



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Combined second and third reports submitted by  
Azerbaijan under article 35 of the Convention  
pursuant to the optional reporting procedure, due  
in 2019<sup>\*</sup>, <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The annex to the present report is on file with the Secretariat and is available for consultation. It may also be accessed from the web page of the Committee.



## **I. Introduction**

1. The Government of the Republic of Azerbaijan submits to the Committee on the Rights of Persons with Disabilities simplified second and third periodic reports on the implementation of the Convention on the Rights of Persons with Disabilities. The Government ratified the Convention and its Optional Protocol on January 28, 2009, and in February, 2011 it submitted its initial report on measures to promote and protect the rights of persons with disabilities to the Committee.
2. This report reflects the activities made to ensure all the rights and freedoms of persons with disabilities and to promote and protect these rights provided by the Convention on the Rights of Persons with Disabilities to which Azerbaijan has joined.

## **II. Preparation of report**

3. The consolidated second and third periodic reports of Azerbaijan on the implementation of the Convention on the Rights of Persons with Disabilities has been prepared based on information obtained on the activities of state bodies on the issues mentioned in the list of questions approved by the Committee and to be answered by the Government of Azerbaijan.
4. The 2nd and 3rd consolidated reports of Azerbaijan on the implementation of the Convention on the Rights of Persons with Disabilities were prepared by the Working Group established by Executive Order No. 504 of the President of September 20, 2018 "On Enhancing the Effectiveness of Cooperation with UN Human Rights Mechanisms" based on information provided by relevant ministries and committees.
5. In connection with the Order a working group consisting of relevant government agencies was established for the preparation of periodic reports and to ensure control over the implementation of the recommendations adopted in relation to Azerbaijan within the treaty bodies and the Universal Periodic Review mechanism of the Human Rights Council. Management of activities of that Working Group was entrusted to the Ministry of Foreign Affairs.
6. Representatives of the Prosecutor General and the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan also attend the meeting of the Working Group.
7. Information from Non-Governmental Organizations (NGOs), especially organizations of persons with disabilities was used in the preparation of the report.

## **III. Replies to the list of issues prior to reporting (CRPD/C/AZE/QPR/2-3)**

### **Paragraph 1 (a)**

8. On May 31, 2018, a new Law "On the Rights of Persons with Disabilities" (New Law) was adopted. Respect for all rights and freedoms provided by the Convention on the Rights of Persons with Disabilities, including the basic principles of state policy, state guarantees in this area, disability prevention, rehabilitation, employment, social security of persons with disabilities, other important issues are covered by this New Law.
9. Updated "Common Core Document" submitted by the Government of Azerbaijan to the United Nations High Commissioner for Human Rights on October 20, 2017 and updated information on the document dated 2019, contains relevant measures in the area of protection and promotion of human rights, including the protection of the rights of persons with disabilities.
10. Due to implementation of the Decree of the President of July 18, 2018 No. 213 "On the Application of the Law of the Republic of Azerbaijan On the Rights of Persons with Disabilities" of May 31, 2018 No. 1153-VQ, legislation has been improved. This is a radical

reform aimed at shifting from a traditional medical model of disability to a social model based on human rights and adaptation of the national legislation to Convention.

11. Drafts under preparation include "Regulations of reasonable accommodation of the infrastructure facilities for use of Persons with Disabilities", taking into consideration the Committee's general comment number 6 (2018) on equality and non-discrimination; "Regulation for establishing a unified electronic register on persons with disabilities and disability; and an Individual Rehabilitation Program which includes implementation of social rehabilitation should be noted.

12. In connection with application of a Decree on the implementation of the New Law the Ministry of Labour and Social Protection of Population (MLSPP) developed and submitted to the Government relevant draft laws for the purposes of replacing the term "disabled" with "person with disability", exclusion of offensive terms from the national legislation, depending on the context replacing the word "defect" with "impairment", the term "cripple" with "disability", the term "imbecile" with "mental impairment", the words "dumb", "deaf", "blind" with "a person with a visual, hearing or speech impairment" in the Code of Administrative Offenses approved by the Law of December 29, 2015 No. 96-VQ, in the Labour Code approved by the Law "On approval, entry into force of the Labour Code of the Republic of Azerbaijan and legal regulation in this regard" of February 1, 1999, No 618-IQ, in the Land Code approved by the Law "On approval of the Land Code of the Republic of Azerbaijan" No 695-IQ of June 25, 1999, in the Family Code approved by the Law "On approval, entry into force of the Family Code of the Republic of Azerbaijan and legal regulation in this regard" of December 28, 1999, No. 781-IQ, in the Civil Code approved by the Law "On changing the validity period of the Civil Code of the Republic of Azerbaijan, the Code of Civil Procedure of the Republic of Azerbaijan and the Criminal Code of the Republic of Azerbaijan" of May 26, 2000, in the Tax Code approved by the Law "On approval, entry into force of the Tax Code of the Republic of Azerbaijan and legal regulation in this regard" of July 11, 2000 No 905-IQ, in the Customs Code approved by the Law "On Amendments to the Customs Code of the Republic of Azerbaijan" of December 28, 2018, No 1431-VQD, in the Code of Urban Planning and Construction approved by the Law of the Republic of Azerbaijan "On Amendments to the Code of Urban Planning and Construction of the Republic of Azerbaijan" of March 5, 2019, No 1525-VQD, in the Migration Code approved by the Law "On Amendments to the Migration Code of the Republic of Azerbaijan" of June 27, 2019, No 1623-VQD, in the Election Code approved by the Law "On approval and entry into force of the Election Code of the Republic of Azerbaijan" of May 27, 2003, No 461-IIQ, as well as in the Law "On the Rights of the Child" of May 19, 1998, No. 499-IQ, in the Law "On Road Traffic" of November 22, 1998, No. 24, in the Law "On Courts and Judges" of June 10, 1997, No. 310-IQ, in the Law "On Freedom of Religion" of August 20, 1992, No. 281, in the Law "On perpetuating of name of the martyr and about privileges to families of martyrs" of September 3, 1993, No. 697 and in other relevant laws.

### **Paragraph 1 (b)**

13. Subsystem of Medical and Social Expertise and Rehabilitation (TSERAS) was created within the centralized electronic information system of the MLSPP as the implementation of the 1<sup>st</sup> part of the Presidential Decree "On Improvement of the System of Assessment of Disability and Limitation of Health capabilities" of September 15, 2015, No. 595.

14. Improvements in TSERAS have been made in accordance with the Order of the Cabinet of Ministers "On approval of the Regulation on Medical and Social Expert Commissions" of February 5, 2016 No 366 and the amendment to this Resolution of November 11, 2016, No 446 and the disability status of citizens is assessed by the Medical and Social Expert Commissions (MSEC) through TSERAS on the basis of referrals from public health institutions without the presence of a person, and citizens are notified via SMS about the decision (duration and degree of disability or refusal). In addition, citizens can receive information about the results of the assessment freely and without interference, using the "Providing information on medical examinations conducted by the Medical and Social Expert Commissions" electronic service in the e-Government portal, and using the interactive menu by calling the Call Centre 142-0.

15. The advanced automated IT systems of the MLSPP and the TSERAS have been posted within the South-South Partnership Programme on the UN portal "Cooperation Mechanisms and Solutions in the framework of South-South Cooperation in the Arab Countries, Europe and CIS" recommended for the other South countries by UN as an advisable, modern, efficient and transparent working solution. Besides, this system in the field of disability assessment was recognized by the International Social Security Association (ISSA) in the Competition for the Good Practice Award for Europe and won a special award of ISSA. This experience has been studied and implemented by Kazakhstan.

16. In addition, granting of disability pension is also being implemented using the electronic system in connection with the implementation of Section 2.4.3 of the Presidential Decree "On expanding the application of electronic services in the areas of labour, employment, social protection and social security" of September 5, 2018, No. 258.

17. Now, as granting of old age pensions, granting of disability pensions has started to be provided proactively without any application or submitting any documents. When there's a right of a person with a disability to a pension, he/she is granted the pension on the day of eligibility and is notified electronically in this regard (including the amount of the pension, the bank branch and time to collect a VISA card) by SMS, email or official letter.

### **Criteria for Assessing Disability**

18. New "Regulations on criteria for disability assessment" have been developed by the MLSPP for ensuring implementation of paragraph 1.1.5 of Decree of the President on the implementation of the New Law and posted on the official website of the MLSPP for public discussions and feedback, comments and suggestions from civil society institutions, individual citizens, specialists and experts for organization of public hearings. At the same time, the project was also discussed within the Public Council, which operates under the Ministry and includes organizations of persons with disabilities.

19. A special working group has been established at the Ministry of Labour and Social Protection to ensure that the criteria for disability assessment are developed in line with the best international practices. The working group analysed the best international practices in the field of the disability assessment, studied the experience of Russia, Austria, Great Britain, USA and Germany, reviewed the European Union's (EU) "Physical and mental disability rating scale", 10th edition of the International Classification of Diseases (ICD) and the International Classification of Functioning (ICF).

20. The new project on the "Criteria of disability assessment" also includes criteria for determining disability based on disease allocation under ICD-10, of the World Health Organization (WHO), a comprehensive and detailed description of persistent impairments in the human body, 10-100% range of persistent impairments in the human body's function, as well as the extent of restriction arising from his impairments of the seven main categories of human activities, such as selfcare, free movement, orientation, communication, behaviour control, learning and employment.

21. The classifications and categories used in this project address the opportunities of social rehabilitation and adaptation in disability assessment and thus shifting from a traditional medical model of disability to a social model based on human rights, allowing evaluation of impact on the life of a person resulting from diseases and their severity rates, but not isolated from them, as opposed to the traditional approach to determining disability.

### **Paragraph 1 (c)**

22. Amendments were made to the Constitution in a nationwide referendum held on September 26, 2016. Section VI is added to Article 25 of the Constitution: "VI. Persons with disabilities enjoy all rights and bear duties enshrined in this Constitution, except for the rights and duties which are difficult for them to be implemented due to their disabilities."

23. The New Law providing for the elimination of all forms of discrimination on the basis of disability, full participation of persons with disabilities in society and creation of conditions for their social inclusion, full and equal exercise of rights and freedoms, protection

of their honour and dignity, reflects a reasonable accommodation of the facilities for the needs of persons with disabilities. As mentioned above, "The regulation of reasonable accommodation of the infrastructure facilities for use of Persons with Disabilities" has been developed guided by the Committee's General comment number 6 (2018) on equality and non-discrimination.

24. The Ministry of Labour and Social Protection of Population in connection with the implementation of the Decree of the President of Azerbaijan on the implementation of the New Law has developed and submitted to the Government relevant draft laws for the purposes of replacing the term "disabled" with "person with disability", exclusion of offensive terms from the national legislation, depending on the context replacing the word "defect" with "impairment", the term "cripple" with "disability", the term "imbecile" with "mental impairment", the words "dumb", "deaf", "blind" with "a person with a visual, hearing or speech impairment" in the Code of Administrative Offenses approved by the Law of December 29, 2015 No. 96-VQ, in the Labour Code approved by the Law "On approval, entry into force of the Labour Code of the Republic of Azerbaijan and legal regulation in this regard" of February 1, 1999, No 618-IQ, in the Land Code approved by the Law "On approval of the Land Code of the Republic of Azerbaijan" No 695-IQ of June 25, 1999, in the Family Code approved by the Law "On approval, entry into force of the Family Code of the Republic of Azerbaijan and legal regulation in this regard" of December 28, 1999, No. 781-IQ, in the Civil Code approved by the Law "On changing the validity period of the Civil Code of the Republic of Azerbaijan, the Code of Civil Procedure of the Republic of Azerbaijan and the Criminal Code of the Republic of Azerbaijan" of May 26, 2000, in the Tax Code approved by the Law "On approval, entry into force of the Tax Code of the Republic of Azerbaijan and legal regulation in this regard" of July 11, 2000 No 905-IQ, in the Customs Code approved by the Law "On Amendments to the Customs Code of the Republic of Azerbaijan" of December 28, 2018, No 1431-VQD, in the Code of Urban Planning and Construction approved by the Law "On Amendments to the Code of Urban Planning and Construction of the Republic of Azerbaijan" of March 5, 2019, No 1525-VQD, in the Migration Code approved by the Law "On Amendments to the Migration Code of the Republic of Azerbaijan" of June 27, 2019, No 1623-VQD, in the Election Code approved by the Law "On approval and entry into force of the Election Code of the Republic of Azerbaijan" of May 27, 2003, No 461-IIQ, and in the Law "On the Rights of the Child" of May 19, 1998, No. 499-IQ, in the Law "On Road Traffic" of November 22, 1998, No. 24, in the Law "On Courts and Judges" of June 10, 1997, No. 310-IQ, in the Law "On Freedom of Religion" of August 20, 1992, No. 281, in the Law "On perpetuating of name of the martyr and about privileges to families of martyrs" of September 3, 1993, No. 697 and in other relevant laws.

### **Paragraph 1 (d)**

25. The Council on State Support to Non-Governmental Organizations under the President provided NGOs with information, consultative, methodological and organizational-technical assistance to protect the rights of persons with disabilities, as well as travel grants were allocated for participation of the representatives of those NGOs in international events.

