**CRPD Committee Review of Azerbaijan**

**1 – 2 April 2014, 11th session**

The CRPD Committee conducted the review of Azerbaijan’s initial report and engaged in an interactive dialogue with the Azerbaijan delegation on 1 & 2 April 2014.**[[1]](#footnote-1)\***

The Azerbaijan government delegation was composed of:

*Head of the delegation*

* HE Mr Salim MUSLUMOV, Minister of Labour and Social Protection of Population of the Republic of Azerbaijan.

*Delegation*

* HR Dr Murad N. NAJAFBAYLI, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Azerbaijan to the United Nations Office and other international organisations at Geneva
* Mr Toghrul MUSAYEV, Deputy Minister of Justice of the Republic of Azerbaijan
* Mr Elsavar AGHAYEV, Deputy Minister of Health of the Republic of Azerbaijan
* Mr Musa PANAHOV, Deputy Minister of Youth and Sport of the Republic of Azerbaijan
* Mr Intigam BABAYEV, Deputy Minister of Culture and Tourism of the Republic of Azerbaijan
* Ms Sveda MAMMADALIYEVA, Deputy Minister of Culture and Tourism of the Republic of Azerbaijan
* Ms Sadagat GAHRAMANOVA, Deputy Chairperson of State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan.
* Ms Tatyana BABAYEVA, Chief Adviser of Division on Social Policy of the Service of the State Councilor for Economic Policy Issues of Administration of the President of the Republic of Azerbaijan
* Natig MAMMADOV - Deputy Minister of Labour and Social Protection of Population of the Republic of Azerbaijan;
* Mr Ilgar RAHIMOV - Deputy Minister of Labour and Social Protection of Population of the Republic of Azerbaijan;
* Mr Matin KARIMLI - Deputy Minister of Labour and Social Protection of Population of the Republic of Azerbaijan;
* Mr Sharif ASADULLAYEV - Head of General Department on Struggle against Trafficking in Human Beings of the Ministry of Internal Affairs of the Republic of Azerbaijan;
* Mr Khagani RZAYEV, Head of Department on Financing Social Sectors of the Ministry of Finance of the Republic of Azerbaijan
* Mr Sharif ASADULLAYEV, head of General Department on Struggle against Trafficking in Human Being of the Ministry of Internal Affairs of the Republic of Azerbaijan
* Mr Jamaladdin GULIYEV, Deputy Head of Department on Economic Policy, Analysis and Forecasting of the Ministry of Economy and Industry of the Republic of Azerbaijan
* Mr Tariel HUSEYNOV, Head of General Department on Development of Infrastructure of the Ministry of Emergency Situations of the Republic of Azerbaijan
* Ms Malahat HAJIYEVA, Head of Department on Deinstitutionalization and Protection of Children of the Ministry of Education of the Republic of Azerbaijan
* Mr Samir SHARIFOV, Counselor of Department on International Law and Treaties of the Ministry of Foreign Affairs of the Republic of Azerbaijan
* Mr Vugar HASANOV - Head of Department on Social Protection Policy of Persons with Disabilities of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan;
* Ms Irada USUBOVA - Head of Department on International Relations of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan;
* Ms Elnara ANSARI - Deputy Head of Department on International Relations of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan;
* Mr Parviz SAFAROV - Leading Consultant of Department on International Relations of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan;
* Mr Kanan MAMMADOV - Assistant of Deputy Minister of Justice of the Republic of Azerbaijan;
* Mr. Tamerlan AKHUNDOV - Consultant of Department on International Relations and Cultural Programmes of the Ministry of Culture and Tourism of the Republic of Azerbaijan;
* Mr Ilham ZAKIYEV - Member of the Executive Board of the Azerbaijan National Paralympics Committee, two-times Paralympics Champion *(accompanied by Mr. Emil Bakhshiyev)*;
* Mr Emil BAKHSHIYEV - Accompanying person;
* Mr Ismayil ASADOV - Counsellor of the Permanent Mission;
* Mr Elchin GULIYEV - Third Secretary of the Permanent Mission.
* M. Elvin ABBASBAYLI - Interpreter;
* Mr Kamil PIRIYEV - Interpreter;
* Mr Tural MAMMADOV - Journalist;
* Mr Elkhan AKHUNDOV - Cameraman.
* [**Opening remarks**](http://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/AZE/INT_CRPD_OCR_AZE_11_21803_F.doc)

