

# Situation Assessment: People with Disabilities in Azerbaijan



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**Situation Assessment:  
People with Disabilities in Azerbaijan**

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Baku, 2011 – Philipp Bohnen plays with an infant who lives in an institution for children with psycho-neurological disability in Baku. Hartmann is a member of the Berliner Philharmoniker, a UNICEF goodwill Ambassador, on their first field trip to raise awareness about children with disabilities and social inclusion in Azerbaijan

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## Abbreviations and acronyms

<b>CRPD</b>	United Nations Convention on the Rights of Persons with Disabilities
<b>CWD</b>	Children with Disabilities
<b>ICT</b>	Information Communication Technology
<b>ICSS</b>	International Centre for Social Studies
<b>ILO</b>	International Labour Organisation
<b>NGO</b>	Non-governmental organisation
<b>PWD</b>	Persons or People with Disabilities
<b>SSI</b>	Social Services Initiative
<b>UNICEF</b>	United Nations Children's Fund
<b>WWD</b>	Women with Disabilities

# 1. Executive Summary

Azerbaijan ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in January 2009. This Situation Assessment of People with Disabilities in Azerbaijan has been commissioned by the United Nations Children's Fund in Baku, Azerbaijan, together with the United Nations Development Programme, the Heydar Aliyev Foundation, and Social Services Initiative. It provides comments on the compliance of the main legislative acts of the Republic of Azerbaijan with the CRPD, highlights areas of good practice, and provides recommendations for amendments and enactment of legislation to address gaps in the current legislative framework. Also, the available services for people with disabilities in Azerbaijan are assessed and the application of the social model of disability in Azerbaijan is analysed.

The Situation Assessment has been conducted by a desk review of the main legislative acts of the Republic of Azerbaijan and the primary quantitative and qualitative data, which was collected by the national implementing partner International Centre for Social Research (ICSS) by way of survey and interviews.

The main legislative acts of the Republic of Azerbaijan provide a very good basis for the protection of the human rights of people with disabilities in Azerbaijan. However, significant legal reforms are required in order to bring the legislation fully into harmony with the CRPD. There are many provisions which require amendment in order to reflect international best practice and the social model of disability espoused in the CRPD in order to promote an inclusive approach to people with disabilities (PWD) and their rights, rather than the outdated, segregated, medical approach of yesteryear. Moreover, additional legislation needs to be drafted and enacted to address gaps in the current legislative framework. Finally, a comprehensive and systematic article-by-article review of Azerbaijan's legislation has not been made possible due to the unavailability of some key pieces of legislation in English. Therefore, a legislative review should be carried out for the remaining legislation, especially for key laws such as the Law on Health.

There exist some excellent services for PWD in Azerbaijan, such as special treatment and medical services for children with hearing impairments, the embryonic provision of inclusive education for children with disabilities (CWD), and the trend towards deinstitutionalization of PWD and CWD. However, access to health services is otherwise severely limited and requires urgent attention, as does access to education and social services. The most pressing need would appear to be with respect to access to employment services for PWD, given that there exist no services in this area at the present time.

The most frequently occurring type of disability in Azerbaijan is physical impairment, followed by sensory impairment and mental impairment. Most disability in Azerbaijan either originates from birth or from early childhood. Therefore, the urgent need to address early intervention in order to prevent a large proportion of disability in Azerbaijan is evident. Other causes of disability include by accident. Therefore, occupational safety and health must be a priority, as well as addressing potential hazards in the built environment. The severity of disability in Azerbaijan is quite high for CWD, with 57% reporting very limited or total loss of function.

People with disabilities in Azerbaijan face attitudinal barriers that hinder their full and effective participation in society on an equal basis with others. Raising awareness of the general public about PWD

and their rights to full and effective participation in society on an equal basis with others should be a priority, especially in Baku. Environmental barriers that hinder the full and effective participation in society of PWD on an equal basis with others particularly affect people with sensory impairments and people with physical disabilities. Priority should be given to addressing inadequate access to transportation infrastructure, such as elevators, buses, the limited number of available wheelchairs, and the general difficulties of accessibility of public places. Other priorities should include addressing poor information dissemination, with particular reference to the social protection measures and benefits available to PWD, including specialised equipment. PWD face numerous financial barriers in their attempts to participate fully and effectively in society. Therefore, the state should provide increased financial benefits to PWD and their families to address this. Access to work opportunities for PWD, particularly youth with disabilities, should also be a priority.