26. There is a mutual cooperation between the Commissioner for Human Rights and civil society institutions, in particular persons with disabilities and the NGOs representing them, which is important for their involvement in the process of monitoring the implementation of the obligations arising from Convention. Thus, representatives of the "Union of Disabled People Organizations" (the exact translation of the name of organization), which currently unite several same profile NGOs, are also members of the Expert Council under the Ombudsman, as well as the Business and Human Rights Working Group.

27. Legal awareness events held annually at the initiative of the Ombudsman, such as the Human Rights Month, Child Rights Month and Peace Month, have made significant contributions to the promotion of the rights of all social groups, including the rights of persons with disabilities.

28. In addition, as the Ombudsman's Resource Centres at the Leadership School of the Child and Youth Network of Azerbaijan and the Elderly Resource Centre trainings on the rights of persons with disabilities for members of these organizations are held.

29. On December 3, 2016, on the occasion of the International Day of Persons with Disabilities and the 10th anniversary of the adoption of the Convention on the Rights of Persons with Disabilities, Conference titled "The Convention on the Rights of Persons with Disabilities - 10 years: Work Done and Future Tasks" was held at the Office of the Commissioner for Human Rights with participation of the representatives of the Ministry of Labour and Social Protection of Population, other relevant government agencies, civil society, NGOs and media representing such people.

### **Paragraph 1 (e)**

30. An awareness-raising project "Sun for All" was implemented by the State Committee for Family, Women and Children Affairs in 2015-2016 to increase attention and care for persons with disabilities, to involve the community in addressing their problems, to identify children and their families who need special care, ensure their inclusion and development in society.

31. The State Committee for Family, Women and Children Affairs has been consistently working to discover cinematography skills of children with disabilities, as well as their integration into society. Films and social videos on the relevant topics presented to the Organizing Committee are presented annually to the executive authorities (district and city) for use in awareness-raising activities, as well as at events held by the Committee.

32. Work on the development, integration and social mobilization of children with disabilities is underway by providing their participation at the events-forums, summer schools, children's rights trainings, master classes in creativity held by the State Committee for Family, Women and Children Affairs. The Committee holds various entertaining, artistic events for providing moral support to children with disabilities, to draw public attention to them, as well as to strengthen their integration into society on special (World Down Syndrome Day, International Childhood Cancer Day, International Day of Persons with Disabilities) and on prominent (Novruz and Eid al-Adha holidays) days.

33. In 2017, the Fourth Forum was held jointly with the State Committee for Family, Women and Children Affairs, the Heydar Aliyev Foundation and the United Nations Children's Fund (UNICEF). This forum aims to stimulate the formation of leadership qualities in children, ensure that children are involved in decision-making with regard to their rights, provide opportunities for children to take the initiative and make suggestions about their problems, and to draw public attention to the protection of children's rights.

34. During the years of 2018-2019, the Committee held various events and trainings aimed at developing children's life skills and informing them of their rights and responsibilities. At the same time, various exhibitions of children's handicrafts are organized at the annual events for the protection of children's rights and on children's rights. In total, over 500 children with disabilities participated in trainings and activities covering more than 1,300 children.

35. The Commissioner for Human Rights showed special activity during the 16-day campaign against Gender-based Violence, launched at the International Day for the Elimination of Violence Against Women declared by the General Assembly on 25 November 1999 and continuing until December 10 - the International Human Rights Day, and organized a series of awareness-raising events in the capital and regions with participation of government officials, NGO representatives, municipal members, active youth, teachers, schoolchildren, the general public, including women, children and adolescents with limited health capabilities, as well as persons with disabilities.

36. In addition, the Ombudsman proposed an individual approach to the problem of violence against women and to investigate the causes of this issue at various stages at the events held at the Ombudsman's Resource Centres - the Leadership School of the Child and Youth Peace Network of Azerbaijan (LSCYPNA) and the Elderly Resource Centre, and at

regional Centres in Ganja, Sheki, Jalilabad and Guba. First of all, the importance of avoidance with preventive methods, legal awareness-raising, holding meetings with communities, families, conversations and explanatory works, as well as revealing violence, restoring violated rights, preventing girls staying out of school and early marriages, creating special shelters in the regions, increasing women's activity, as well as their active participation in governance, decision-making, elections, their promotion, development of women's entrepreneurship, and protecting children from the manipulation and suffering in some conflict situations between parents.

### **Paragraph 1 (f)**

37. The Ministry of Education has prepared a draft law on amendments to the Law "On the Rights of Persons with Disabilities" regarding the recognition of sign language as an official language used by the state. The draft will be submitted to the government after coordination with the relevant government agencies.

38. In addition, "Sign Language" - dactyls and gestures are used as a means of communication in special boarding schools and preschools for children with hearing and speech impairments. Textbooks for Native language and Mathematics, Workbook on Mathematics for primary grades for Children with Hearing Impairments (Grades 1-4), and Methodical Handbook for Teachers are published.

### **Paragraph 2 (a)**

39. In accordance with Article 1.0.3 of the New Law any segregation, exclusion or restriction, including denial of reasonable accommodation for accessibility in accordance with this law and guided by the principles of the Convention is considered as a discrimination on the basis of disability.

40. Article 4 of the New Law sets out the basics of the legal status of persons with disabilities. Thus, persons with disabilities have all human and civil rights and freedoms enshrined in the Constitution and other legal acts and international treaties to which Azerbaijan is a party. Discrimination against the persons with disabilities is prohibited and persecuted by law. Specific measures that are necessary to facilitate or achieve de facto equality of persons with disabilities are not considered as a discrimination. A person with a disability may, in person or through a representative, file a complaint against an administrative act, refusal to adopt an administrative act, action or inaction of an administrative body in accordance with the Law of the Republic of Azerbaijan "On Administrative Proceedings."

41. Non-discrimination on the basis of disability in accordance with Article 5.0.5 of the New Law, that is, identifying and upholding the rights of persons with disabilities to equal protection under the law and equal enjoyment of legal rights, eliminating any segregation, exclusion or restriction, is one of the main principles of the state policy with regard to persons with disabilities.

42. In order to eliminate discrimination against persons with disabilities in the field of adoption, provision regarding restriction on the basis disability has been removed in the draft laws designed for implementation of tasks assigned by the Decree No. 393 of the President of December 10, 2018 on "Improving Management in the Field of Adoption". It should be noted that in paragraph 7 of the "List of Diseases, that prohibit adoption, guardianship and custody" approved by the Resolution No. 141 of the Cabinet of Ministers of August 15, 2000 all injuries and disorders that lead to disability of I and II degrees are listed.

### **Paragraph 2 (b)**

43. According to the Law "On Freedom of Religion" each person has the right to practice any religion individually or in association with others, to express and disseminate his or her religion convictions.

44. The State Committee on Religious Associations has consistently conducted awareness-raising work regarding implementation of the Convention on the Rights of Persons with Disabilities for creating appropriate conditions for the provision of freedom of religion, assisting promotion of mutual respect, understanding and tolerance among religious organizations of different religious beliefs, for the purpose of preventing confrontation and discrimination and other negative manifestations of religion against citizens of the country, including religious minorities, especially persons with disabilities.

45. The State Committee organized more than 150 events across the country only in 2016 within the framework of the Year of Multiculturalism in the directions of cultural diversity, protection of religious minorities, tolerance, the role of intercultural dialogue in the resolution of conflicts. At the same time, the State Committee has organized a series of events within the "Human Rights Month" and "Children's Rights Month", which are held regularly in our country. In 2018 alone, about 50 events were held in these areas.

46. Besides, by the Decree of the President No 1624 of October 10, 2017, the Fund for Promotion of Moral Values has been established under the State Committee on Religious Associations. The Fund takes measures to assist those who are incapable of self-care due to illness, disability or old-age and also provides financial assistance to purchase medicines, essential food and goods. People with disabilities from religious minorities are also entitled to the full benefits of this assistance, and this is confirmed in practice.

47. By the Commissioner for Human Rights and its Ganja, Guba, Sheki and Jalilabad Regional Centres located in the compact areas where ethnic, religious and linguistic minorities (e.g. Lezgins, Avars, Udins, Ingiloes, Tats, Talyshs, etc.) live, the protection of the rights of people representing about 90 national minorities and ethnic groups living in the country has always been in the focus of attention, and a number of initiatives have been put in place to ensure their full participation in society.

48. In order to monitor the status of promotion and implementation of the National Action Program "On Enhancing the Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan" approved by the Executive Order No. 1938 of the President dated December 27, 2011, public hearings with the participation of Members of Parliament, representatives of the local executive, judicial and law enforcement agencies, municipalities, local NGOs, mass media, refugees and displaced persons, local communities from 57 cities and regions of the country, including ethnic minorities, held on initiative of the Commissioner for Human Rights, representatives of ethnic minorities, including persons with disabilities, were invited and participated. These events highlighted that everyone, regardless of his/her social status, enjoys all the rights without discrimination and recommendations for the preservation and development of the cultural heritage of ethnic minorities were made.

### **Paragraph 3 (a)**

49. The Commissioner for Human Rights during her activity has put forward proposals to ensure the rights of women with disabilities, to protect them from discrimination and to ensure their comprehensive development.

50. It should be noted that the Ombudsman's proposals for the draft National Action Plan on the Prevention of Gender-based Sex Selection in Azerbaijan for 2019-2022 also cover issues related to women with disabilities.

51. In addition, considering the proposals submitted by the Ombudsman, a draft National Action Plan on the Prevention and Combating Domestic Violence in Azerbaijan for 2019-2023 has been developed, which will serve for protection of the rights of persons with disabilities, including women and children.

52. A Joint Program on "Providing the rights and well-being of women with disabilities and veterans of the Nagorno-Karabakh conflict" is being implemented by the United Nations Development Program, the UN Population Fund and MLSPP, the State Committee for Family, Women and Children, State Statistical Committee, and local NGOs of the persons with disabilities. This program will enable the implementation of the 4th (General

Obligations), 6th (Women with Disabilities), 8th (Awareness-raising), 9th (Accessibility), 27th (Work and Employment), 31st Articles (Statistics and Data Collection) of the Convention on the Rights of Persons with Disabilities.

53. The main purpose of the program is to develop high-quality data and evidence for policy development based on reliable data on the needs and potential of women with disabilities, to raise awareness of decision makers and people about the vulnerabilities of persons with disabilities, as well as to support efforts by the Government to satisfy and enforce the rights of persons with disabilities related to their protection and welfare, with particular attention to women and veterans of the Nagorno-Karabakh conflict through interconnected activities aimed at the exchange of good practices both within the country and in the region.

54. In developing a joint program, the Final Recommendations of the Committee on the Rights of Persons with Disabilities (May 12, 2014) were taken into account. The approach of the program is two-tiered and focuses on national and sub-national levels. It includes use of common and purposeful approaches for persons with disabilities to benefit from directly through improved livelihoods opportunities, and indirectly by making public spaces more accessible and convenient to persons with disabilities.

### **Paragraph 3 (b)**

55. According to paragraph 3.5.2.1 of the Action Plan on implementation of the State Program on Poverty Reduction and Sustainable Development in Azerbaijan for 2008-2015, approved by the Executive Order of the President of June 28, 2011, No.1578 the State Committee on Family, Women and Children Affairs has developed a reliable monitoring mechanism for sexual violence and violence against children for the purpose of establishing monitoring groups on sexual violence and violence against children in all regions consisting of the representatives of local executive bodies. As a reliable monitoring mechanism for sexual violence and violence against children, local monitoring groups perform coordination of the following activities: assessing the situation on the ground, consultation effectiveness of the implemented measures, identifying at-risk families and providing necessary support, investigating and analysing the causes of violence, especially the discussion of serious violent incidents protection of victims of violence and providing with appropriate assistance.

56. "Monitoring groups on sexual violence and violence against children" established in local executive bodies of 33 regions/cities by the State Committee for Family, Women and Children with support of the UN Population Fund, USAID are trained on "Domestic Violence Prevention Mechanisms". Within the framework of the project manuals for specialists of the government agencies on "How to deal with victims of domestic violence" were also prepared.

57. Continuing the training of highly qualified human rights professionals in undergraduate and graduate courses in human rights in the department of "UNESCO Human Rights and Information" at the Baku State University with demonstration of scientific approach in this field, initiated by the Commissioner for Human Rights, University-level teaching of the subjects of "Human Rights", as well as "Introduction to Gender" as an independent subjects, and the publication of a collection of lectures on the subject "Introduction to Gender" has contributed to the training of new generation lawyers, social workers, and specialized psychologists. The relevant curriculum includes provisions on the prevention of discrimination, including domestic and sexual violence against women and girls with disabilities.

58. Awareness-raising seminars and workshops on gender equality, domestic violence, human trafficking, early marriages and more for women living in regions were held in remote areas and villages, as a result of intensive awareness work, hundreds of women were informed of their rights and they were given free legal advice on the basis of appeals.