Head of Delegation, HE Mr Salim Muslumov

Persons with disabilities and children with disabilities represent 5.6 % of the population in Azerbaijan. The increase in number of persons with disabilities in Azerbaijan is due to its conflict with Armenia. After signing the Convention on the Rights of Persons with Disabilities (CRPD), Azerbaijan continues to improve the situation of persons with disabilities. There is a working group that is coordinating and implementing the plan and strategy in order to implement the Convention.

The social protection law for persons with disabilities was adopted in 1992 but this law does not cover everything. The government drafted a new law which addresses issues and obligations under the Convention. The drafted national plan of action for 2014 – 2018 is also on the website of the Ministry. It has been discussed with the NGOs.

Mr Salim Muslumov mentioned a number of measures taken by the state for the rights of persons with disabilities. First, about women with disabilities, he mentioned the fact that gender equality and protection of women’s rights are in the legislation since 2006. There is also a national plan of action against discrimination against women since 2007; the plan provides for support for employment opportunities and for the implementation for training for professional. Secondly, he discussed children with disabilities, who have the right to special treatment; the State has implemented social aid for children with disabilities. Furthermore, there are social services to provide help at home for children. Third, some awareness raising measures are provided in the action plan adopted in 2011. These measures are carried out with Civil Society through the body state parties. A specific article on awareness raising was included in the draft law on persons with disabilities in order to integrate persons with disabilities and transmit their good image. Fourth, he addressed the infrastructure, transport, information and communication, and the fact that they attach special attention to social infrastructure, provide for apartment, the health centers and the new court buildings are also accessible for persons with disabilities. They began establishing pedestrians line with sound signals and finally, they imported buses that can be raised and lowered for access for wheelchairs. Fifth, they give priority to persons with disabilities in the evacuation process in a situation of emergence or risk. Finally, the State provides legal advice centers to provide judicial assistance for persons with disabilities, as well has public health, employment and social services to persons with disabilities.

Furthermore, he mentioned that in 2001 the law on specialised education of persons with disabilities was adopted. Therefore, inclusive education has been implemented in the country for 10 years. He also stated that persons with disabilities, injured in the conflict with Armenia, suffering from HIV or other diseases are provided by law with equal choices, work and employment: they provided employers with 11.4 million mandates low interests credits, which allow for the establishment of the creation of 1000 jobs. The state provides persons with disabilities with the possibility of participating in sport free of charge; the Paralympics committee for children was created in 2013. The representation of Azerbaijan with UNICEF provides assistance to the bodies that are entrusted with the promotion and the implementation of the CRPD. The aim of this component is to review this rule of the degree of the disability to improve the rehabilitation of the persons with disabilities.

Finally, Mr Salim Muslumov expressed the will of the government to continue their work to extend the implementations of the convention.

Martin Babu Mwesigwa, country rapporteur

Mr Martin Babu Mwesigwa started by applauding the current processes of the government of Azerbaijan to improve the situation of persons with disabilities. He continues by informing the delegation that a lot of information has come to his position concerning persons with disabilities in Azerbaijan; this information includes good steps that the country has taken but also many remaining challenges. Mr Babu Mwesigwa had the opportunity to meet with the representatives of UN agencies living in Azerbaijan and with the civil society as well. He, furthermore, acknowledged the assistance of international organisations, International Disability Alliance (IDA) and others to enable DPOs to produce alternative reports and to support the civil society of Azerbaijan to be part of this discussion.

Mr Babu Mwesigwa noticed that not much is done to make sure that the law in Azerbaijan is complying with the Convention, and he hoped that the delegation would be able to inform us on the steps taken by the government to remedy to that. In addition to that, he mentioned the fact that the new law does not prohibit discrimination based on disability, particularly in employment. Furthermore, it appears that the legislation and the policies do not target women and girls with disabilities.

He referred to Article 7 of the Convention that calls upon the state to take necessary measures to ensure the full enjoyment of the rights of children with disabilities and noted that schools could be an environment of socialisation for the children.

