabilities work in Azerbaijan. When granting a disability degree MSEC gives a reference to persons with disabilities approving it legally. In this reference they may write “incapable for work”. It gives cause to employers not to hire them. The companies hiring persons with disabilities do not take an interest because no concessions are proposed.

A quota related to the employment of the people with disabilities is applied, and the state bodies are included in the list of the organizations to which the quota is applied. However, the sanctions (In the Administrative Offences Code (AOC) it was stated a fine from 50 manat to 90 manat – i.e. 50 to 90 euros- for not hiring the people who was sent for job from state employment centre according to quota) for the non-performance of the tasks by the state bodies related to the quota are not reasonable. Penalties are set for the companies which do not hire persons with disabilities.

With the purpose of providing the employment of the people with disabilities by decision number 213 of the Cabinet of Ministers, dated 22 November 2005 “A Rule of application of the quota for people with particular need for social protection and people who have difficulties with getting a job” and “List of the enterprises with no quota application” were applied. According to the provision 1.2. Of the rules depending on the territorial labour market, the quota is defined as follows in terms of no more than 5 per cent of the average list number of the employments in the enterprises:

Although administrative measures were considered related to the implementation of the quota, it is not filled. On the other hand, the quota does not concern state enterprises.

Although there are programs and plans for providing the getting on possibilities (with the availability of the targets and implementation term), no practical solution is seen. Specialised professional trainings in the state sector are not permanent and are in fact absent.

The UN Committee on Economic, Social and Cultural Rights commented on the ineffective quota system in Azerbaijan and recommended that the government “enforce the quotas for employment for persons with disabilities both in public and private sector organizations and enterprises. The Committee recommends that high-quality vocational training, especially for the long-term unemployed, continue to be prioritized taking into account the needs of disadvantaged and marginalized individuals and groups.» (Concluding Observations of the UN Committee on Economic, Social and Cultural Rights, May 2013, para 11)

Furthermore, depending on the grade of disability certificate, it is possible to be prohibited from working despite one's skills to do so and the employer's will to hire you. In fact, an employer can be fined for employing a person with disabilities whose disability certificate does not permit the person to work on the basis of disability.

There is discrimination against persons with disabilities in the clause 9.1 of the article 9 of the Law of Azerbaijan on employment. It is intended to create new job places and special programmes on purpose to



provide social protection of persons with disabilities. It is stated to create “specialised job places”<sup>25</sup> (Sheltered workshop) in the article 27 of the Law “On prevention of disabilities and disabilities of children, rehabilitation and social protection of the disabled and children with disabilities”. These provisions are against the CPRD.

#### **Suggested questions:**

- What steps are being taken to abolish the possibility for Medical social expert commissions to label persons as “physically disqualified (or labour incompetent)” in their disability certificates which denies them the right to work?
- What measures are being taken to address the non-observance of available quota, its applicability to public entities and the enforcement of administration of sanctions for the violation of quota requirements?
- What steps are being taken to eliminate the practice of sheltered or segregated employment targeted at people with disabilities that are exempt from labour standards, resulting in inferior protection and exploitation? What steps are being taken to change this situation?
- What sorts of measures are being taken in terms of accessibility and the provision of reasonable accommodation in workplaces?
- What kinds of measures are being taken in the area of granting incentives to the organizations which provide employment for the persons with disabilities?
- Is the employment of the persons with disabilities in public entities being provided and realized especially in terms of promotion to middle and high posts?

#### **Article 28: Adequate standard of living and social protection**

Activities towards provision of disabled people with access to affordable services, facilities and other assistance systems, as well as projects which consider additional expenses because of disability are almost absent.

The current provision to disabled people of apartments, pensions and other social allowances is not sufficient for living conditions. The amount of paid pensions and benefits does not meet the demands of real conditions. The granting social allowances are equal to 42 euros for persons with physical disabilities. It is lower than the minimum living amount and minimum wage. In this framework, it is necessary to enhance those benefits.