59,207 children are registered as disabled in Azerbaijan<sup>1</sup>. According to the quantitative survey of 250 CWD, most respondents for CWD reported their disability as being caused from birth (81% of parents of CWD age 0-9 and 83% of CWD age 10-15). This data highlights the need for early intervention to prevent disabilities stemming from childhood, which are among the prevailing causes of disability in Azerbaijan across all age groups.

Azerbaijan's ratification of both the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities underscores its commitment to protection of the rights of children with disabilities. Azerbaijan has backed up its international obligations by enacting and amending its legislative framework in key areas affecting the lives of children with disabilities, through legislation such as the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992, which prohibits discrimination against children with disabilities, and the Law on Children's Rights which provides for the protection of children with disabilities in a range of areas. Moreover, there exist some excellent programmes, such as the "State Programme on De-Institutionalisation and Alternative Care 2006-2015" and "Inclusive Education" which are being implemented with a view to more adequately involving children with disabilities in mainstream education and mainstream family life, rather than living a life of segregation from the rest of Azeri society.

This is an excellent starting point. However, despite the achievements in terms of policy and legislation, there has been limited impact on the lives of children with disabilities. While there is political will to address the needs of people with disabilities, knowledge on disability is very fragmented, and many gaps in service delivery remain due to inadequate budgetary allocations, weak capacity, patchy implementation and procedural bottlenecks.

Much more remains to be done in order to properly protect the rights of children with disabilities in Azerbaijan. The legislative framework needs additional amendments in many areas in order to properly comply with the CRPD, which have been described in detail in the report. In particular, it has been recommended that the Law on Education be amended to include provisions enacting the national programme of inclusive education for children with disabilities.

The primary data collected by the national partner revealed several particularly vulnerable groups of children with disabilities in several areas of service provision in Azerbaijan, including the availability

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<sup>1</sup> Ministry of Labour and Social Protection of the Population (2011)



of and access to pension benefits for children with visual impairments; access to special treatment and medical services for children with visual, physical or mental impairments; access of all children with disabilities to education, especially those most vulnerable to exclusion, which were identified as children with physical or mental impairments.

## 2. Introduction

The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol was adopted on 13 December 2006 by the United Nations, and was opened for signature on 30 March 2007. Azerbaijan ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in January 2009, becoming one of the first countries in the region to do so. In line with the requirement under Article 31(1) of the CRPD, Azerbaijan submitted to the Committee on the Rights of Persons with Disabilities a comprehensive state party report on measures taken to give effect to its obligations under the CRPD and on the progress made in that regard within two years after the entry into force of the CRPD for Azerbaijan in January 2011.

**Azerbaijan ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in January 2009, becoming one of the first countries in the region to do so.**

This Situation Assessment of People with Disabilities in Azerbaijan has been commissioned by the United Nations Children’s Fund in Baku, Azerbaijan, together with the United Nations Development Programme and Social Services Initiative. It provides comments on the compliance of the main legislative acts of the Republic of Azerbaijan with the CRPD, highlights areas of good practice, and provides recommendations for amendments and enactment of legislation to address gaps in the current legislative framework. Therefore, this provides an opportunity to implement the rights of people with disabilities through the legal framework in Azerbaijan. Also, based upon primary data that was collected by the national partner, the author carried out an assessment of the available services for people with disabilities in Azerbaijan.

This Situation Assessment also provides analysis of the application of the social model of disability in Azerbaijan. The social model of disability is a key feature of the CRPD and best international disability rights practice. For a long time, disability was treated primarily as a social welfare issue, otherwise known as the ‘medical model of disability’. This reflected the widely held belief that people with disabilities needed care and assistance, being unable and incapable of living their own lives. As a corollary, people with disabilities were seen as objects of social welfare and not as subjects in their own right, let alone entitled to the full enjoyment of the rights to work, education, health and other basic human rights. The social model of disability holds that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others, rather than from the impairment itself. The social model of disability is a rights based approach which seeks to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all people with disabilities, and to promote respect for their inherent dignity.