**Paragraph 3 (c)**

59. Proposals made by the Commissioner for Human Rights in the past period in order to support speeding up the adoption of the Law on Protection of Reproductive Health, which is also important in terms of ensuring sexual and reproductive health of women and girls with disabilities, development, approval and implementation of a strategic program on reproductive health and family planning, regular implementation of community-level awareness activities for reproductive health and family planning, strengthening maternal and child health, protection of reproductive health of the population, early marriages, provision of safe motherhood, breastfeeding of children, creation of the necessary conditions for the birth of healthy, as many as wanted and desired children, reduction of maternal and infant mortality, strengthening of the material and technical base of medical institutions providing obstetric and gynaecological services, as well as continuation of work on the problems of old women, excluding "Note" part of Article 152 of the Criminal Code the prevention of early marriages and early motherhood are also important in terms of ensuring sexual and reproductive health rights for women and girls with disabilities.

60. At the extensive awareness raising events organized by the Women and Development Centre of Azerbaijan, acting as Ombudsman's resource Centre, within the project "Organization of Awareness Activity in the Field of Community-level Reproductive Health and Family Planning" among women living in various regions of the country, including where displaced persons and ethnic groups live, the issue of satisfaction of sexual and reproductive health rights for women and girls with disabilities was also in the focus of attention.

61. The State Committee on Family, Women and Children Affairs has developed the draft National Action Plan on Gender Equality in Azerbaijan for the years of 2019-2024 (NAPGE). The draft National Action Plan stipulates conducting measures for investigation of the basic needs of women with disabilities ("Increasing the Employment of Women with Disabilities, Organization of Training Courses for acquiring new professions" (5.6.2) and "Organization of sales exhibitions of handicrafts of women with disabilities (three times a year)" (5.6.3) subparagraphs of "Women and Girls in difficult life situations" (5.6) paragraph) in relation to the implementation of Article 6 (Women with disabilities) of the Convention on the Rights of Persons with Disabilities.

**Paragraph 3 (d)**

62. From 2014 to 2018, in the courts of the Republic 13 sentences were passed under Chapter 20 of the Criminal Code ("Crimes against sexual inviolability and sexual freedom"), in which women and girls with disabilities were recognized as victims (3 sentences in 2014, 3 sentences in 2015, 3 sentences in 2016, 2 sentences in 2017, 2 sentences in 2018).

63. 14 people were sentenced to imprisonment, 1 suspended sentence and 2 acquittals.

64. 5 of the 15 victim women with disabilities under the above sentences were underage at the time of the crime.

65. The Ombudsman's Office did not receive any complaints regarding sexual violence against women and girls with disabilities.

**Paragraph 4 (a)**

66. According to Article 6 of the Law "On the Rights of the Child", all children have equal rights. Children shall not be subject to discrimination, regardless of social and property status, health, race or nationality, language, education, religion, political views or place of residence of children, their parents or persons substituting them. Children are not responsible for the actions of their parents or other persons who substitute them, and their rights cannot be restricted for reasons related to their parents. Children have the same rights as to their parents, whether they are born within or out of wedlock.

67. A database of students with disabilities involved in education has been created. The database will include information on children with disabilities who are involved in inclusive education at home, in special educational institutions or in special classes, as well as in comprehensive schools. The information will enable developing a financial forecast for children to be involved in special education, tracking the financial costs of their education, obtaining detailed information about education of children with disabilities (address, limitation, type of disability, the educational program in which they were involved, dates of birth, studied school, class, etc.) for city, district and country as a whole.

68. Information on decisions in 2019 of the Psycho-Medical-Pedagogical Commission on children with disabilities for admission to the 1st class of school are included in the database. From the next year, comprehensive information, copies of documents submitted by other bodies for examination by the Commission and the decisions of the Commission on each child with limited health capabilities involved in special education will be included in the database.

69. Besides, the database enables assessment of the limitations and opportunities for children through International Classification of Functioning - an assessment tool developed by WHO for children and young people (ICF-UG), and based on the findings of the assessment directing the children to specific forms of education tailored to their needs. Trainings were conducted at the regional level for members of local psycho-medical and pedagogical commissions on the use of the database and assessment of children, and the necessary knowledge and skills were developed.

#### **Paragraph 4 (b)**

70. The Regulation on Rehabilitation Centres was approved by the Resolution of the Cabinet of Ministers of May 29, 2002, No 85. There are 2 rehabilitation Centres under the Ministry of Education - Mingechevir City Centre for Child and Family Support and the Rehabilitation Centre for Children with disabilities. A total of 217 children were referred to rehabilitation services. At the same time, there is a rehabilitation Centre at the Republican Specialized Boarding School No 4 for children with disabilities who are deprived of parental care. 147 children with disabilities are involved in this Centre.

71. Applications related to 427 persons with disabilities are received in 11 Child and Family Support Centres of the State Committee for Family, Women and Children Affairs operating in the regions. 407 of the applications for access to the Centre's services were related to the involvement of children with disabilities in community-based rehabilitation services. Children were involved in Centres' active therapy, logopedics, and rehabilitation of autistic children and were involved in special courses and associations. The Centres conducted 7,121 active life skills development (gross and fine motor skills, self-service, social communication and perceptual skill development) sessions for children with disabilities throughout the year.

72. Also, within the framework of the National Strategy on Mental Health adopted by the Ministry of Health, each district polyclinic in the capital is provided with psychiatrists, and all large-scale children's hospitals are provided with clinical psychologists. For the first time in 2018, a state-of-the-art psychosocial rehabilitation Centre has been established in our country with a multidisciplinary team of pediatricians, psychologists, social workers, logopedists, educators and volunteers working with children with special needs. Besides, the services for provision of community-based mental medical assistance have been established in 14 regions of the country on the basis of children's polyclinics.

73. By order of the Ministry of Labour and Social Protection of Population in 21 regions and cities (Sumgait, Balaken, Imishli, Kurdamir, Shamkir, Masalli, Yardimli, Agdash, Zagatala, Saatli, Shirvan, Gabala, Samukh, Agstafa, Jalilabad, Bilasuvar, Khachmaz, Goychay, Gadabay, Mingachevir, Sabirabad) community-based social rehabilitation Centres operate for children with disabilities. These Centres provide social rehabilitation services for up to 1,100 children.

74. Specialized NGOs, first of all making functional assessment in these Centres, use modern rehabilitation techniques such as active therapy and game therapy to address the mental and physical problems that children face in their daily lives. Necessary skills (including communication skills) and habits are formed in children and they are provided with early intervention and inclusive education services. Rehabilitation, social, authority, psychological and other awareness activities are conducted with families of children. The goal is to achieve the social rehabilitation of these children and their integration into the community on an equal footing with their peers.

#### **Paragraph 4 (c)**

75. Participation of the primary school teachers and pre-school teachers in the trainings provided by the staff of the Educators' Professional Development Institute in boarding schools and in gymnasiums with integrated training was provided.

76. To improve knowledge and skills in the field of work with children and the quality of services provided to children, trainings on Rights of Children, Child Development, social, psychological and pedagogical work with children with disabilities, Basics of child protection, Psychology of children and adolescents, development, implementation and monitoring of Individual Development Plan were conducted for educators of public child-care institutions under the Ministry of Education (in Baku). The trained educators are now developing an individual development plan for the students of groups they are assigned to.

77. Besides, according to the Action Plan of the Ministry of Health of Azerbaijan, the Centre for Public Health and Reforms of the Ministry of Health (CPHR) since 2014 has been providing trainings, distributed visual aids for the specialists of the health care facilities (Mental Health Centre, the Republican Clinical Hospital named after Mirkasimov, the Scientific Research Institute of Obstetrics and Gynaecology, Baku City Women's Consultation Clinic No. 7, Baku City Polyclinic No. 25, Emergency and Urgent Medical Aid Station, etc.) that provide medical assistance to victims of domestic violence, including children, with the aim of preventing domestic violence. Officials from medical institutions dealing with victims of domestic violence have been appointed.

78. Employees of the Mental Health Centre provide appropriate information, referral and make crisis interventions to those in need of psychological support and assistance through the Inam (Belief) telephone line.

#### **Paragraph 5 (a)**

79. The New Law providing for the elimination of all forms of discrimination on the basis of disability, the full participation of persons with disabilities in society and the creation of conditions for their social inclusion, the full and equal exercise of the rights and freedoms of persons with disabilities, the protection of their honour and dignity, provides for a reasonable accommodation of infrastructure facilities for the use of persons with disabilities.

80. As stated in the document, the main purpose of a reasonable accommodation is to ensure that persons with disabilities enjoy all human rights and fundamental freedoms on an equal basis with others. Enterprises, offices and organizations, regardless of their form of ownership and organizational-legal form, must ensure reasonable accommodation of roads, communication, information, culture, education, domestic and other social infrastructure facilities for the use of persons with disabilities.

81. Three basic principles of reasonable accommodation should be considered:

(a) Necessity and feasibility of adjustments for addressing the barriers that persons with disabilities;

(b) Fairness;

(c) Taking into account the commitment for implementation of accommodation and adjustment;

(d) As the nature of the commitment for accommodation is individual it is needed in certain cases.

82. The Ministry of Labour and Social Protection of Population has published a tastefully designed book titled "Disability is Not Inability", two social video clips have been produced and posted on the Ministry's website and at the official social media accounts, as well as broadcasted on TV channels:

- [https://www.youtube.com/watch?v=v8\\_m64ED6b8;](https://www.youtube.com/watch?v=v8_m64ED6b8;)
- <https://www.youtube.com/watch?v=mQTeFn2c-zo;>
- [https://www.youtube.com/watch?v=dFONi3jSTmg.](https://www.youtube.com/watch?v=dFONi3jSTmg)

83. The main purpose of the produced video clips is to draw public attention to the issues of disability, to raise awareness throughout society, and to promote positive perception towards the persons with disabilities as equal members of society.

84. The book-album "Disability is Not Inability" contains information about 60 people with disabilities and their creative activities. The publication also includes information on the newly created Boccia Sports Federation in Azerbaijan and people with disabilities who are interested in this sport, their success stories, the first inclusive ESA ("cane") theatre, its creative staff are basically actors with disabilities, and their performances. The texts in the 278-paged book-album are available in both Azerbaijani and English.

85. Awareness-raising materials covering these and other issues are actively promoted and encouraged in social networks of the Ministry and its social partners, in media, including TV and public transport broadcasting platforms (broadcast on Metro and other public transportation).

86. Besides, the Ministry takes necessary steps to provide information with the subtitles and sign language interpretation and cooperates with the TV channels in this regard.

87. In connection with the announcement of the 2019 as "Year of Nasimi" by the President of Azerbaijan, a drawing contest for persons with disabilities was organized on the Ministry's Instagram page.

88. ESA Theatre began operating in September 2016 as the first and only inclusive Theatre in the country. To promote the integration of persons with disabilities into society, to ensure the co-operation of persons with disabilities and those without disabilities, and to promote their social and public well-being in other areas of the arts are among the main objectives of ESA Theatre. Despite recent commencement of its activity, the ESA Theatre has staged successful performances and gained great public sympathy.

89. Since 2018, the Ministry of Labour and Social Protection of Population has been working closely with the ESA Theatre. As a result, in December 2018, the premiere of "Blue Bird" performance took place at the State Musical Theatre. In 2019, it is intended to stage two more performances with the ESA Theatre.

90. Participation of persons with disabilities and organizations representing them in the various public and private awareness campaigns of the Commissioner for Human Rights and its regional Centres for public and the private sectors with regard to the rights of persons with disabilities, including human rights approach related to disability, reasonable accommodation, discrimination based on disability, was ensured.

91. In these awareness campaigns participants were provided with detailed information on provision of reasonable accommodation intending the necessary and feasible alignments and adjustments to ensure that persons with disabilities enjoy all human rights and fundamental freedoms on an equal basis with others, the activities that must be done to eliminate attitudinal and environmental barriers that hinders their full and effective participation in society, as well as the successes achieved in this area, the notion of disability, the terminology of disability, the concept of medical and social model of disability, advantages of the social model, which is accepted as a human rights-based approach in accordance with the provisions of the relevant Convention, measures taken to move from medical model to social model in Azerbaijan, acceptance of persons with disabilities as equal

members of the community, treating them with respect and dignity, protection against discrimination, the importance of promoting their potential and other such issues.

### **Paragraph 5 (b)**

92. The Ministry of Labour and Social Protection of Population has conducted a number of activities in the field of awareness-raising and public awareness. Among these, an "e-social" portal has been created, where persons with disabilities are provided with opportunities to have access to their data, formed and stored in the Ministry's information resources and systems by entering to this portal, through the "personal cabinet", to submit applications and requests to the relevant agencies of the Ministry, to access to all electronic services provided to them.

93. During the reporting period, the Council of State Support to NGOs under the President funded 113 projects of NGOs dealing with the protection of the rights of persons with disabilities through allocating 1,006,800 AZN for this purpose.

#### *Measures taken to support persons with disabilities*

94. On the occasion of the International Day of Persons with Disabilities in 2018, Baku hosted (Icheri Sheher State Historical and Architectural Reserve at the entrance to the Gosha castle gate) X Republican Creative Exhibition – Fair of Persons with Disabilities with organizational support of the Ministry of Labour and Social Protection of Population. During the three-day event, more than 1,500 handicrafts in embroidery, painting, weaving, carpet-weaving, pottery and ceramics, wood carving, various arts, and home decorations, artistic designs and other fields of more than 250 persons with disabilities from different regions of our country were demonstrated. The event also included handicraft sales. It aimed to financially stimulate the creative work of persons with disabilities.