The UN CESCR Committee recently emitted a recommendation on Azerbaijan an strongly urging the government “intensify its efforts to combat poverty, especially among the most disadvantaged and marginalized members of the population, including persons with disabilities, IDPs, refugees, asylum seekers, stateless persons, and migrant workers and to reduce disparities between the capital and the rural areas, and provide information on the progress made in its next report, including sex-disaggregated data

---

<sup>25</sup> Here it is planned to establish specialised workshops for people with disabilities in order to provide additional working opportunities.

per year for the groups listed above. (Concluding Observations of the UN Committee on Economic, Social and Cultural Rights, May 2013, para 23)

Regarding the targeted social assistance project, there exist problems such as: delays with the delivery of benefits or overall denial of assistance, refusal to accept documents, or delays with the review of documents, partial appropriation of benefits, etc.

Persons with disabilities continue to encounter barriers to finding accommodation and employment upon leaving orphanages and other specialized institutions after turning 18.

**Suggested questions:**

- What measures are being taken in order to bring the sum of social benefit in line with minimum wages and minimum standard of living?
- What measures are being taken in the areas of training public administration and social workers in determining the level of benefit (for persons with disabilities disabled from birth)?
- What kind of compensation schemes are foreseen for people with disabilities with regard to disability-related extra expenses incurred by persons with disabilities and their families?

## **Article 29: Participation in political and social life**

According to the Constitution, Article 56 states: "Citizens of the Azerbaijan Republic shall have the right to elect and be elected to the government bodies, and to participate in referendums. Persons whose incapacity has been determined by the court shall not have the right to participate in the elections as well as in the referendum." Also in the Electoral Code,

- Article 12, section 4 states, "According to Article 56.2 of the Constitution of the Republic of Azerbaijan, persons recognized by a court decision as incapacitated, shall be deprived of active suffrage, i.e. the right to participate in elections as well as in referendums."
- Article 13, section 3 states, "Pursuant to Articles 56.3, 85 and 100 of the Constitution of the Republic of Azerbaijan the following persons shall not have a right to be elected as a deputy of the Parliament (Milli Majlis), President, member of a municipality, i.e. they shall not have the passive suffrage...13.3.1 people sentenced to servicing their sentence in institutions of confinement, by court decision, which has entered into force."

These provisions deny the right to vote and to stand for election on an equal basis with others and are discriminatory against persons with disabilities, in particular persons with intellectual disabilities and persons with psychosocial disabilities who are most subject to guardianship measures.

If a court approves the removal or restriction of legal capacity of disabled people, they immediately lose rights to participate in elections as well as referendums in violation of their right to political participation and equal recognition before the law.

There are no particular actions taken towards the provision of persons with disabilities with election materials (such as publications in Braille or campaign information and advertisements in sign language), therefore denying them equal access to election information which impedes their right to political participation on an equal basis with others.

Although conditions to establish organizations representing rights and interests are currently present, initiatives in this field are very insufficient:

- The correct attitude has not been formed about disabled people's organizations in society, state and among the persons with disabilities;
- Dominant views support charity-like organizations for persons with disabilities rather than organizations of persons with disabilities whose purpose is to promote and protect the rights of persons with disabilities. The persistence of a charity approach and the lack of a social model view by the state and the public lead to financial constraints for supporting the establishment of DPOs.

It could be envisaged that a special fund is established to increase the support of activity of DPOs. This would also assist in the deinstitutionalization of persons with disabilities.

There is no such practice yet in Azerbaijan, although there is a similar structure - the "Youth Fund" which was created to support the youth policy and improve the quality of activity of youth organizations under the President of the Republic of Azerbaijan, which has had a positive result.

Some of the financial amounts are allocated to organizations which have little connection with persons with disabilities or have little expertise in this field. All of this leads to digress, rather than progress.