He also noted that there is a lack of awareness raising for persons with disabilities and a prevalence of stereotypes in the society. More importantly, he added that there was also a lack in the involvement of DPOs. In addition to that, he shared his concerned about the lack of information on whether a plan for accessibility for persons with disabilities exists. For instance, he noted that the courtrooms were not barrier free.

**Questions on Articles 1 - 10**

Ron McCallum

Re discrimination – there some laws prohibiting discrimination in employment but it seems they are not efficient. It also seems that there is not a machinery of courts that are equipped to deal with discrimination. Could you give me more info about the enactment of a law which will cover discrimination in all areas of life and provide to persons with disabilities, where they need it, reasonable accommodation?

Carlos Rios Espinosa

Re general obligations under the Convention, there is the issue of legislative harmonisation. It appears that there is a draft law about person with disabilities but I would like to know more since this issue encompasses different phenomena. There seems to be need for a profound review of legislation, such as terminology. Do you have a plan to conduct legislative revision in a much more broader scope?

Damjan Tatic

It is asked to inform the Committee about legal remedies available to persons with disabilities that are victims of discrimination.

Re Article 9, can you provide details of existence of monitoring mechanisms that ensure accessibility standards and data on sanctions for those who fail to comply?

Theresia Degener

Re Articles 1-4, regarding the medical model of disability, one indication is the focus on prevention and the fact that the main law is called “prevention of disability”. Prevention is not the focus of CRPD, it has nothing to do with implementing human rights for disabled people. Are there any plans for developing strategy national plan of action based on the social model in cooperation with organisations of persons with disabilities?

Re Article 6, about disabled women and multi-discrimination, there is a need to empower women so they can fully enjoy human rights. Neither in the state report nor in the response on the list of issues is there a reference to a mechanism on this issue.

Also, there was a reference to creation of special employment, could you explain sheltered employment?

Re Article 7, the proportion of children in care facilities remain at 35% and children with disabilities are not prioritised in the reform process. Could you comment on this?

Silvia Quan

All of the legislative and political measures employed are based mostly on the medical model. This gives rise to concern because the approach relied on the concept of these people having shortcomings or lacking in some way, the Committee is fighting this erroneous idea. What plans does the government have to apply 4(3) for consultation in all decision making processes for state policies and concerns expressed on the mind shift which needs to take place from a medical model to a HR based model? Which awareness raising measures have been or shall be adopted to improve the situation under Art 8?

Does the state intend to help institutions which would like to work in this direction to move away from a medical model to a HR model? Also, which measures shall be adopted to improve the situation and if the state would help institutions with this shift and working with DPOs?

Hyung Shik Kim

Re Article 2 of the law of Azerbaijan, the definition of disability- including people of need of assistance and protection of defects. The need for such assistance may have nothing to do with the disability. By attaching social assistance to disability- it reflects the negative attitude that we have persons with disabilities that they are disadvantaged and poor.

The use of term “defect”- there is no room for use of those terms anymore with CRPD. Even if the State means well- the use of those terms creates problems rather than solving them.

Re prevention- what methodologies are being deployed to prevent disabilities?

Diane Mulligan

What barriers does the state need to overcome in order to enable participation and inclusion?

Re Article 8, I would also like to know about the training of middle and high-ranking officials in the content of the Convention. It seems to be absent, and yet these decision-makers need to be targeted to understand these fundamentals of the Convention.

Re accessibility, I've heard that some legislation is being passed at the moment to enable better access to courts. I would like an update on the passage of this legislation, and I would also like to know how you involve disabled persons and their representative organisations in accessibility policy, planning, and this legislation.

Ana Pelaez

I was struck by the way that you justified and referred to 5.6% of the population live with disabilities. I do share your view of the criteria you put forward but there is something else that made me think of a recommendation made two years ago in this room – you did not use the definition of WHO of live birth, this could significantly change the percentage you referred to previously. This was a recommendation made by the Committee of the Rights of the Child. When you look at the proportion of disability today, does this figure include the application of the WHO definition of a live birth?