95. Also, an exhibition and concert program "Joys of Spring" for children and young people with disabilities and social enterprise residents was organized by the Ministry of Labour and Social Protection of Population at the Electra Events Hall in Seaside National Park. Residents of social enterprises, public associations, inclusive theatres and creative groups under the Ministry demonstrated their creative skills at the event with the financial support of and under the auspices of the Ministry Labour and Social Protection of Population. Gulnar Rahimova, Seymur Aliyev and Gulnar Novruzova, who have visual impairment - featured songs at the concert program, dance groups with children with disabilities, as well as children with Down and Autism syndrome, children with hearing and speech impairment, persons with disabilities and children with hemophilia performed.

96. It should be noted that in every social enterprise different associations, training courses are organized taking into account the creative tendencies of the residents, and their skills and abilities are developed in the respective arts. Music and dance training courses were also organized, a music and dance collective consisting of people with disabilities was created, and special dance and stage dresses and music repertoires were prepared for them. There are regularly organized excursions and training courses for children and adolescents from social institutions and shelters, a purposeful strategy for their proper upbringing, spiritual development and integration into society is executed.

97. The Ministry of Labour and Social Protection of Population and "Together and Healthy" Public Union collaborate to further educate the public about the Autism Spectrum Disorder (ASP) as well as integrate children with autism into society, and, discussions are under way to establish the National Autism Centre in future, which will combine medical, educational and social activities.

98. Besides, with the support of the Heydar Aliyev Foundation and with the organization of "Happy Future of Children" Public Union, "Together and Healthy" Public Union and "Hope exists" charitable volunteers the first Autism Culture Festival for Children with Autism Syndrome was held in Azerbaijan on May 31, 2019. At the festival, children with autism demonstrated their talents in various fields of art, played piano and sang songs in the chorus and gave the message "We are an integral part of society".

99. In order to promote awareness of the capabilities and contributions of persons with disabilities to community, to raise awareness in society regarding the rights of person with disabilities, active publishing of press releases by the Ministry and interviews of the ministry's employees on TV, radio channels and social media are intensively carried out.

### **Paragraph 5 (c)**

100. To ensure coordination of necessary measures for implementation of the provisions of the Convention on the Rights of Persons with Disabilities by Azerbaijan a special Working Group consisting of representatives of relevant government agencies and NGOs has been established. The Commissioner for Human Rights (Ombudsman) carry out the independent monitoring functions envisaged by the Convention.

101. The mission consisting of the Social Development experts of the Economic and Social Commission for Asia and the Pacific (ESCAP) visited Baku on April 24-26, 2018 within the framework of cooperation with UNESCAP to create a database of Indicators of Incheon Strategy regarding the persons with disabilities for 2018 and beyond.

102. The project aims to improve the national statistical system that provides reliable, comparable statistical data on disability to support the achievement of the Incheon Strategy goals by our country.

103. During the visit, the experts held meetings in a number of state agencies, as well as in the "Independent Life" Public Union. During the meetings, along with the Incheon Strategy, the role of organizations of persons with disabilities in the implementation of the Convention on the Rights of Persons with Disabilities in Azerbaijan and the dissemination of provisions on the rights of persons with disabilities recognized in the Convention were discussed and an exchange of views was held around the topic.

104. The Public Council under the Ministry was established to ensure the participation of civil society institutions in the organization of public control over the adoption of legal acts of the Ministry of Labour and Social Protection of Population and related to the directions of its activity. There are working groups on social services, integration and rehabilitation of persons with disabilities in the Public Council among the members of which are NGOs where persons with disabilities are represented.

105. There is effective collaboration between the Commissioner for Human Rights and NGOs representing persons with disabilities. Thus, these NGOs are actively involved in the work of the Expert Council under the Ombudsman and the Working Group on Business and Human Rights through Union of Disabled Organizations of Azerbaijan which is a coalition of these organizations. Joint events are regularly organized to discuss existing problems and their solutions, and proposals developed by general consultations are submitted to the relevant authorities.

106. Besides, the Commissioner for Human Rights creates conditions for active participation NGOs representing persons with disabilities in the independent monitoring process of the implementation of the Convention.

### **Paragraph 6 (a)**

107. For the purpose of ensuring accessibility of transport infrastructure facilities for persons with disabilities, the design and construction of these facilities in the Republic are governed by the relevant requirements of technical regulations Az DTN 2.6-1 "Planning and Construction of Urban, Suburban and Rural Settlements" and Area-Based Construction Standards 62-91\* "Designing of living environment taking into account the needs of persons with disabilities and vulnerable groups of population".

108. Creation of appropriate conditions for comfortable and safe movement of persons with disabilities on pedestrian paths and sidewalks (ramps, rest areas, anti-sliding measures, installation of anti-obstruction information devices etc.), arrangement of parking and standing places for vehicles in the personal operation of the persons with disabilities, location

of specialized vehicles and bus stops for persons with disabilities and other issues are regulated by these documents.

109. In "Cases when regulation of movement with traffic light on pedestrian crossing and construction of underground or overhead passages on highways are important" approved by the Resolution of the Cabinet of Ministers of January 26, 2016, No 10 to ensure safe and comfortable movement of pedestrians with disabilities on highways, regulation of movement on pedestrian crossing with traffic light by adding sound signal to the light signals of the traffic light is intended (to notify pedestrians with visual impairment about possibility to pass active part of the road. ) at the pedestrian crossings near to facilities where mass of persons with disabilities are assembled (medical institutions, rehabilitation Centres, relevant societies, as well as residential buildings built for these persons).

110. The construction and installation of ramps has been started by the Baku Transport Agency (BTA) on 09.12.2017 for the convenient use of the pedestrian crossings by persons with disabilities. In order to expand pedestrian accessibility, initially ramps were built in 70 streets and 229 intersections of the 6 districts of Baku, while security bars were installed in 52 streets, railings were installed in 33 streets and 162 intersections.

111. Also, as part of the awareness campaign, a social video "I haven't disability unless there are barriers from your side" was prepared and introduced to the public with the aim of bringing drivers hindering free movement of pedestrians, especially persons with disabilities, by parking their cars illegally on the sidewalks, to public censure. <https://www.youtube.com/watch?v=wwgJZhF4nzU>

112. During the reconstruction of the streets of Baku traffic lights with sound module have been installed for the convenience of persons with visual impairment, and these issues will also be addressed in other future projects implemented by the Baku Traffic Agency.

113. With the involvement of the NGO "Union of Disabled People's Organizations", "Regulations for the creation of necessary living and working conditions for persons with disabilities in designing of buildings and structures" were developed. The Regulations specify the rules for creating the necessary living and working conditions for persons with disabilities in the design of buildings and facilities. The project sets norms according to the international standards for the provision of accessibility during development of the construction design for the purpose of construction, repair, reconstruction and restoration of buildings and structures. The Regulations specify terms of the architectural and planning solutions, elements and project activities to be considered in the project materials.

114. The project has been agreed with the state agencies and submitted to the government.

## **Paragraph 6 (b)**

115. In accordance with the Decree of the President "On Additional Measures to Improve Governance in Urban Planning Activities" of August 1, 2018, No 226 issuance of permits for construction and operation of construction facilities is carried out by the State Committee for Urban Planning and Architecture in the administrative territory of Baku, and by local executive bodies in other administrative units. Therefore, in every building project submitted to the Committee for construction permits for Baku city as of August 1, 2018, provision of accessibility for persons with disabilities will be considered.

116. At the same time, at the meetings or events organized by the Committee with the participation of public or private sector representatives it is recommended that accessibility for persons with disabilities should be taken into consideration in the construction projects submitted for construction permits.

117. With the involvement of the NGO "Union of Disabled People Organizations", "Regulations for the creation of necessary living and working conditions for persons with disabilities in designing of buildings and structures" were developed. The Regulations specify the rules for creating the necessary living and working conditions for persons with disabilities in the designing of buildings and facilities. The project sets norms according to the international standards for the provision of accessibility during development of the

construction design for the purpose of construction, repair, reconstruction and restoration of buildings and structures. The Regulations specify terms of the architectural and planning solutions, elements and project activities to be considered in the project materials.

118. The project has been agreed with the state agencies and submitted to the government.

## Paragraph 7

### Deaths of prisoners and arrested persons with disabilities

<i>Years</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Group I	1	1	1	1	4
Group II	6	8	6	6	2
Group III	-	-	-	-	-
<b>Total</b>	<b>7</b>	<b>9</b>	<b>7</b>	<b>7</b>	<b>6</b>

*Note:* Each case has been investigated by the prosecutor's office and it has been established that these persons have died of a disease.

119. In the case of a death in penitentiary facilities, including a death of a person with disabilities, the corpse is dissected by the staff of the Department of Pathological Anatomy and Forensic Medical Examination of the Ministry of Health, and expert opinion is given by determining pathological and anatomic diagnosis of the causes of death.

120. Prisoners with disabilities are treated in special detention facilities after registration, those who need prostheses, other medical and technical and orthopedic appliances are identified through examinations conducted in the facilities, cooperation with relevant agencies is enhanced and appropriate conditions for the use of individual Labour infrastructure facilities by prisoners with disabilities are created.

121. The punitive institutions of the penitentiary service are provided with special beds and other medical and technical facilities in order the prisoners with disabilities could serve their sentence. Special railings in the corridors, special seats in the bathrooms, ramps at the entrance of the medical unit, meeting rooms and dormitories are installed. Accommodation of prisoners with disabilities on the first floor of the dormitory is provided. The surgical department of the medical institution has all the necessary facilities for persons with disabilities.

122. Also, in order to bring the detention conditions in line with international standards, taking into account the recommendations of the Commissioner for Human Rights, appropriate repair and construction works are carried out in a number of penitentiary facilities, and measures were taken to improve the material and technical support of these facilities.

123. Taking into account the proposal of the Ombudsman, the amount of money spent on providing daily food to each person treated in psychiatric institutions has been significantly increased.

124. The Ombudsman, keeping in mind the status of satisfaction of the rights of people with intellectual and psychosocial disabilities, submitted proposals to the Ministry of Health regarding the reconstruction or major renovation of mental and neurological facilities, further improving the food and medical care of persons treated in these institutions, and strengthening the social protection of personnel.

## Paragraph 8

125. The Ministry of Emergency Situations is taking preventive measures to protect and provide security of persons with disabilities in hazardous situations, as well as in emergency situations. An SMS notification system is used to inform the public, including persons with

disabilities, during emergencies. In addition, international practice is studied to ensure access of persons with disabilities to hotline 112.

### **Paragraph 9**

126. Pursuant to Article 39 of the Civil Code, patronage may be assigned upon the request of a natural person who reached adulthood and is unable to exercise and protect his rights independently and to perform his duties for health reasons, and the patronage may be terminated upon his/ her request. Assignment of patronage does not entail restriction of individual's rights.

127. Thus, the patron (assistant) is appointed by the body of trusteeship and guardianship with the consent of the natural person, and disposes of the property belonging to him/her in accordance with the assignment or trust management agreement with the natural person. The patron (assistant) makes household deals aimed at maintaining household needs and other deals, with the consent of the natural person.

128. At the same time, pursuant to section 22 of the "Guidelines on the Regulations of Notary Actions in the Republic of Azerbaijan" approved by the Resolution of the Cabinet of Ministers of September 11, 2000, No. 167 in the event that the person cannot sign the deal, application or other document due to a physical limitation, illness or any other reason, deal, application or other document can be signed by another person at his/her order, with his/her participation, and with the participation of a notary public or an assistant of a notary public. In this case, the reason for the failure of the applicant to sign the document for the notarial actions must be indicated.

129. If the person applying for the notarial actions is illiterate or person with visual impairment, the notary public shall be obliged to read the text of the document and make a note in this regard in the document.

130. If a person with visual, hearing and speech impairment applying for the notarial actions is illiterate, a literate person who is capable of interpreting the notarial actions must attend and certify with in his/her signature that the contents of the deal, application or other document is in the will of person with visual, hearing and speech impairment entered to the deal, application and another document.

131. The Civil Code and the Guidelines set out the principle of supportive decision-making in relation to persons with disabilities.

### **Paragraph 10**

132. According to Article 6.4 of the Law "On the Rights of Persons with Disabilities", persons with disabilities have the right to defend their rights and legitimate interests in administrative and judicial proceedings.

133. According to Article 34 of the Law, persons with disabilities who are involved in administrative proceedings and judicial proceedings and who need special intermediaries are provided with services of specialized intermediaries (readers and professional sign language interpreters).

134. The Decree of the President "On Deepening of Reforms in the Judicial-Legal System" of April 3, 2019 specifies taking comprehensive legislative, institutional and practical measures in the judicial system, implementation of the "Electronic Court" and "Electronic Execution" information systems, detailed analysis of the legislation in this area to speed up the implementation of court decisions, modernization of the Forensic Examination Centre and the Academy of Justice, promotion of mediation and international arbitration procedures, study of the execution of court decisions and the application of alternative mechanisms of forensic activity and so on.

135. In order to ensure accessibility of the courts for persons with disabilities, within the projects implemented by the Government of Azerbaijan and the World Bank in 2010-2018, as well as all the conditions for their free movement in constructed courthouse at the expense

of the state budget were established in accordance with the CRPD, including tactile paths for persons with vision impairments, signage and lifting devices have been installed in several multistory buildings for persons with physical mobility disabilities.