#### **Suggested questions:**

- What steps are being taken to repeal discriminatory legislation and to amend the Constitution to eliminate denials and restrictions to the right to vote and stand for election of persons with disabilities who are under guardianship?
- What kind of measures are going to be taken in order to secure political rights of the persons with disabilities, publication of voting materials in an appropriate format (e.g. written materials published in Braille and TV advertisements accompanied with sign language interpretation), adoption of adequate regulatory guidelines that will ensure them access to polling booths, and attendance of persons with mental and intellectual disabilities in elections?
- What measures are envisaged to increase support for the establishment of and to support the activities of independent disabled persons' organisations which advocate for the rights of persons with disabilities?

### **Article 31: Statistics and data collection**

There is no unified information or database in Azerbaijan. Disaggregated data on disability is not systematically collected in all sectors including discrimination, violence, health, employment, rehabilitation, access to justice, political participation, education, etc across the country. DPOs should be involved in and consulted upon the establishment of a unified database, including indicators for the collection of data and its monitoring and evaluation in all fields.

#### **Suggested questions:**

- What steps is the government taken to establish a unified database and to systematically collect information on all areas which are also disaggregated by gender, age, type of disability, ethnicity, urban/rural population etc (e.g. education, health, access to justice, legal capacity, violence, employment,

institutionalisation, housing, political participation, etc.) and to actively involve and closely consult with persons with disabilities and their representative organisations to do so?

## **Article 32: International cooperation**

The state carries out various projects with international organizations in order to improve social protection. This project is directed to the persons with disabilities and the development is striking in this field.

But there are still problems in this field:

- Persons with disabilities and their organizations are not involved in the preparation and implementation of these programmes.
- The information about the programmes and projects are weak.
- The report on implementation of monitoring and evolution is not published.
- DPOs are not involved in the process of monitoring and evolution
- The persons with disabilities and their organizations are not involved to the investigation and application of international experience.

### **Suggested questions:**

- What measures are taken in the direction of advocacy and implementation of disability inclusive programmes and projects with the active participation of DPOs in the drafting development, implementation and monitoring of the projects?

## **Article 33: National implementation and monitoring**

The Government has established a working group consisting of representatives from various ministries. There is insufficient cooperation and consultation by the MLSP and organizations representing persons with disabilities on CRPD implementation. A structure needs to be established to organize and systematize this cooperation and consultation for effective implementation which responds to the needs of persons with disabilities as expressed by themselves.

The agency concerning with the exercise, protection and monitoring of the Convention, is intended to establish under the Commissioner for Human Rights (Ombudsman) as indicated in a letter sent to the Ombudsman by the head of the Presidential Administration.

Legislation should be enacted which spells out the Ombudsman's role as the independent monitoring framework of the CRPD under Article 33(2) of the CRPD to ensure that it complies with the Paris Principles and receives adequate financial and human resources to effectively carry out this mandate.

Due to a complete lack of any financing, to date it has been impossible to start any activities.

The format, code, staff, activity plan and all other issues have not been established and as a result there has been a delay in the promotion, guarantee and monitoring of Convention activities in Azerbaijan.

### **Suggested questions:**

- What steps are being taken to appoint focal points across all ministries and to coordinate strategies, policies and programmes towards effective CRPD implementation? How has the budget been allocated to ensure financial and human resources to ministries and local governments to ensure they

are actively taking steps to implement the CRPD across the country? How is the government ensuring that all persons with disabilities and representatives of their organizations are involved and key cooperating partners in CRPD implementation?

- What kind of measures shall be undertaken in order expand the mandate of the Ombudsman as the independent monitoring framework of the CRPD, and to achieve allocation of funds from the budget for adequate human resources and training to the Ombudsman's Office as the designated independent monitoring framework?
- What steps are being taken by the Ombudsman's Office to maximise the cooperation and involvement of disability organisations in its performance and operations for the implementation, promotion, protection and monitoring of the Convention?