Moreover, cases have been pointed out in which the judicial bodies have refused to apply the provision of the Convention in relation to persons with disabilities. Which measures has the state party has taken in order to disseminate among the public institutions and justice as to the change in paradigm to replace it with a human rights model.

Safak Pavey

Re Article 8, awareness raising, is there parallel work as you comply and harmonise laws with CRPD? Are there any cultural campaigns to inform the public of their rights and to give the opportunity to congratulate the state?

Monthian Buntan

To what extent have you adopted the human rights model in accordance with the Convention with regard to the definition of disability into this new draft law? Is it still possible to revise the newly drafted law to make it more human rights based in a way that the Convention mandates?

Re this coming new law, to what extent has the government involved the persons with disabilities through representative organisations in draft or shaping this new law?

I wonder if Azerbaijan has adopted any accessibility standards and if so has there been any progress in implementing those standards or guidelines? Or whether it has anything to do with the internationally recognised guidelines?

Chair

Terminology, and the choice of words are important: when we use the word “pantomine” instead of sign language and “deafmute” instead of deaf, and “limited abilities” instead of disabilities.

**Delegation’s replies**

Re medical model, a new draft law for persons with disabilities has been drafted and this new law has been made according to the social model. In the last three months, the government worked closely with the NGOs and civil society in drafting this new law, particularly with UNICEF. Furthermore, the working group will meet again at the end of the month to take into account the recommendations made by the NGOs. Mr Muslumov asked the experts if there could be a possibility of showing them the new draft law and to have their comments, in order to have a new law that is complying with the Convention.

He furthermore explained that the adoption of this single law will not change the situation sufficiently, but they will harmonise the entire legislation with the new law once the law is accepted.

He added that the government recognised the fact that they have some problem with accessibility of infrastructure and that they are working on the issue. He mentioned then the issue of corruption and the fact that the government makes it most to avoid case of corruption; he is pleased to tell us that they do not register such cases anymore; all requests for benefits should be submitted through Internet and individuals can make their request directly.

In response to Mr McCallum’s concern on the fact that people look at disability with pity, he informed us that the new law will raise awareness to prove that persons with disabilities are in anyway different from other persons.

In regard of some of the questions in reference to information and awareness raising campaign; Mr Muslumov explained that the government has met representatives of 20 NGOS and they discussed together the issues periodically, furthermore the civil society has been involved in the drafting of this new law. Finally, Mr Muslumov mentioned the fact that they would greatly appreciate the support on the committee on the new law, in order to make it easier for the government to adopt it.

Re deinstitutionalisation, in 2006 the government approved a program on alternative care and that a working group was also established; persons with reduced mobility were going to be provided with inclusive education, furthermore she explained that the school were provided with a rehabilitation center. The government benefits from the help of UNICEF to head in the right direction and are happy to see that the results are positive.

In 2001, the government adopted a decision regarding a list of disabilities that prevent persons to adopt children with disabilities. The delegation explained that children were better off in institutions than by being adopted by disabled persons because their care can be assured, whereas often disabled persons need assistance themselves.

Mr Toghrul Musayev, Deputy Minister of Justice of the Republic of Azerbaijan

Mr Musayev recognised the importance to harmonise the legislation with the Convention. He explained that during the drafting of the new law, they were aware that they were coming to the Committee and thus they will take into account the recommendations made by the Committee. He discussed of the right to remedy that persons with disabilities should have and agreed that they could include that in the new draft law. In addition, he mentioned that there are new administrative courts that have been created in Azerbaijan, and that every citizen can turn to these courts. In those new courts, there are lifts and elevators that enable persons with reduced mobility to enter the buildings.

Re participation, Mr Musayev stated that over 80 NGOs active in the area of the protection of persons with disabilities. The government pays great attention to the participation of the public and furthermore a law was adopted on public participation that allows the public to participate in some of the activities of the ministries.

Head of Delegation, H.E. Mr Salim Muslumov

Mr Muslumov stated that there was a medical commission that has to establish whether a person could work fully, partially or was completely unable to work; this is a practice that has been established for the past 4 months.