136. New service center, located in the administrative building of the Head Office of Registration and Notary of the Ministry of Justice, have been equipped with a special elevator for wheelchair users and ramps in the local registration and notary offices

137. Also, a separate version has been created for persons with vision impairment on the Ministry's new official website and in public services section.

138. According to Article 15.1.15 of the Law "On the rights and freedoms of individuals kept in detention facilities" the arrested are entitled to apply concerning the legality, validity or violation of their rights and legal interests, and according to Article 14 of the Code of Execution of Punishments prisoners are entitled to submit proposals, applications and complaints.

139. In respect of training of judges and other specialists in connection with the implementation of the Convention, in the judicial system it is reported that the lectures on the relevant topics included in the curriculum of compulsory training and refresher courses organized at the Academy of Justice.

140. Thus, lectures on "Peculiarities of imprisonment of persons requiring a special approach (Minors, Women, Persons with disabilities, Foreigners and Elderly)", "Peculiarities of protection of the rights of persons belonging to certain groups", "Prohibition of discrimination under the European Convention on Human Rights and national legislation", "Prohibition of discrimination under the European Convention on Human Rights (Article 14)" were included in the curriculum of: the initial training course for the candidate judges organized in 2017-2018 years, the compulsory training courses for successful candidates in the competition for the service in judicial bodies, the compulsory trainings of the candidates for the middle management in the Penitentiary Service, the refresher courses for the staff members of Forensics Center, the legal training courses for graduates of the Department of Military Medicine of Azerbaijan Medical University and the Law Clinic.

141. In May 2019, at the refresher training courses held for 37 judges' trainings on such topics as "Article 14 of the European Convention on Human Rights" (Prohibition of discrimination) and the Convention on the Rights of Persons with Disabilities were provided.

## **Paragraphs 11 and 12**

142. The Criminal Code of Azerbaijan, the laws on health protection and the rights of the children do not contain any provision regarding the deprivation of liberty of persons with mental, psychosocial and hearing disabilities on the ground of their disability or their stay at care institutions.

143. Azerbaijan has not joined to the Additional Protocol Draft to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being (with regard to the Application of Biology and Medicine, ETS No. 164).

## **Paragraphs 13 and 14**

144. According to Article 6.3 of New Law the state ensures that persons with disabilities are not subjected to torture or other cruel, inhuman or degrading treatment or punishment, are protected from all forms of exploitation, violence and abuse, personal privacy both within and outside the home.

145. There are no compulsory medical measures for mental disorders in penitentiary facilities. The examination and treatment of such persons is carried out at the Psychiatric Hospital # 1 of the Ministry of Health according to the court decision.

146. In penitentiary institutions, prisoners receive psychiatric assistance. Psychiatrists working in MCFs (Medical care facilities) provide appropriate medical care to persons with

mental impairments. If there is a need for treatment in inpatient conditions, they are treated in the Psychiatric Department of the Treatment facilities. These persons are consulted by highly qualified psychiatrists from the Ministry of Health during treatment. Persons with disability due to mental illness also have access to psychiatric care like everyone else.

147. Medical Services of Medical Institutions made 1771 referrals to MSECs during 2014-2018, of which 27 were classified as I degree, 844 as II degree, 223 as III-degree disability. 677 referrals were denied.

148. There were no reported negative cases during monitoring and visits of the Commissioner for Human Rights to penitentiary, psycho-neurological social services and psychiatric facilities within the activities of the Commissioner for Human Rights as an independent monitoring and national preventive mechanism.

149. During a visit to Azerbaijan of the Working Group on Arbitrary Detention in 2016, five penitentiary facilities (Baku Detention Center and Detention facility No. 2, correctional facilities No. 2, 4, educational facility) observed.

150. The work on the recommendations outlined in the Working Group report has been performed and submitted accordingly.

151. It should be noted that in accordance with the recommendation of the European Committee for the Prevention of Torture (CPT), instructions were provided so that every person with an injury discovered on his/her body during initial examination is received in a few days by the doctors of the medical care facility for repeated investigation of the causes of the injury, the same person after being sent to investigation or court is re-examined by medical personnel upon his/her return to the institution and in case of new injuries appropriate notes are made in the medical book and submitted to the relevant authorities in the established order.

152. Written information about alleged torture or other inhuman or degrading treatment discovered during medical examination will be forwarded to the relevant prosecutor's office for appropriate investigation.

153. The boards displaying telephone numbers of hotline of the Service were posted at the entrance and territory of the penitentiary facilities to inform about torture and other ill-treatment as well as corruption cases. In the course of investigations conducted in relation to appeals on these cases, when the composition of the crime is established, the materials collected shall be submitted to the prosecutor's office.

154. At the same time, in order to ensure the rights of detainees and to prevent ill-treatment, the Ombudsman, members of its National Preventive Group, representatives of the Public Committee under the Minister of Justice, and the International Committee of the Red Cross have an unhindered access to penitentiary facilities at any time without prior notice.

155. Detainees and prisoners regularly meet with their close relatives, as well as other interested persons, as well as their lawyers, carry on correspondence without censorship in accordance with the relevant legislation, use telephone communication right twice a week. These rights are essential means to protect them from torture, inhuman or degrading treatment.

156. During the last 5 years no appeals by prisoners with disabilities with complaints against abuse have been received.

157. As part of the activities of the Commissioner for Human Rights as an independent monitoring and national preventive mechanism, regular visits are made to relevant facilities, the rights of detainees, including persons with disabilities are explained, and information on reporting the complaint mechanisms is provided. In recent years, along with legislative reforms in our country, an improvement of the practice in this field is observed.

158. Based on the monitorings by the Office of the Ombudsman enabling conditions for the exercise of all the rights provided under the legislation is analysed and immediate solution by the relevant authorities of the difficulties observed is required. For example, if the treatment is not available at the detention facility application is made for preparation of the documents for placement of the detainee in civilian hospitals, as well as for effective

investigation, using the right to freedom and other rights, the Office of the Prosecutor General is contacted for taking appropriate steps to address alleged violations.

159. The activities of the Ombudsman are not limited to conviction of cases of torture and ill-treatment, recommendations are given to relevant institutions in order to strengthen preventive measures, these issues and preventive approaches in cooperation with government agencies, civil society institutions, the Public Committee and the Public Councils uniting them, as well as other agencies, are kept in the focus of attention.

## **Paragraphs 15 and 16**

160. On 10 February 2017 President signed an Executive Order "On improving of operation of penitentiary, humanization of the punishment policy and expansion of alternative punishments and procedural enforcement measures not associated with isolation from society." According to the Executive Order, which is "a roadmap" for law enforcement agencies, significant changes have been made in criminal justice legislation in the past to enable broader application of procedural coercion and penalties that are not related to isolation from the society, the activities of the Probation Service of the Ministry have been ensured, and the effective use of electronic surveillance tools has commenced with the purpose of effective control over the execution of non-custodial sentences and organization of more effective management in this area.

161. As of January 1, 2019, the total number of persons with disabilities taken from the registration of Probation Services is 214.

162. Actions aimed at reforming, rehabilitating and social adaptation of prisoners with disabilities involved in probation control in 2018 have been taken and 7 prisoners were provided with assistance for employment and 1 for receiving social allowance, while 10 prisoners were provided with legal and psychological support.

163. According to amendments to the Law "On the rights and freedoms of individuals kept in detention facilities" and the Penal Enforcement Code approved on May 17, 2016, as well as to the Internal Disciplinary Regulations of detention facilities and punitive institutions, arrested persons and prisoners have the right to complain to the Ministry of Justice and the court against disciplinary actions.

164. According to further amendment to the legislation on 14 June 2016, the administrative and legal responsibility of the Penitentiary Officers for violating the requirements for receiving, sending and reviewing complaints, as well as for appealing or pursuing has been established.

165. In 2014, two criminal cases against women with disabilities (2 women victims) (0.009%) were recorded. One of the criminal cases initiated was sent to court, and the criminal prosecution for other case was discontinued in accordance with Article 39.1.2 of the Criminal Procedure Code (if the act does not have a criminal content). In 2015, one criminal case (a man victim) was recorded (0.004%) and the criminal prosecution was discontinued in accordance with Article 40.2.2 (reconciliation with the victim) of the Criminal Procedure Code. In 2016, one criminal case (a man victim) was recorded (0.004%) and the case was sent to court.

166. During monitoring and visits, involving the Commissioner for Human Rights and the staff of the Office, including members of the National Preventive Group (NPG) for the Prevention of Torture detention conditions, rehabilitation rooms, nutrition and leisure arrangements issues were also checked on site. In addition, in order to investigate attitudes, the current situation was studied on the basis of individual and legal awareness conversations with persons, including children, women, elderly people with disabilities in education, health, penitentiary and social service facilities as well as facility leaders, social workers, teachers, health workers. They inquired about the state of persons with disabilities and gave instructions and recommendations to those responsible for addressing social and health issues, health and other rights, at the same time, appropriate measures have been taken to raise their awareness, in the event of any offenses against them, such as discrimination, inhuman or degrading treatment, to eliminate such negative situations.

## Paragraph 17

### Probation service

167. According to the Constitution no medical, scientific or other experiments can be carried out on any person without his/her voluntary consent.

168. According to the Law "On the Rights of Persons with Disabilities", the state guarantees that persons with disabilities are not subjected to torture or other cruel, inhuman or degrading treatment or punishment, are protected from all forms of exploitation, violence and abuse both within and outside the home, and inviolability of private life is guaranteed. .

169. Persons with disabilities have the right to defend their rights and legitimate interests in administrative and judicial procedure.

170. The Criminal Code provides criminal liability for artificial insemination or embryo implantation for a woman, without her consent or underage woman, for medical sterilization, illegal biomedical research or application of prohibited diagnostics and treatment on the person without his/ her consent, for illegal abortion and, of course, these norms apply to persons with disabilities who are the equal subjects of society, including women of this type.

171. According to the Law "On Psychiatric Assistance", psychiatric assistance is provided on the basis of informed consent. This consent is obtained without any intimidation or violence, is documented in writing, signed by the patient himself or his/her legal representative and the psychiatrist.

172. Treatment of a patient hospitalized non-voluntarily in a psychiatric facility can be performed without informed consent.

173. It should be noted that informed consent is a statement of the patient or his legal representative on making a treatment decision voluntarily, on understanding the information provided to him about the purpose and benefits of treatment, the scope, duration and method of treatment, the potential risks, and the possibility of rejection and discontinuation of treatment.

174. National human rights institution of the Commissioner for Human Rights as part of performing the independent mechanism for the promotion, protection and monitoring of the implementation of the CRPD as provided in this Convention, , and within implementation of the functions of the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, during unannounced monitorings and visits to psychiatric, special education, social and penitentiary facilities, as well as to other places where detainees cannot leave at their own will, takes necessary preventive measures to ensure the right to personal integrity of persons with disabilities, and, in general, investigates appeals from them.

175. In addition, awareness-raising activity is underway to ensure that every person with disability living in the country has the right to enjoy the respect to his/her physical and mental integrity on an equal basis with others, and to promote the effective enforcement of this right.

176. Persons detained in penitentiary institutions are monitored in accordance with the legal requirements. Every convict with disability is informed about the requirements of the Internal Disciplinary Regulations, is explained to respect the rules of cohabitation and is informed of the liability for the violation of these rules. Corrective Action Plans are prepared and carried out consistently by the corrections officers of the detention facility for this detainee. Preventive and other measures are taken to prevent violence among prisoners. Any appeal or information about the risk to life and health of a person with a disability is immediately investigated, and the prisoner's security is guaranteed.

177. If a danger occurs to the life, health and personality of the detained from other prisoner or other persons, he/she shall be immediately transferred to a specially separated, isolated or guarded room in the punitive institution. If the danger is not eliminated, other actual measures are taken by the administration of the penitentiary establishment to ensure the safety of the prisoner. One such measure is the transfer of a prisoner from one prison to another.

178. Prisoners who tend to be violent towards other prisoners are taken into custody. In the cases of violations of Internal Disciplinary Regulations of the facility, disciplinary measures are applied with regard to them in the manner prescribed by the law. In case of deliberate violation of these regulations may be sent to punitive institution by court order based on the proposal of the Director of the facility.

179. The Ministry of Justice and the Director of the Penitentiary Service are informed about cases of violence by prisoners, and preliminary investigation materials are sent to relevant law enforcement agencies for the purpose of providing a legal assessment.

180. Prisoners with disabilities have certain privileges as to be provided with better living conditions and specific nutrition standards, they can not be placed under conditions of strict isolation, to obtain additional foodstuffs and basic supplies in amount of fifteen manats per month, receive consignments, parcels, packages, to work on a voluntary basis, to be involved in vocational training and general education, voluntarily, and to be sent to the rehabilitation institution and nursing home by the relevant executive authority in connection with the social adaptation of persons released from the punishment, according to their applications and recommendation of the director of the punitive institution.