**The social model of disability - disability results not from the impairment itself, but rather from the interaction between persons with impairments and attitudinal/environmental barriers that hinder their full and effective participation in society on an equal basis with others.**

### Methodology

The Situation Assessment has been conducted by a desk review of the main legislative acts of the Republic of Azerbaijan. Other documents reviewed included the consultancy report of a mission to Baku undertaken by the international consultant in 2010; notes of interviews with stakeholders – gov-

ernment, NGOs, ombudsperson's office, Azerbaijanis with disabilities during the mission in September 2010; State Party Report of the Republic of Azerbaijan to the Committee on the Rights of Persons with Disabilities, January 2011; Report on Expert Assessments of the Situation of Persons with Disabilities in Azerbaijan July 2011 prepared by SSI; Problems that parents or caregivers of the children with disabilities are facing in their daily lives and suggestions to improve them, March 2011 prepared by SSI; Situation Analysis on Persons with Disabilities in Azerbaijan Report, July 2011 prepared by SSI; Draft Amendments to the Law on Education, May 2011 prepared by SSI; Draft Amendments to the Labour Code, May 2011 prepared by SSI; Amendments to the Law "On the prevention of disability and limited health capacity, rehabilitation and social protection of disabled persons and children with limited health capacity" 1992, May 2011 prepared by SSI; Select Best Practices Report (Equality in Education and Employment), May 2011 prepared by SSI; and the Provisional list of legislation affected by and in need of improvement due to the ratification of the CRPD in Azerbaijan, May 2011 prepared by SSI.

The Situation Assessment has been verified during a stakeholder consultation in September 2011 in Baku, Azerbaijan, during which time the international consultant had an opportunity to conduct interviews and gather feedback from stakeholders.

The consultant gratefully acknowledges the national partner - Social Services Initiative (SSI), government officials, UNICEF staff, UNDP, the Heydar Aliyev Foundation, civil society representatives and Azeris with disabilities whose insights were invaluable, and extends her thanks for their sharing of knowledge and experiences, and efforts to facilitate this work.

## 3. Situation Assessment of People with Disabilities in Azerbaijan: Key Findings

### A. Compliance of main legislative acts of the Republic of Azerbaijan with the UN Convention on the Rights of Persons with Disabilities

According to Article 148(2) of the Constitution of the Republic of Azerbaijan, the provisions of the Convention on the Rights of Persons with Disabilities constitute an integral part of the legislative system of the Republic of Azerbaijan.

Articles 4(1)(a) and (b) of the CRPD oblige Azerbaijan to adopt all appropriate legislative, administrative and other measures for its implementation, including the modification or abolishment of existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities. There is some evidence of Azerbaijan having carried out a legislative review in limited areas<sup>2</sup>. However, there is a need for a comprehensive and systematic article by article review of the country's legislation to ensure compatibility with the articles of the CRPD. What follows is an attempt to review the main legislative acts of the Republic of Azerbaijan and their compliance with the substantive articles of the CRPD.

**According to Article 148(2) of the Constitution of the Republic of Azerbaijan, the provisions of the Convention on the Rights of Persons with Disabilities constitute an integral part of the legislative system of the Republic of Azerbaijan.**

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

According to Article 25 of the Constitution of the Republic of Azerbaijan, the State guarantees equality of rights and liberties of everyone<sup>3</sup>.

Article 1 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 prohibits “discrimination against PWD and CWD”<sup>4</sup>. Article 16 of the Labour Code indirectly prohibits discrimination against PWD “during hiring, or a change in or termination of employment ... on the basis of other factors unrelated to the professional qualifications, job performance, or professional skills of the employees...”. Article 16.2 of the Labour Code directly states that affirmative action measures for PWD shall not be considered discrimination. Article 7(1) of the Law on Individual Labour Contracts indirectly prohibits discrimination against PWD on the basis of “other factors which are not related to the working qualities, results of labour, and professional skills of the employee while establishing, altering or terminating the labour relations”. Article 7(2) explicitly states that affirmative measures for PWD shall not be considered as discrimination. Article 7(3) provides for recourse in court. Article 1 of the Law on Prevention of Disablement prohibits discrimination against PWD and CWD.