**Questions on Articles 11 - 20**:

Ron McCallum

Re Article 12, legal capacity, is your new law working towards a situation whereby the old methods of guardianship, which operate under what we might call substituted decision-making, that is decisions made by guardians, is that system is being altered to supported decision-making where the preferences of the persons with disabilities are respected? What thought is being given by the government of Azerbaijan to update its guardianship laws?

Carlos Rios Espinosa

Re art 13 and 14, measures should not only be restricted to the physical environment, in particular with access to justice, it can also be a question of the procedures used to permit a person to properly participate in different hearings and procedures.

There is a need for a plan to harmonise all the legislation about access to justice in all areas including the Civil Code.

Re paragraph 79 in the response to the list of issues, I would like to know whether it is common for individuals with psychosocial disability to be held in custody in a psychiatric centre or establishment?

Damjan Tatic

Re Article 11, natural disasters, armed conflicts, Could you give us more info about the training of civil guards, civil defences, any personnel that deal with emergency relief to persons with disabilities? Are the organisations of persons with disabilities involved? Is there access to information and communication in situation of an emergency, through alternative and augmentative ways?

Re Article 19, what are the contents of services? Are there any plans to give personal assistance as prescribed in the article to enable persons with disabilities to live independently in their community?

Theresia Degener

Re Articles 12 to 17; based on EU committee report on degrading treatment from 2012, CRC Committee from 2012 and Special Rapporteur and additional information from civil society: the situation in prisons and detention is alarming regarding the social status of inmates. There is a need for better healthcare for all inmates, including those with impairments. The EU committee referred to people who were institutionalised as they were volunteering. Are there any plans to remedy this situation?

Re List of issues and Article 14, does the law allow the persons to be detained on the basis of their impairment?

As for restrictions on the adoption of children due to the person’s disability– in this Committee there are many members with children and we have difficulty to understand the notion that a parent’s disability could negatively impact on their children, whether they are the natural children or adopted children.

Ana Pelaez

Regarding the laws which allow for newborns to be placed into state care on the basis of their disability, has this legislation has been annulled or does it remain in force?

Re Article 16, I would like to know more about infant mortality of children of disabilities and about abuse and sexual exploitation that children with disabilities may be victims of. We would also like to receive figures of children with disabilities that suffer from malnutrition.

Re Article 17, has the state party conducted sterilisation of women or child without consent or their awareness of the operation?

Hyung Shik Kim

Re Articles 12 and 19, a person previously declared without legal capacity will not have their status restored unless they show substantial recovery – what does the term “substantial” mean?

Please indicate the number of persons living in institutions and those who moved to live independently and what are the criteria for granting personal assistance?

Please indicate what is the percentage of young persons with disabilities? How many find employment and where?

Diane Mulligan

Please clarify the difference between substituted and supportive decision-making and if you have any plans to enhance supportive decision-making.

Martin Babu Mwesigwa

Under Azerbaijan law, as an amputee, I would be categorised as among those prohibited from adopting a child. If I did not have children of my own, I would not be able to adopt children. What would happen if an adult with children would acquire a serious disability? Would the child be taken away?

**Delegation’s replies**

Head of Delegation, H.E. Mr Salim Muslumov

Mr Muslumov discussed the fact that in Azerbaijan it was against the law to take children from a disabled parent without a judicial decision.

Mr Toghrul Musayev, Deputy Minister of Justice of the Republic of Azerbaijan

Regarding Mr McCallum’s concern about the institution of guardianship, Mr Musayev explained that the issue of guardianship is in the Civil Code of the country and entered in force in 2000. He added that no singe person with disabilities might be deprived of their legal capacity but that they may go to their representative and require assistance in contracts for example. He furthermore explained that in case of abuse, it was possible for the person to turn to the law and ask for the cancelation of their guardianship.

He listed different provisions that protect the rights of persons with disabilities; first, every citizen has equal rights in relation to the state bodies, second there is a provision in the Labour Code (art. 16) that states that persons with disabilities should not be regarded with discrimination. Third, there is a law that provides opportunity to all citizens to turn to an administrative court in regard of the violation of their rights. Fourth, they have a human rights Ombudsman that defends and promotes the human rights of citizens.