181. According to Article 25.1 of the Law On the rights and freedoms of individuals kept in detention facilities" number 352-IVQ dated 22 May 2012, minors, persons suffering from serious illness (this should be confirmed by the medical check report), persons with I or II degree of disability, pregnant women, and women with children under 3 years of age may get parcels, dispatches and packages with no limit of their number and frequency.

182. According to Article 43.2.2 of this Law, except for cases of group assault or using firearms, as well as armed resistance special means or firearms should not be used against women, minor children, persons with minor children, persons with physical or psychological disabilities as well as in areas where people are collected or strangers may be affected.

## **Paragraph 18**

### **Inclusive education**

183. According to the Law "On Education" every citizen, regardless of gender, race, language, religion, political beliefs, nationality, social status, origin, and health, shall be guaranteed access to education and non-discrimination.

184. By the Executive Order of the President of May 3, 2019, No 1155, tuition fees for persons with I and II degrees of disability, and children with disabilities under the age of 18, who study on a paid basis in undergraduate and postgraduate levels in higher education institutions (basic (basic higher) medical education and residency), master's level of the Azerbaijan National Academy of Sciences and in secondary specialized educational institutions shall be covered by the state from the 2019/2020 academic year.

185. By the relevant order of the Ministry of Education, the implementation of the project "Application of inclusive education at the primary education level" in Azerbaijan was launched to mainstream children with disabilities into education along with other children from the 2015-2016 academic year.

186. As part of the project, the implementation of inclusive education is being successfully piloted in four experimental schools (school # 220, 138, 252 and 202) in Baku. In total 54 children with disabilities (in grades 1-4) were involved in inclusive education in 4 pilot schools.

187. In accordance with the action plan for the implementation of inclusive education at the primary education level, a study tour on inclusive education to Germany was organized for the directors of pilot schools, teachers of experimental classes, and special education specialists and a two-week training course was held in Baku for them by the 4 members of professor staff of the University of Oldenburg, Germany.

188. For the screening process, parents of children with disabilities living in the areas where the schools are located were provided with educational seminars on special and

inclusive education, logopedic services were provided at these schools, and reconstruction works were performed to ensure accessibility of infrastructure for children with disabilities.

189. For the first time in the country, an assessment of special educational needs of children with disabilities was conducted using the ICF-CY and SON-R 2 ½ - 7 non-verbal tests, and Individual Learning Plan updated twice during the academic year was developed for them.

190. Since the project "Implementation of inclusive education at the primary education level" is implemented jointly with the Baku City Department of Education and under the terms of the project which is due to expire by the end of the 2018-2019 academic year, the process will be further implemented by the Department of Education.

191. On January 8-18, 2019, the Khumar Kalplana, an international consultant of the UNICEF conducted monitoring in 4 pilot schools to evaluate the implementation of the project. Based on the analysis of the monitoring results, the expert positively evaluated the implementation of the project.

192. In the 2018-2019 academic year, 86 classes for persons with disabilities were opened by district/city education department/office in special education classes of general educational institutions. The total number of students studying in special education classes in the country is 477.

## **Paragraph 19**

### **State Program on Road Safety (2019-2023)**

193. In order to ensure unimpeded accessibility of the road infrastructure for persons with disabilities the subparagraphs 7.2.3.1.4 and 7.4.4.4 of the draft "State Program on Road Safety in the Republic of Azerbaijan for 2019-2023" approved by the Decree of the President No. 852 of December 27, 2018, provide for creating opportunities for persons with disabilities to move freely on the roads (provision of the pedestrian crossings with tactile guide paths, the traffic lights with sound signal, etc.), alignment of the roads that are to be constructed and repaired, for the use of persons with disabilities, as well as developing rules for obtaining a driver's license for persons with disabilities and improving the training process.

194. The "Regulations for Road Transport of Passenger and Luggage" approved by the Resolution No. 141 of the Cabinet of Ministers of September 17, 2009, specify the requirement of marking of the special seats for persons with disabilities in the front of the bus used for regular intra-city (intra-district) passenger transportation, freeing special seats for persons with disabilities on city buses upon their request, persons with I and II degree of disability have priority when obtaining departure tickets at the ticket offices, they may also use a taxi without waiting. These provisions make passenger transportation services by buses and taxi cars convenient and accessible for persons with disabilities.

195. The "Baku Taxi Service" LLC of the Ministry of Transport, Communications and High Technologies is using TX-4 "London Taxi" vehicles to arrange appropriate services. These vehicles are equipped with special adjustments for wheelchairs. Ordering taxi services by calling number "\*9000" as along with facilitating free movement of persons with disabilities also facilitates the taxi transportation of this category of citizens.

196. The construction and installation of ramps was started by the Baku Transport Agency on 09.12.2017 for the convenient use of the pedestrian crossings by persons with disabilities. In order to expand pedestrian accessibility, initially ramps were built in 70 streets and 229 intersections of the 6 districts of Baku, while security bars were installed in 52 streets, railings were installed in 33 streets and 162 intersections.

197. Also, as part of the awareness campaign, a social video "I haven't disability unless there are barriers from your side" was filmed and introduced to the public with the aim of bringing to public censure the drivers who inhibit the free movement of pedestrians, especially persons with disabilities, by parking their cars illegally on the sidewalks.

<https://www.youtube.com/watch?v=wwgJZhF4nzU>.

198. Besides, during the reconstruction works implemented by Baku Transport Agency, traffic lights with sound module have been installed for the benefit of the persons with visual impairment, and efforts in that direction will continue under future projects of the Agency.

### **The "Accessible Metro" project**

199. The Ministry of Labour and Social Protection of Population and the Baku Metropolitan are implementing a joint project called "Accessible Metro". The "Accessible Metro" project provides easy and unhindered access for people with disabilities to the metro. Thus, the cheapest transport, hitherto inaccessible especially for wheelchair users, is now accessible for them. This project is also important in terms of ensuring the rights of persons with disabilities to labour, education, participation in public life, and implementing their individual independence.

## **Paragraphs 20 and 21**

### **Talking library**

200. At the initiative of the Heydar Aliyev Foundation, the Information Computing Centre of the Ministry of Transport, Communication and High Technologies (MTCHT) has created a "Talking Library" for people with visual impairment. Up to 286 professionally sounded books are placed in the library. You can listen to the literature resources of 8 genres - folk, modern, foreign, poetry, historical, religious, children's and classical literature. You can also apply to the library within 24 hours by using a special telephone service (1541). The number of users of the Talking Library has reached 5,000. Applying user may stop listening at any time and continue to listen from the interrupted section after a while. The Talking Library Project was awarded with the title "The Champion Project" under "Favourable conditions" category of the WSIS Prizes-2019 Award at the World Summit on the Information Society 2019 Forum of the International Telecommunication Union held in Geneva, Switzerland, on April 8-12, 2019.

201. The Regional Information Centres established by the Heydar Aliyev Foundation and MTCHT in Baku, Nakhchivan, Ganja, Yevlakh and Guba to increase the use of ICT by persons with disabilities continue to operate.

202. As part of the Dilmanj Project a text playback software and a font enlarger have been developed and integrated into websites.

### **Accessibility of the websites of government agencies**

203. A special technical solutions have been created to ensure accessibility of the website of the Ministry of Labour and Social Protection of Population for persons with disabilities

204. The Ministry of Labour and Social Protection of Population has developed a draft amendment to the Order No 189 of the Cabinet of Ministers dated September 4, 2012, on approval of the "Requirements for creation and management of Internet resources of state agencies" to create equal conditions and opportunities for the effective benefiting and use of Internet information services by persons with disabilities. 4 basic principles of WCAG (Web Content Accessibility Guideline) 2.1 (Perceivable, Operable, Understandable, Robust) were followed to enhance accessibility of persons with disabilities to internet information resources of state agencies.

### **The "Talking book" project**

205. At the same time, the Ministry of Labour and Social Protection of Population is implementing the "Talking Book" project. More than 30 examples of publications performed by well-known people have been sounded and are available on the website <http://danishankitab.az> and versions on iOS and Android platforms. The number of materials posted on the platform is expanding.

206. Presentation on the implementation of the project "Development of editions for children with visual impairment in accessible format" jointly implemented by the Visually

Impaired People Society of Azerbaijan and "Intellectuals with Disabilities" Public Union with the financial support of the Ministry of Labour and Social Protection of Population. For the first time in the country the Typhlo-sign Electronic and Dactyl books for children with visual and hearing impairment were presented at the event. The purpose of this project is to provide information accessibility for people with visual impairment.

207. In addition to its simple design, the mobile application also features a specially programmed voice mode created for the first time in our country to make the use of the app easier for children with visual impairment.

208. With the Law No. 1178-VQ of June 12, 2018 Azerbaijan joined the "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled" of the World Intellectual Property Organization of June 27, 2013 with relevant statements.

209. The "ICT for all" social project was implemented in joint organization of the Knowledge Fund under the President and the ICT Implementation and Training Center of the MTCHT, with the support of the State Committee for Family, Women and Children Affairs and the Ministry of Labor and Social Protection of Population. Within the project, free trainings on ICT solutions for persons with disabilities, members of martyrs' families and low-income families were organized.

210. "The ICT training project for girls with speech and hearing impairment" was held to provide ICT training for persons with speech and hearing impairments, to support those who would like to work in this field in future and to achieve their integration into society. The project was implemented with the financial support of the Youth Foundation under the President of Azerbaijan, with organizational support of ASAN Volunteers, the ICT Implementation and Training Centre of MTCHT, the STEP IT Academy Azerbaijan and Femmes Digitales - the ICT Club of Azerbaijani Women.

211. "Web Design" (website design, creation and management) a 3-month courses were organized with the initiative and organizational support of Veyseloglu Group of Companies, with organizational support of Public Union "Support for the Development of Vocational Education" and ICT Implementation and Training Centre of the MTCHT within the "Talented Youth" program as a social project for children of persons killed or disabled in the Karabakh war, as well as family members of these persons.

## **Paragraph 22**

212. Currently, Article 120 of the Family Code does not contain any restrictions with regard to persons with disabilities in the list of persons who are not eligible for adoption.

213. In paragraph 7 of the "List of Diseases, that prohibit adoption, guardianship and custody" approved by the Resolution No. 141 of the Cabinet of Ministers of August 15, 2000 all injuries and disorders that lead to disability of I and II degrees are listed. However, this provision has been deleted from the draft laws developed for the implementation of tasks assigned with the Decree No. 393 of the President of December 10, 2018 on "Improving Management in the Field of Adoption".

## **Paragraph 23**

### **State Program on Development of Inclusive Education (2018-2024)**

214. In order to organize education of persons with disabilities in educational institutions in an inclusive environment the State Program for the Development of Inclusive Education in Azerbaijan for 2018-2024 was approved by the Executive Order No. 3498 of the President on December 14, 2017. The Action Plan for 2018 for the implementation of the State Program has been approved by the relevant order of the Ministry of Education.

215. A working group has been established with the relevant order of the Ministry of Education to organize discussion of issues related to the implementation of the State Program,

developed draft documents, the results of the research and studies and to prepare relevant proposals.

216. The following activities were implemented within the framework of the State Program:

(a) Proposals on amendments to the Law "On education of persons with disabilities (special education)" were prepared for submission to the Cabinet of Ministers of Azerbaijan. The target group of the proposal is not only the persons with disabilities, it also envisages involvement of persons with learning difficulties by the comprehensive curriculum due to their individual peculiarities (dyslexia, dysgraphia, dyscalculia, hyperactivity, and other learning difficulties). The draft law envisages the transition from medical model to the social model of the special education from the conceptual point of view. The project also includes proposals on substituting medical diagnoses and terms with pedagogical and psychological terms;

(b) The International Classification of Functioning - Children and Youth Assessment Methodology has been translated and adapted to Azerbaijani. The activities of the Psychological-Medical-Pedagogical Commissions were monitored and as a result the commissions were set up in a new composition of 5 people. The Psychological-Medical-Pedagogical Commissions were involved in trainings to assess the educational needs of persons with disabilities and to identify forms of involvement in special education and the use of assessment tools commenced;

(c) Proposals for making amendments to the Law "On education (special education) for persons with disabilities" have been developed;

(d) A new draft Statute of the Psychological-Medical-Pedagogical Commission has been developed;

(e) Training modules have been developed for teachers working in the field of inclusive education. A seminar for school principals on the topic "Training in Inclusive Classes" was held;

(f) A position "special education expert" was added to the Rates and Qualifications Handbook. A proposal was made to add a new position "Deputy director for thematic issues" to educational institutions where integrated and inclusive education is used;

(g) Participation of students with visual, hearing, and speech impairments in the final exam is provided;

(h) A database on persons with disabilities has been established.

217. The database contains information on children with disabilities who are involved in inclusive education at home, in special educational institutions or in special classes, as well as in regular schools. The data helped to obtain a financial forecast for children to be involved in special education, to track the financial costs spent on their education, to obtain detailed information about children with disabilities involved in education (student's address, limitation, type of disability, the educational program involved, dates of birth, studied school, class etc.) for city, district and country as a whole. The database is connected to the Information System of the General Education Institutions (ISGEI) software.

## **Paragraphs 24, 25 and 26**

218. One of the main objectives of the state policy in the country is to create the conditions necessary for the full use of the potential of persons with disabilities, facilitate their inclusion into society, increasing employment rate, provide them with open, inclusive and equal access to the labour market and strengthen their social protection. This issue is reflected in the Constitution of Azerbaijan, the Laws "On Employment" and "On the Rights of Persons with Disabilities".