However, there is a need to carry out a systematic review of all substantive areas of the CRPD (in both disability specific and mainstream legislation) to ensure that reasonable accommodation is provided in order to promote equality and eliminate discrimination<sup>5</sup>. All other legislation not mentioned in the paragraph above will accordingly need to be amended.

<sup>2</sup> Interviews carried out in Baku, Azerbaijan in September 2010.

<sup>3</sup> Article 25, Constitution of the Republic of Azerbaijan.

<sup>4</sup> Article 1, Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992.

<sup>5</sup> Convention on the Rights of Persons with Disabilities Article 5(3).

It is recommended that Azerbaijan act with urgency to include an explicit prohibition of disability-based discrimination in an anti-discrimination law, as well as ensure that disability-based discrimination is prohibited in all laws, particularly those governing elections, labour, education, and health, among others. Moreover, it is recommended that Azerbaijan incorporate the definition of reasonable accommodation in national law, and apply it in accordance with article 2 of the CRPD, in particular by ensuring that the law explicitly recognizes the denial of reasonable accommodation as disability-based discrimination.

**Article 1 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 prohibits “discrimination against PWD and CWD”.**

### Article 6 - Women with disabilities

Article 25(2) of the Constitution provides for equal rights and freedoms for women and for men. Article 3 of the Law on Gender Equality prohibits discrimination on the basis of sex but this law provides no specific protections for women with disabilities. The Law on Prevention of Domestic Violence 2010 prohibits domestic violence against women and children but does not refer to women or girls with disabilities.

It is recommended that Azerbaijan specifically recognize gender equality of women and girls with disabilities in legislation, particularly those concerning gender equality, domestic violence, education, health and labour, among others. Moreover, such laws should be amended to recognize the denial of reasonable accommodation as disability based discrimination.

### Article 7 - Children with disabilities

Article 17 of the Constitution enumerates several rights of protection for the child. Article 35 of the Law on Children’s Rights provides for the protection of children with mental and physical disabilities through reduced or free medical or psychological aid, social and psychological rehabilitation, education, labour, and prevention measures. Article 36 stipulates pension rights and allowances for people taking care of CWD. Article 41 emphasises the rights of children in special education facilities or specialized medical institutions to humanistic treatment, protection of health, necessary education and occupational training, vacation, correspondence and meetings with their parents and relatives.

It is recommended that Azerbaijan draft and implement adequate legislation granting equal rights to children with disabilities, *inter alia*, in the areas of discrimination, health, inclusive education, and to ensure that a child shall not be separated from his or her parents against their will or on the basis of disability.

It is also recommended that Azerbaijan take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, particularly in the following areas in accordance with Article 7(1) of the CRPD: discrimination, education, health, work, occupational safety and health, exploitation, living independently and being included in the community, mobility, and rehabilitation. This means adopting legislative measures to ensure inclusive education for CWD, rather than segregated education in institutions

or through home schooling. These recommendations are addressed more fully under Article 24. It is also recommended that Azerbaijan take improved measures to replace institutional care for girls and boys with disabilities with community based care, in accordance with Article 7(2) of the CRPD. It is also recommended that the provision of reasonable accommodation to CWD be provided for in all relevant laws.

**Article 35 of the Law on Children’s Rights provides for the protection of children with mental and physical disabilities through reduced or free medical or psychological aid, social and psychological rehabilitation, education, labour, and prevention measures.**

### Article 8 – Awareness raising

Article 8(2)(b) of the CRPD requires the fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities. Therefore, Article 10 of the Law on Education relating to the school curriculum should be amended to include public awareness campaigns and/or course content within the education system to promote a positive image of CWD and PWD.

### Article 9 – Accessibility

Legislative measures to ensure to PWD access on an equal basis with others to information and communications include provisions in the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992. Article 22 provides for recognition of sign language, Braille, audio materials and large fonts, and other accessible interpersonal communication means. Article 31 provides for free access to telecommunication and information networks for PWD and CWD. Article 32 provides for consideration of access for PWD in the design of communications. Article 33 provides for adjustment of existing communication facilities for use by PWD and CWD. Article 34 provides for adjustment of residencies of PWD and CWD to be equipped with special communication lines if necessary. Article 36 provides for telecommunications allowances for PWD and CWD. Also, Articles 1.0.12 and 13.5 of the Law On Television and Radio Broadcasting provide for broadcasting of programmes of education, training and information for people with hearing impairments.