He discussed the rights of persons with disabilities in criminal cases; persons with disabilities may participate in the proceedings with assistance, they will have a lawyer in case they are accused of a crime, furthermore there must be a sign language interpreters if the person is deaf, and persons with mental disability can only be interviewed in the presence of a doctor. In regard to the question on the judiciary, he mentioned the fact that they developed their judicial system with the help of the Council of Europe. There is a web portal that will help persons with disabilities to access to these institutions, through an e-court. Furthermore, he drew attention to the fact that they have a new procedures of election of their judges that was innovative and involving the participation of NGOs. He listed measures that were taken in Azerbaijan to protect the rights of persons with disabilities; the set up of a legal clinic that is under the control of lawyers, legal experts and that provides information to refugees, IDPs, low income background and other persons, they also set up regional centers for legal consultations that provide people with free legal advice, finally they are going to develop a database on the national legislation to improve the knowledge of the population on their rights. Mr Musayev further explained that in the educational program for legal experts there is a list of topics which refers to the international practices in the protection of human rights that includes the UN Convention.

Mr Musayev stated that persons with disabilities were informed of their rights and added that the conditions of detentions in prisons were appropriate since they built new buildings; persons with disabilities have seen their conditions of living improved.

He also mentioned measures that have been taken to combat tuberculosis; the mortality by this disease has decreased. He added that Azerbaijan needs the assistance of international bodies. Regarding Ms Degener’s question, in 2011 the law on the Ombudsman made changes; they have set up a system of state management that promotes the principles and idea of transparency in the work of the state’s bodies. Finally, he stated that Azerbaijan has greatly improved their electronic services.

Mr Elsavar Aghayev, Deputy Minister of Health of the Republic of Azerbaijan

Mr Aghayev started by mentioning that the mortality rate among disabled children dropped in the last years and that there is a vaccination program against tuberculosis. He referred to a national project developed by the Ministry of Health that enable certain diseases to be diagnosed using medical procedures, pregnancy tests are effective and there are proper monitoring of the pregnancy.

In regard to sterilisation, he stated that medical sterilisation is not compulsory even though there may be medical recommendations to do it.

Representative of the Ministry of Education

The government is working hard in this sphere and that legal and normative bases are being established; children have been placed in an inclusive education system and others have been moved to their family. Vocational trainings are held for young persons with disabilities. In 2012, 77 persons with disabilities completed their vocational training courses.

**Questions on Articles 21 - 33**:

Ron McCallum

Follow up to Article 12, there is still some way to go to comply with art 12(3) and (4)- which require the government to move from substituted decision-making to assisted decision making. These are concepts which most countries are having difficulty but are trying to comply with.

Re Article 27, the law on quotas for employment for persons with disabilities for companies and agencies is not always enforced. Government programs are important to promote employment of persons with disabilities and assist them to obtain employment - are there any programs like these?

Carlos Rios Espinosa

Follow up on Article 14- is it possible to deprive someone of their liberty on the basis of disability?

Re national minorities- the Lezghin and the Talysh communities- do you have statistics and data on how many of these minorities have disabilities? And do you have specific programmes to ensure that they are included in their right to education, health, work, political participation?

Theresia Degener

Re adoption- would the government consider legislating on this issue? I have heard of cases where a child was taken away after the mother became disabled on the basis of that impairment.

Damjan Tatic

Re Article 21, I would like to know a bit more regarding the sign language interpreter in judicial proceedings and about steps of the right to use sign language in Azerbaijan.

Re Article 33, whether in the legislation defining the competence, is the Office of the Ombudsman authorised to receive complaints regarding violations of the CRPD? Also is there statistical data on the number of complaints of persons with disabilities and if there is some specific body in charge? And what is the structure of the Office? Is there a specialised Ombudsperson charged with protection of rights of persons with disabilities, and if there is a council are DPO representatives involved?

Ana Pelaez

How do you promote and apply the adoption in Azerbaijan of children of disabilities deprived of a family environment? Is the maximum age recognised in legislation for adoption to be amended to include children over 5 years of age?

Re access to health and sanitation, the Committee on Rights of the Child expressed worry about the level of corruption among health professionals leading to widespread custom of charging unofficial fees to access care for children in the country. The same Committee said that the healthcare has been insufficient, how are you changing practices and how are you trying to avert the negligence on the part of health officers as noted and pointed to by the CRC Committee. In what way are you tackling the issue of care of children with disabilities to be treated swiftly?