219. The Law "On Employment" of June 29, 2018 provides that the categories of persons with special needs for social protection and those who have difficulty finding a job, include persons with disabilities and children with disabilities under the age 18, young people up to

the age 20, single parents and large families raising minor children, parents raising children with disabilities under the age of 18, persons with less than 2 years to retirement, former prisoners, and internally displaced people.

220. Within the framework of the Decree of the President No. 1941 of April 7, 2016 "On additional measures to ensure the self-employment of the population" and with the methodological and technical support of the International Labour Organization, 1281 persons from 84 districts (cities) of the country were provided with assets and successfully run their businesses by establishing small family farms under the self-employment program. 60 persons involved in the program were persons with disabilities.

221. In 2018, 36 million manats were allocated to financing self-employment projects on account of the Unemployment Insurance funds and 7267 unemployed people, including 913 persons with disabilities, successfully defended their business plans. As a result, over 5,000 families (750 of them with disabilities) were provided with assets and created their small family farms.

222. During 9 months of 2019 the State Employment Service provided employment to 1871 persons with disabilities at different enterprises and organizations. 1495 persons were involved in public works; 994 persons were provided with vocational guidance services.

223. Besides efforts to encourage the access of persons with disabilities to small businesses and their involvement in the self-employment programme are continuing. Self-employment is one of the most important active labour market programmes aimed at independent employment of persons with working ability. Over the passed period of this year 1355 persons with disabilities have been involved in the programme and participated in the relevant trainings within the programme.

224. The United Nations Development Program and the Ministry of Labour and Social Protection of Population on December 19, 2018 signed an agreement on joint implementation of the program "Creating Inclusive and Decent Jobs for Socially Vulnerable Groups" to support vulnerable groups and ensure the effectiveness of self-employment programs. The project will primarily conduct self-employment activities for persons with disabilities and support the establishment of a sustainable business for 500 people from this category. In addition to enhancing the participants' entrepreneurial skills, the project will provide social and occupational rehabilitation, taking into account the specific challenges and obstacles they face in entering the Labour market.

225. Joint program of the MLSPP, UNDP and the UN Population Fund "Addressing the rights and well-being of women with disabilities and veterans of the Nagorno-Karabakh conflict" was signed on February 12, 2019. The project aims to complement the Government efforts to protect, respect and fulfill the rights of persons living with disabilities with specific focus on women and war veterans of Nagorno-Karabakh conflict as regards their protection and well-being through the series of interrelated activities on producing improved data and evidence for informed policy making, increased awareness of the decision makers and the population on particular vulnerabilities of the persons with disabilities as well as exchange of good practices both within the country and in the region. .

226. In order to ensure the inclusion of persons with disabilities into the community and educational environment, vocational training courses are organized by the State Employment Service based on the educational programs approved by the Ministry of Education and coordinated with the Ministry of Labour and Social Protection of Population. 86 persons with disabilities were involved in the courses in 2018.

227. A project to support employment opportunities of people with disabilities was implemented with the support of the British Council Azerbaijan and BP. Of the 168 persons with disabilities who applied for participation in the three-month project, 116 were invited to interview, 96 were short-listed and 86 were invited to training for a successful career. 75 English language trainings participants, 73 social skills trainings participants, and 59 out of 72 computer skills training participants received certificates. Almost 85% of the participants gained new knowledge during the project.

228. Besides, in 2018, BP and its partners have implemented the "Enhancing employability skills" project for people with disabilities registered in the Employment Service Agencies.

The goal of the project was to develop employment opportunities for people with disabilities living in Baku and to increase their employment prospects. 86 persons with disabilities from Baku were selected to participate in the project and were involved in trainings in English, computer skills and social skills development. The participants were also provided with psychological support and consultation on employment within the project.

229. On May 5, 2018, a job fair for youth with disability was jointly organized by the Ministry of Youth and Sports, the Ministry of Education, the Ministry of Labour and Social Protection of Population, the Union of Disabled People Organizations and the Azerbaijan State Economic University (UNEC). The purpose of the fair, which was attended by government agencies, local and foreign companies, was providing assistance in ensuring employment of young people in need of social protection.

230. The total number of persons with disabilities in Azerbaijan is currently averaging 5.5% of the country's population. Although this number is less than the global average (15 percent), it reinforces all the more the importance of disability prevention, taking measures to facilitate the integration of persons with disabilities into the society and the labour market.

231. It should be noted that along with analysing the experience of other countries in this area, the measures taken to increase employment opportunities for persons with disabilities are taken in close cooperation with international organizations, including the International Labour Organization, the United Nations Children's Fund, the World Bank, the UNDP and others.

#### **"E-social" Internet portal**

232. The use of electronic services in the field of labour, employment, social protection and social provision has been expanded by the Decree of the President of Azerbaijan, dated 5 September 2018. According to the Decree, works are underway by the Ministry of Labour and Social Protection of Population to establish the "E-social" internet portal and the Employment Sub-System (ESS). The development of the e-social internet portal and "Employment Sub-System" which is an essential component of the Employment subsystem will ensure for the citizens an access to all social information and services carried out objectively and transparently without official-citizen contacts. At the same time, the portal will allow centralized control over the allocation of job quotas for persons with special needs in social protection and those who have difficulty in finding employment and provide employment of these persons on the quota.

233. In accordance with the Order No. 213 of the Cabinet of Ministers of November 22, 2005 On Approval of "the Regulations for Applying the Quota for the people with special needs for social protection and those facing difficulty with finding jobs" and "List of the Enterprises where the Quota is not applied ", during 2018 1,844 quota positions were identified at 581 enterprises. 800 positions from those quota positions are designed for persons with disabilities. During the year, 837 people were provided with quota positions and 227 of them were persons with disabilities. In total, during 2018, 2602 persons with disabilities applied to local authorities of the State Employment Service, 549 of them were employed, 85 were involved in vocational training courses, 57 involved in paid social work and 913 involved in self-employment programs.

234. It should be noted that in the first quarter of 2019, 33,969 people were employed, 969 of them are persons with disabilities. At the same time, among them 12430 are women and 7336 are young people.

235. No administrative penalty is imposed on employers who did not employ the persons with disabilities and other persons with special needs in social protection under allocated quota positions.

#### **Employment Strategy (2019-2030)**

236. The Employment Strategy for 2019–2030, approved by Executive Order No. 602 of October 30, 2018, provides for the creation of appropriate infrastructure and the expansion of a network of vocational rehabilitation Centres for provision of employment services for persons with disabilities.

237. In order to facilitate the integration of persons with disabilities into the labour market, it is envisaged to develop in line with modern requirements specialized vocational trainings, modular training programs and occupational standards.

238. The Vocational Rehabilitation Center for Youth with Disabilities provides services to over 300 people a year. During the course of 2018-2019, around 609 young people (254 people in 2019) were involved in vocational rehabilitation courses, 85 people participated in computer courses, 39-sewing classes, 59-knitting courses, 25-assistant chef trainings, 18-hairdressing courses for women, 51- hairdressing courses for men, 52-drawing courses, 30-training courses on carpet weaving, 3- videography courses.

239. Law "On unemployment insurance" of June 30, 2017 No. 765-VQ came into force on January 1, 2018. An unemployment insurance system has been introduced in Azerbaijan. The law allows expansion of the active measures in the area of social protection of unemployed citizens and those in search of employment, especially the scope of self-employment projects, as well as the formation of a flexible financing mechanism based on the principle of targeted social protection of citizens of this category.

240. In accordance with the Decision of the Cabinet of Ministers of December 2019, 2017 № 616 "Procedure for financing of the wages of the insured", efforts are ongoing on the execution of the joint (the State Employment Service with employers) co-financing programme aimed to expand employment opportunities in order to facilitate the integration of persons with special need in social protection and persons with disabilities into the labour market, help them acquire the necessary skills and experience.

241. In addition, according to the Law "On employment" of June 29 2018 and the section 1.1.10 of the Decree No. 233 of the President of the Republic of Azerbaijan, of August 24 2018, the draft decision of the Cabinet of Ministers on " Approval of standards for social facilities and workplaces outside the reserved quotas" has been submitted for the approval of the Cabinet of Ministers.

### **Reasonable accommodation**

242. As part of the implementation of the New Law dated May 31. 2018, in order to provide employment for persons with disabilities based on the concept of reasonable accommodation of workplaces for persons with disabilities the Ministry of Labour and Social Protection of Population developed a draft Regulations on reasonable accommodation of the infrastructure facilities for the use of persons with disabilities" and submitted to the Cabinet of Ministers for approval.

243. During the preparation of the document consultations were held with local and international experts and the Committee's general comment # 5 on Article 5 of the Convention for the States Parties served as a basis for the document. Besides, the experiences of Iceland, Liechtenstein, Norway, Austria, Georgia, Latvia and several countries of the EU were studied.

244. The Regulation specifies that denial of providing reasonable accommodation is regarded as discrimination and also stipulates that the concept of reasonable accommodations should not impose a disproportionate or undue burden.

245. In accordance with the Decree No. 326 of the President of November 6, 2018, a draft project of the control regulations on reasonable accommodation of operating infrastructure facilities and residential buildings for persons with disabilities is being jointly developed by the Ministry of Emergency Situations and the Ministry of Labour and Social Protection of Population.

### **Paragraphs 27, 28 and 29**

246. As the Election Code does not specify the provision of information about candidates with disabilities during elections to the election commissions, statistics in this regard is not conducted. However, it is planned to take appropriate action to collect information about candidates with disabilities for future elections.

247. Since 2003, the Central Election Commission (CEC) has launched a wide range of projects to ensure the right of voters with disabilities to vote freely, without restrictions and barriers, aimed to promote active inclusion of voters with disabilities into society and give access to the same opportunities as other members of society. After the CEC decision of 2003 in order to ensure that persons with visual impairments could participate freely in the election, a special assistive device - stencil started to be used to ensure the right of voters to vote by secret ballot.

248. Since then, those who have completely or partially lost their eyesight are be able to vote for their preferred candidate using stencils with all the information embossed in the Braille alphabet.

249. The stencils, which are the same size as the ballot forms, contain information about all the candidates in Braille alphabet for persons with visual impairment. A voter with visual impairment entering the polling station on election day is provided with a stencil on the ballot paper. The stencil is placed above the ballot paper in such a way that the lines in the stencil overlap with the lines of the candidates in the ballot paper, and the cut squares overlap with the squares in the ballot paper, and the voter will return the stencil to the commission member after he/she independently votes for the candidate he/she wishes.

250. Portable ramps in 1113 polling stations have been installed to allow other groups of voters with disabilities - persons with mobility impairments to freely enter to the polling station and vote.

251. During the 2018 Presidential Elections focused lot of attention was paid to the fact that voters with disabilities, along with other groups of voters, were able to participate in the elections making sure that the polling stations were appropriate and convenient for them. According to the nationwide surveys conducted with the Ministry of Labour and Social Protection of Population, it was determined that in the areas covered by 1455 polling stations there were voters with limited mobility. These polling stations were accommodated for the voters with mobility impairments and portable mobile ramps were installed.

252. At the same time, in a video clip with subtitles designed to inform voters with hearing impairments within the CEC's voter awareness program all election day procedures were explained in detail and this project available on all television channels and social networks, made a significant contribution to the awareness of voters with hearing disabilities.

253. According to Section IV of the Article 25 of the Constitution of Azerbaijan, Persons with disabilities enjoy all rights and perform all duties enshrined in this Constitution, except in cases when enjoyment of rights and performance of duties is impeded due to their limited abilities. Futhermore, persons whose incapacity has been approved by a court decision under Sections II and III of the Article 56 of the Constitution are not entitled to participate in the election, the right to vote of the military personnel, judges, civil servants, religious officials, persons imprisoned by the decision of law court, including other persons specified in the Constitution and the law, may be restricted by law.

### **Paragraph 30**

254. In order to provide equal access to cultural life for persons with disabilities, in 2016 the National Library prepared and published a methodical book entitled "Organization of Library Services for Persons with Disabilities", published with 150 copies and sent to the Centralized Library Systems of all regions.

255. A variety of audio books have been collected for special category users in the Audiobooks section of the Electronic Library on the National Library's website (<http://anl.az/audio-books.php>). Since it is difficult for people with visual impairment to visit libraries every day, they can listen any audio book in library section of the National Library's electronic library without coming to the library.

256. The Republican Library of the Visually Impaired (<http://gerk.az/>) annually reproduces copies of the new books that are included in the library's stock in the recording studio and are available for use by readers with visual impairment in the regions of the republic. In

recent years, the library has been equipped with state-of-the-art technical equipment and a special software has been installed on all computers for persons with visual impairment. This software can also be installed in smartphones for the users with visual impairment. At the same time, the library organizes new Latin graphic Braille training courses for middle-aged and senior readers.

257. On February 2, 2015 the III Republican creative festival of youth with disabilities was held with the support of the Ministry of Youth and Sports.

258. On May 1, 2019, for the first time, the Autism Festival was held in Azerbaijan with the support of the Ministry of Youth and Sports. At the festival, organizations operating in Azerbaijan demonstrated their work at the exhibition. In addition, in support of the festival many sports federations have also been given the opportunity to showcase their work together with the Autism Sports Clubs.