**Article 31 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 provides for “unimpeded access for use of public transport and transportation networks”.**

Legislative measures to ensure to PWD access on an equal basis with others to the physical environment and transportation include provisions in the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992. Article 31 provides for “unimpeded access for use of public transport and transportation networks”. Article 32 provides for consideration of PWD and CWD during the design and construction of social infrastructure facilities, including airports and railway stations. Article 33 requires the adjustment of existing social infrastructure facilities for use by PWD and CWD. Article 34 requires the adjustment of resident premises for access of and use by resident PWD and CWD. Article 35 provides for access to entertainment centres and sport facilities for PWD and CWD. Article 37 provides for a penalty for non-provision of access to social infrastructure for PWD and CWD, which is a good example of a special measure to promote the rights of PWD. Article 41

provides for an allowance to be paid in respect of transport for PWD and CWD. Access to the physical environment and transportation could be enhanced by the enactment and implementation of a law requiring universal design for all new buildings including an enforcement mechanism, and by amendment of the Law on Transport to include a requirement that all new scheduled public transport to be accessible in order to phase out inaccessible public transport.

### Article 10 – Right to Life

Article 27 of the Constitution provides that everyone has the right to life, except enemy soldiers. Capital punishment was abolished in Azerbaijan in 1998.<sup>6</sup>

Notwithstanding, it is recommended that Azerbaijani legislation explicitly recognize and protect the right to life and survival of persons with disabilities on an equal basis with others. In addition, it is recommended that legislation be amended to ensure that PWD are not subject to arbitrary deprivation of life in laws covering detention, health, criminal law, among others.

### Article 11 – Situations of risk and humanitarian emergencies

Article 7 of the Law on the Status of Refugees and Forcibly Displaced Persons provides for the provision of humanitarian aid to refugees.

It is recommended that this Law be amended to ensure the protection and safety of PWD in situations of risk, including their inclusion in national emergency protocols, to ensure that humanitarian aid relief is distributed in an accessible way to PWD, and that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for PWD.

Azerbaijan has entered a Declaration with respect to its ratification of the CRPD, namely that “it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.”<sup>7</sup> It is recommended that Azerbaijan withdraw this declaration with respect to Article 11 of the CRPD.

### Article 12 – Equal recognition before the law

**The right to equal recognition before the law requires the elimination of disability as a ground for depriving someone of his or her legal capacity—for example, by eliminating the practice of appointing guardians who make decisions on behalf of persons with disabilities and, instead, providing support to persons with disabilities so that they can make their own decisions.**

Article 25 of the Civil Code of the Azerbaijan Republic provides for equal legal capacity for all natural persons. The court may declare persons with mental disabilities as not having legal capacity and ap-

<sup>6</sup> Initial report of the Republic of Azerbaijan about the implementation of the UN Convention “On the Rights of Persons with Disabilities”, January 2011, CRPD.C.AZE.1.

<sup>7</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15-a&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&lang=en)

point a guardian.<sup>8</sup> Article 28.8 provides that a “court may declare all natural persons who suffer from mental retardation or mental disease as not having legal capacity and are therefore unable to understand the meaning of their actions or to manage such actions. A guardianship shall be established for such person.” This article is discriminatory and should be amended. Just because a person has a mental impairment does not automatically mean that such person will be incapable of making decisions and understanding the meaning of their actions. If this is the case however, there should be a supported decision making process (see below) rather than a substituted decision maker, as is the case with guardianship. The article should be amended accordingly.