In what way are you tackling issue of early care for children with disabilities in accordance with art 26 so they are screened and treated swiftly?

Hyung Shik Kim

Re Article 27, what has been the overall performance or experience with quota system by indicating how many persons with disabilities have found jobs through various systems?

What have been the response by employers how do additional guarantees and system interface with the state programme of employment strategy from 2007-2010? Also indicate whether the state party has open employment policy.

Re Article 32, how do persons with disabilities play a key role in international cooperation – as players and participants?

Article 32 is concerned with issues of poverty and inequality- how has the State Party exercised its responsibility to mobilise resources- human, technical, informational, finances within and outside the state?

Edah Maina

Re Articles 25 & 26, does Azerbaijan recognise persons with psychosocial disabilities as persons with disabilities in accordance with the CRPD? Have you provided for the transition from the institutionalisation of this group to more inclusive programmes practices?

Does the new draft law eliminate obsolete and archaic terms used to refer to persons with disabilities?

Re WHO practices and the programmes implemented with psychiatrists- are you working with psychiatrists in your country so they do not continue to use restraint and ECT which have been found by the Special Rapporteur on torture to amount to violence and abuse?

What is the clear plan to transition from the medical model to a rights based approach in particular for people with mental and psychosocial disabilities?

Safak Pavey

Re Article 29, there are some accessibility issues around voting – we have also learned that there has been good social services, electronic services. Would you be planning for such a voting system as it seems to be well managed in the social security system and might assure a wider range of participation in voting?

What is being done to encourage political participation at representation level? Would you be revising plans for the voting system as well – that the electronic system could be applied to voting system to ensure wider range of participation of persons with disabilities in voting.

Any plans to encourage political participation in terms of representation level?

Monthian Buntan

How do you expect website or any other electronic system to follow accessibility standards or guidelines strictly? Is it just a policy/recommendation or are accessibility standards mandated in the law? If not, I would suggest that in new draft law, reference be put to making information accessible through the use of accessibility standards or guidelines.

There is a widespread problem not effort to promote teaching and training to blind and visually impaired people especially within the regular school system which seem to lack professionals with knowledge and skills in Braille, which means that visually impaired peoples of this generation or younger generation tend to be illiterate or tend to have poor skills of reading and writing Braille- according to Article 21, the promotion of Braille must be carried out by States Parties.

It is a concern that there is no official recognition of sign language nor steps and measures to promote training of professional sign language interpreters in Azerbaijan.

Mohammed Al-Tarawneh

Are there any measures to promote political participation of Azerbaijanis to run for positions in the government? Is there any political quota system?

Re Article 33, while many measures are taken toward implementation of the CRPD and monitoring, is there any independent umbrella that can act as a focal point with all stakeholders, ministries in order to ensure proper implementation and monitoring of CRPD?

Re Article 32, what measures are being made to ensure the article is properly implemented and is the private sector engaged in the promotion of international cooperation?

Chair

Re education, what steps have been taken to implement the recommendation of the CESCR Committee of 2013 which stresses the importance of putting in place a system of inclusive education for students with disabilities?

Re Article 32, in what way have you implemented the aspect of persons with disabilities regarding the MDGs? The international community is fully involved in implementing MDGs and post 2015 agenda and eradication of poverty and hunger - what steps has the state taken to ensure mainstreaming of all this work?

The State Party uses the Russian translation of the CRPD? The Russian version uses the word “invalid”- how is new language being promoted in your new law for a correct term to refer to persons with disabilities?

Capacity building of state for implementation purposes- the state party has requested assistance in meeting latest challenges relating to legislation and having some people to be made available particularly Ms Pavey and Mr Buntan to support the process. It is a comment- it is an open opportunity to you- whether experts regionally close to you could support this support this legislative process by giving you appropriate guidance?

**Delegation’s replies**

Head of Delegation, H.E Mr Salim Muslumov

Regarding the question about legislation, Mr Salim Muslumov agreed that the government has to make sure that the legislation is amended and improved for the future. Regarding the employment quota for persons with disabilities, he recognised that the system is not particularly effective. He will transmit the recommendations of Mr McCallum to the government.