259. More than 500 children and youth with disabilities attended at the Recreation camps in 2015-2019 in the Republican Children's Recreation and Health Center under the Ministry of Youth and Sports.

260. Also, in May 2016, the Museum of Azerbaijan's Independence hosted an exhibition called "Dreams of Young Artists", where young artists with disabilities participated, and the "Endless War" exhibition, which was held in April 2017 and attended by servicemen disabled during the war. In addition, young artists with disabilities participated at the "Peace Games" exhibition, dedicated to the Islamic Solidarity Games in May 2017, at the exhibition "Museums in the era of hyper communication: new approaches, new audiences" which was held in May 2018, the event "Homeland said you "My son"" which was held in November 2018, and attended by servicemen disabled during the war.

261. 3 students with disabilities study at the Baku Choreography Academy and 2 students with disabilities are at the Gara Garayev Central School of Arts and as well as a guitar teacher with II degree of disability work at the school.

262. The specialized music education institution for the children visual impairments - the 11-year Music School number 38 is functioning in Baku. At present, 185 students with visual impairments take up the piano, violin, tar, kamancha, accordion, drum, canon, singing at the school. The school employs 44 teachers, 22 of whom are persons with visual impairment of I and II degree.

263. The buildings of the Azerbaijan State Academic Opera and Ballet Theatre, the Azerbaijan State Academic National Drama Theatre, the Azerbaijan State Musical Theatre, the Azerbaijan State Theatre of Young Spectators, the Azerbaijan State Russian Drama Theatre, the Azerbaijan State Philharmonic Hall, the Heydar Aliyev Palace and the International Mugham Centre are all adapted for persons with disabilities. Azerbaijan State Academic National Drama, Azerbaijan State Musical, Azerbaijan State Young Spectators, The Azerbaijan State Russian Drama Theatres are equipped with scrolling text facilities.

264. In 2017, the Ministry of Youth and Sports installed ramps at the Olympic Sports Complex (OSC) in 30 regions (Aghdam, Agdash, Fuzuli, Bilasuvar, Goychay, Ismayilli, Balakan, Oghuz, Sabirabad, Kurdamir, Shamkir, Ganja, Shagan, Hovsan, Tovuz, Imishli, Gabala, Sumgayit, Astara, Jalilabad, Gobustan, Khachmaz, Shirvan, Goygol, Gazakh, Sheki, Gusar, Zagatala, Saatli). In connection with the I European Games in 2015 and other international sporting events in the coming years, new and renovated sports facilities meet international standards and are accessible to persons with disabilities.

265. The opening ceremony of the V Baku International Theatre Conference in 2018 in Baku – at the Academic Musical Theatre started with a performance of a creative team of people with disabilities organized by British Council Azerbaijan within the Unlimited program.

266. ESA Theatre began operating in September 2016 as the first and only inclusive Theatre in the country. Promoting the integration of persons with disabilities into society, ensuring the co-operation of persons with disabilities and those without disabilities, and promoting their social and public well-being in other fields of the arts are among the main

objectives of ESA Theatre. Despite recent commencement to its activity, the ESA Theatre has staged successful performances and gained great public sympathy.

267. Since 2018, the Ministry of Labour and Social Protection of Population has been cooperating closely with the ESA Theatre. As a result, in December 2018, the premiere of "Blue Bird" performance took place at the Azerbaijan State Musical Theatre. In 2019, it is intended to stage two more performances with the ESA Theatre.

268. The Children's Paralympic Committee under the National Paralympic Committee of Azerbaijan, which was established to accelerate achievement of participation of children with disabilities in the country in the mass physical activity and sports, in addition to the training of reserve athletes, supports the integration of children with disabilities into society through abilitation and rehabilitation.

269. During 2018, in the Paralympic Committee over 200 children with disabilities under the age of 18 were involved in eight sports, including swimming, judo, boccia, table tennis, goalball, para taekwondo, powerlifting and wheelchair dance sport for children with disabilities.

270. On June 7, 2018, with the support of BP Azerbaijan and with organization of the National Paralympic Committee of Azerbaijan, the Children's Paralympic Sports Festival, dedicated to the 100th anniversary of the Republic of Azerbaijan, was held at the Goygol Olympic Sports Complex. 110 children with disabilities competed in such Paralympic sports as judo, swimming, boccia, goalball, table tennis, taekwondo, wheelchair dance sport and powerlifting. Paralympic athletes from Georgia also participated in the festival.

271. On November 13-14, 2018, IV Republican Children's Paralympic Sports Games were held in the Republic Paralympic Sports Complex in Sumgait jointly organized by the National Paralympic Committee, Azercell Telecom LLC and UNICEF Representative Office in Azerbaijan. About 140 children with disabilities from Georgia and 8 regions of the country participated in the Games.

### **Paragraph 31**

272. Unlike previous censuses, the Questionnaire of the census to be conducted in Azerbaijan in 2019 includes questions about persons with disabilities, which will allow to obtain information on housing, education and employment, as well as other indicators that can be collected within the census. During the census, the survey with respondents will be conducted by trained counters, who will be included in the survey according to the relevant program.

273. In accordance with Article 3.6 of the New Law, Regulations have been developed to regulate legal and organizational issues related to the formation, maintenance and protection of the register of persons with disabilities.

274. The main purpose of the register is to create in the country a single and comprehensive database on persons with disabilities, to conduct country-wide record of data on accessibility of infrastructure, public buildings, information and others for persons with disabilities, to conduct analyses, forecasting and monitoring of disabilities and persons with disabilities, improve the quality of public services in the field of disability and monitor the performance by certain institutions of their obligations related to disability and with regard to persons with disabilities.

275. The regulations cover the provision of a single record of disability information, integrating information systems and resources of nearly 18 government agencies. Information to be kept in the registry has been agreed with the relevant authorities.

### **Paragraph 32**

276. The projects, signed between the Ministry of Labour and Social Protection of Population of Azerbaijan, UNDP and the UN Population Fund, envisage participation of organizations representing persons with disabilities.

277. In case of the contracts and agreements developed and applied in cooperation with relevant agencies of foreign countries on social security specify the exchange experience with regard to social protection and rehabilitation of persons with disabilities and their integration into society, position of the organizations representing persons with disabilities will be taken into account.

278. Azerbaijan joined the Sustainable Development Goals for 2016–2030 at the Sustainable Development Summit of the Member States on September 25-27, 2015.

279. The National Coordination Council for Sustainable Development was established by the Decree No. 1066 of the President of October 6, 2016. The main purpose of the National Coordination Council for Sustainable Development is to identify by 2030 national priorities and indicators in line with global goals and targets that are important to Azerbaijan, ensure the alignment of state programs and strategies in the social and economic sectors of the country with the Sustainable Development Goals; and to prepare annual reports on the achievement of SDGs.

### **Paragraph 33 (a)**

280. A working group consisting of representatives of relevant government agencies, civil society institutes and non-governmental organizations has been established in the Ministry of Labour and Social Protection of Population. The main task of this group is to coordinate and ensure the implementation of plans and strategies to protect the rights of persons with disabilities. Regular meetings of the working group are held.

281. On December 1, 2017, in connection with December 3 - the International Day of Persons with Disabilities, a conference on the obligations of Azerbaijan on the implementation of the Convention on the Rights of Persons with Disabilities: Achievements, Challenges and Prospects was held. The event was attended by Chairman of the Labour and Social Policy Committee of the Milli Mejlis, Representative of the UNICEF in Azerbaijan, Head of the Baku Office of the Council of Europe, representatives of various governmental and non-governmental organizations and public organizations of persons with disabilities.

282. The conference presented a new approach to disability in the Convention on the Rights of Persons with Disabilities and on the various articles of the Convention (including equality, non-discrimination, education, accessibility, awareness-raising, work and employment, participation in cultural life, etc.), discussions on the forthcoming issues on the implementation of the CRPD were held.

283. At the same time, it should be noted that in accordance with the Decree of the President No. 504 of September 20, 2018, a working group has been established within the Human Rights Treaty bodies and the Universal Periodic Review mechanism of the Human Rights Council for the preparation of periodic reports of Azerbaijan and to ensure control over the implementation of the recommendations adopted in relation to Azerbaijan.

### **Paragraph 33 (b)**

284. In accordance with Article 1.1 of the Constitutional Law (CL) "On the Commissioner for Human Rights (Ombudsman)" No 246-IK of 28 December 2001, the Ombudsman's position is established to restore the human rights and freedoms enshrined in the Constitution and in the international treaties to which Azerbaijan is a party and violated by governmental and municipal bodies and officials of Azerbaijan, as well as to prevent violation of human rights in cases envisaged by the given Constitutional Law.

285. The activities of the Commissioner shall be based on the principles of publicity, transparency, legality, justice, and impartiality. (CL, Article 1.10).

286. The constitutional law guarantees the independence of the Commissioner. Thus, in accordance with Article 5.1 of the Law, the Commissioner is independent and obey only to the Constitution and laws of Azerbaijan.

287. Under the Constitutional Law the independence of the Commissioner shall be ensured by the following (CL, Article 5.2):

- (a) He/she shall not be replaced, while in office;
- (b) He/she shall enjoy inviolability;
- (c) It shall be inadmissible to interfere with his/her activities by any governmental or municipal body or official;
- (d) He/she shall be provided with financial and social guarantees.

288. It should be noted that the declaration of a state of emergency or martial law shall not cease or restrict the activities of the Commissioner (CL, Article 5.3).

289. In the Opinions and Proposals submitted jointly by UNICEF Representative Office in Azerbaijan, the Ministry of Labour and Social Protection of Population, the Ministry of Foreign Affairs and the Union of Disabled People Organizations which unites NGOs of persons with disabilities, it was indicated that implementation of the independent mechanism functions by the Ombudsman to promote, protect and monitor the implementation of this Convention, which is to be established in accordance with Article 33.2 of the Convention on the Rights of Persons with Disabilities is considered appropriate.

290. In the letter No. 2/387 of May 14, 2011, addressed to the Commissioner by the Head of the Presidential Administration the Commissioner is recommended to take appropriate measures to implement the functions specified.

291. In this context, the need for an effective and qualitative organization of the Ombudsman's activities amid growing new and more responsible tasks has led to an increase in its mandate as well as the number of its staff. In this regard, the Ombudsman has prepared and submitted to the Milli Majlis of Azerbaijan the draft Law on Amendments to the Constitutional Law "On the Commissioner for Human Rights (Ombudsman)".

292. Under the proposed amendment, the Ombudsman as a national human rights institution implements an independent mechanism functions for promoting, protecting and monitoring the implementation of the CRPD and these functions are implemented by the relevant structural unit established at the Office of the Commissioner. The Regulations for implementing the independent mechanism functions shall be determined by the Commissioner. At the same time, persons with disabilities and the non-governmental organizations representing them may be involved by the Commissioner in the monitoring process.

293. According to the Constitutional Law "On the Commissioner for Human Rights (Ombudsman)" of Azerbaijan, the Commissioner and members of the National Preventive Group are entitled to access, without hindrance and prior notification, to any psychiatric institutions and other places, which detained persons cannot leave on their own will, as well as to the police stations, temporary detention places, investigatory isolators, penitentiary institutions, military guardhouses; to meet privately or when deemed necessary with participation of an expert or interpreter and interview in private detained persons, as well as any other persons who may provide relevant information; to get acquainted with and obtain copies of the documents confirming the lawfulness of detention and providing information on treatment and conditions of detention of the persons mentioned above; to prepare acts and document the process and the results of the actions undertaken (Constitutional Law, Articles 12.2.1; 18-1.2.1).

294. The Human Rights Commissioner conducts visits to and monitoring in the educational, health, penitentiary and social services facilities without prior notice to investigate the conditions of detention of and treatment of persons with disabilities, within his/her activities both as independent monitoring and as a national preventive mechanism.

### **Paragraph 33 (c)**

295. The Azerbaijan Ombudsman Institute was accredited with "A" status for the first time in 2006 in the Subcommittee on Accreditation of the International Coordination Committee

of the National Human Rights Institutions (now the Global Alliance of National Human Rights Institutions). Since then, the Ombudsman's Institute has been accredited at various times and maintained A status. In 2017, the Institute was involved in the next accreditation process by the Committee and made recommendations to maintain this status. The Ombudsman's activities, as well as the Constitutional Law on Ombudsman, fully comply with all requirements of the Paris Principles.

296. It should be noted that in the "National Human Rights Institutions" section of the initial "Human Rights and Democracy" part, which was prepared by the EU, of the "Practical results" document summarizing the results of the 7th meeting of the Subcommittee on Justice, Freedom, Security, Human Rights and Democracy which operates within the EU-Azerbaijan Cooperation Committee, held in Baku on 5-7 February 2019, the Azerbaijani Ombudsman stated that the GANHRI Subcommittee's recommendation to reduce the status of Ombudsman was groundless and that it was not directly related to his/her activities, and that they have sent them the justified letters, in this regard. It was brought to the attention that the Ombudsman's Institute is interested in continuing its cooperation with the EU on the principles of equality and non-discrimination in accordance with the Paris Principles.

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