The right to equal recognition before the law requires the elimination of disability as a ground for depriving someone of his or her legal capacity—for example, by eliminating the practice of appointing guardians who make decisions on behalf of persons with disabilities and, instead, providing support to persons with disabilities so that they can make their own decisions.<sup>9</sup>

With supported decision-making, the presumption is always in favour of the person with a disability who will be affected by the decision. The individual is the decision maker; the support person(s) explain(s) the issues, when necessary, and interpret(s) the signs and preferences of the individual. Even when an individual with a disability requires total support, the support person(s) should enable the individual to exercise his/her legal capacity to the greatest extent possible, according to the wishes of the individual. This distinguishes supported decision-making from substituted decision-making, such as advance directives and legal mentors/friends, where the guardian or tutor has court-authorized power to make decisions on behalf of the individual without necessarily having to demonstrate that those decisions are in the individual’s best interests or according to his/her wishes. These mechanisms come into effect only when a person is authoritatively determined to be legally incapable of exercising his/her legal capacity. Paragraph 4 of article 12 calls for safeguards to be put in place to protect against abuse of these mechanisms.<sup>10</sup>

Supported decision-making can take many forms. Those assisting a person may communicate the individual’s intentions to others or help him/her understand the choices at hand. They may help others to realize that a person with significant disabilities is also a person with a history, interests and aims in life, and is someone capable of exercising his/her legal capacity.<sup>11</sup>

It is recommended that legislative measures be undertaken in Azerbaijan to amend the Civil Code to replace substitute decision making by supported decision making in the exercise of legal capacity, including for persons with mental impairments. Azerbaijan should also review any other laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace any other regimes of substitute decision-making by supported decision-making.

## Article 13 – Access to Justice

<sup>8</sup> Initial report of the Republic of Azerbaijan about the implementation of the UN Convention “On the Rights of Persons with Disabilities”, January 2011, CRPD.C.AZE.1.

<sup>9</sup> Office of the High Commissioner for Human Rights (2010), Monitoring of the Convention on the Rights of Persons with Disabilities, New York/Geneva 2010.

<sup>10</sup> Office of the High Commissioner for Human Rights (2007), From Exclusion to Equality – Realising the Rights of Persons with Disabilities, Geneva 2007.

<sup>11</sup> Ibid.



The Code of Criminal Procedure provides for the availability of several reasonable accommodations, including procedural accommodations that are made in the legal process to ensure effective participation of all types of PWD in the justice system. Article 92.3.2 of the Criminal Procedure Code provides that “if the suspect or the accused is dumb, blind, deaf, has other serious speech, hearing, or visual disabilities, or because of serious chronic illness, mental incapacity or other defects cannot exercise the right to defend himself independently, the participation of defence counsel shall be ensured.” Article 153.2.10 of the Criminal Procedure Code provides that officials of the prosecuting authority and those in charge of temporary detention facilities shall “not treat the detainee in a way that fails to respect his personality or dignity, and pay special attention to women and persons who are under age, elderly, ill or disabled”. Article 229 of the Criminal Procedure Code provides that “an interview with a dumb, deaf or blind witness shall be held with the participation of a person who understands his signs or who can communicate with him in sign language”. (Article 229.1) “Where a witness suffers from a mental or other serious illness, the interview shall be held with the permission and the participation of a doctor.” (Article 229.2) “When a dumb, deaf or blind witness or a witness who suffers from a serious illness is questioned, his representative and legal representative shall be entitled to participate.” (Article 229.3)

It is recommended that Azerbaijan enact age-related accommodations to ensure effective participation of children and young persons with disabilities. It is also recommended that Azerbaijan review all laws to ensure that all CRPD rights are justiciable before national courts. Such provisions could be included, for example, in the Juvenile Justice law which is currently in draft format.

### Article 14 – Liberty and security of the person

**The right to liberty and security of the person requires, inter alia, monitoring psychiatric and other institutions to ensure that no one is placed there on the basis of their disability, including mental and intellectual disabilities, unless with their free and informed consent.**

Article 28 of the Constitution provides that “Everyone has the right to freedom” and that this right may be “restricted only as specified by law, by way of detention, arrest or imprisonment”. Article 53.5 of the Criminal Code provides that “Restriction of freedom is not appointed to the persons recognized as invalids of the first or second group, pregnant women, women having children in the age of till eight years, women and men who have reached a pension age, and also the military men who are taking place at valid urgent military service on an appeal.” However, Chapter 15 of the Criminal Code contains provisions on compulsory medical interventions (articles 93-99).