Regarding the question of Mr Rios Espinosa on the minorities, he explained that in Azerbaijan they do not make any difference on ethnic ground. And in that regard, they do not have any statistics on persons with disabilities coming from different minorities.

Mr Muslumov then addressed the question of adoption raised by Ms Degener; he confirmed the fact that a child cannot be taken away from his parents on the basis of a disability without a court decision.

Regarding the access to information for persons with disabilities, Mr Muslumov stated that the use of all languages including sign language is a practice in Azerbaijan.

Furthermore, regarding national monitoring, the Ombudsman is the only institution that may visit any public state institution without prior notice. The Ombudsman has offices in the different regions as well, they are open to all citizens and everyone may access it.

In addition to that, Mr Muslumov informed that there is also an electronic information system that has been developed that can be found in every Ministry, furthermore there are also hotlines that exist within the offices and that can be used to ask questions to the civil servants.

Regarding international cooperation, Mr Muslumov agrees that they should further coordinate with NGOs and international organisations.

On the question of persons with psychosocial disability, he informed that they do not have current statistics on this.

Regarding the voting process, in Azerbaijan the measures have been put in place to allow the political participation of persons with disabilities; for instance persons with a visual impairment have been able to vote through the Braille voting system. In addition, he informed that persons with disabilities may run for office and may apply to any position in the civil service; there is no discrimination on the ground of disability. Mr Muslumov further mentioned the fact that Azerbaijan is one of the only countries with free access to Internet; even in villages, and remote areas. Furthermore, there is specific access to Internet for children with visual impairment.

In response to Mr Buntan’s question, Mr Muslumov informed us that the law provides sign language interpretation for investigation, trials and court hearings when needed.

He further informed that the new draft law would provide the change from a medical approach to a social approach. Concerning inclusive education, Mr Muslumov stated that there is an increased number of persons with disabilities admitted in higher learning institutions.

Regarding the Russian version of the Convention, Mr Muslumov recognised the fact that they were using the Russian version of the Convention and thus the translation should be reviewed regarding the use some words, including the word “invalid”.

In regard to the question of government capacity building for persons with disabilities in terms of their social protection and strengthening policy, Mr Muslumov explained that the government will adopt a special approach regarding this and will increase its cooperation with UNICEF and the World Bank.

He agreed that on the question of adoption the limit of age of 5 years for a child to be able to be adopted should be removed.

Mr Elsavar Aghayev, Deputy of Health

Mr Aghayev informed that they adopted a law in 2013 and a national programme has been prepared to put children in special institutions. They furthermore have put forward the early detection of disabilities.

Concerning corruption, he mentioned the fact that the Ministry of Health is combating corruption. In addition, she indicated that 161 complaints were submitted using hotlines and the committee checked through all of these complains and processed them.

Mr Toghrul Musayev, Ministry of Justice

Mr Toghrul stated that the rights of the citizens are a priority and that persons with reduced mobility are protected by the legislation. Furthermore, the President has decreed that additional text books should be published to cover children from 4 to 11 years old, in order to provide children from minorities with additional school materials; the Government provides support for the school materials in their languages,

**Closing remarks**

Head of Delegation, H.E Mr Salim Muslumov

Mr Muslumov stated that the government of Azerbaijan has been endeavoring to improve the situation of persons with disabilities and that the questions of the Committee were very timely and specific. The delegation took notes of the questions and will take the recommendations and the questions in consideration.

Martin Babu Mwesigwa

Mr Babu Mwesigwa, as a final remark, stated that the discussion has been mutually beneficial and very engaging. He expressed his wish that this type of sincere engagement should be continued back home amongst government and disabled persons’ organisations, development partners and wider civil society.

1. \* This summary compilation is provided by the IDA secretariat and is not an official record of the proceedings. The review was webcast live and archived with [Russian](http://www.treatybodywebcast.org/crpd-11-azerbaijan-russian-audio/) and [English audio as well as international sign interpretation](http://www.treatybodywebcast.org/crpd-11-azerbaijan-sign-interpretation-and-english-audio/). [↑](#footnote-ref-1)