The right to liberty and security of the person requires, inter alia, monitoring psychiatric and other institutions to ensure that no one is placed there on the basis of their disability, including mental and intellectual disabilities, unless with their free and informed consent.<sup>12</sup>

Accordingly, Azerbaijan should carefully review its laws in areas of deprivation of liberty of PWD, especially those with intellectual disabilities. For example, Azerbaijan should note the CRPD’s emphasis on independent living within the community instead of forced institutionalization. It is recommended that Azerbaijan repeal legislative provisions, including those in the Law on Children’s Rights, which al-

<sup>12</sup> Office of the High Commissioner for Human Rights (2010), *Monitoring of the Convention on the Rights of Persons with Disabilities*, New York/Geneva 2010.

low for the deprivation of liberty on the basis of disability, including a psychosocial or intellectual disability. It is further recommended that until new legislation is in place, all cases of persons with disabilities who are deprived of their liberty in hospitals and specialized institutions be reviewed, and the review should include the possibility of appeal. Azerbaijan should also review the Criminal Code in relation to compulsory or forced medical interventions, and should ensure that there are laws and procedures to monitor the operation of this legislation, investigate cases of abuse and impose punitive measures, as necessary in accordance with Article 14 and Article 16 (4).<sup>13</sup>

### Article 15 – Freedom from torture and cruel, inhuman or degrading treatment or punishment

Article 153.2.10. of the Criminal Procedure Code prohibits the treatment of “the detainee in a way that fails to respect his personality or dignity, and pay special attention to women and persons who are under age, elderly, ill or disabled”. It is recommended that this article be amended to ensure the provision of reasonable accommodation to detainees with disabilities.

Freedom from torture requires, *inter alia*, examining whether institutions resort to practices and treatments such as electroshock therapy and cage beds for persons with disabilities, or impose intrusive or irreversible medical treatments aimed at correcting the disability against a person’s will.<sup>14</sup> It is recommended that Azerbaijan enact legislation outlawing such practices in both public and private prisons and psychiatric institutions. Moreover, Azerbaijan should enact legislation to ensure that prison officers and health professionals are given adequate training and information so that the human rights of persons with disabilities are respected.

### Article 16 – Freedom from exploitation, violence and abuse

In accordance with Article 16(1) of the CRPD, Azerbaijan should enact legislative measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects. Moreover, in line with Article 16(5) of the CRPD, Azerbaijan should enact legislation, including women- and child-focused legislation, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

The Law on Prevention of Domestic Violence 2010 should be reviewed to include these measures, and to include women and child focused provisions to ensure that instances of exploitation, violence and abuse against PWD are identified, investigated and, where appropriate, prosecuted.

<sup>13</sup> Office of the High Commissioner for Human Rights (2007), *From Exclusion to Equality – Realising the Rights of Persons with Disabilities*, Geneva 2007.

<sup>14</sup> Office of the High Commissioner for Human Rights (2010), *Monitoring of the Convention on the Rights of Persons with Disabilities*, New York/Geneva 2010.

Azerbaijan should also review the Criminal Code in relation to compulsory or forced medical interventions, and should ensure that there are laws and procedures to monitor the operation of this legislation, investigate cases of abuse and impose punitive measures, as necessary in accordance with Article 14 and Article 16 (4)).<sup>15</sup>

### Article 17 – Protecting the integrity of the person

Article 46(3) of the Constitution prohibits medical, scientific and other experiments being carried out on any person without his or her consent.

Article 108 of the Criminal Code on sexual violence prohibits forced sterilization. However, this provision could be amended to specifically refer to the protection of all PWD from forced sterilization.

Article 141 of the Criminal Code relates to illegal abortion but does not contain any provisions to protect women and girls with disabilities from forced abortions. This article should be amended accordingly.

As already noted, Chapter 15 of the Criminal Code contains provisions on compulsory medical interventions (articles 93-99). It is recommended that Azerbaijan amend the Criminal Code to protect PWD from being subjected to treatment without their free and informed consent, including forced treatment in mental health services.

It is also recommended that Azerbaijan incorporate into its laws the abolition of surgery and treatment without the full and informed consent of the patient, and ensure that national law especially respects women's rights under article 23 and 25 of the CRPD.

### Article 18 – Liberty of movement and nationality

Article 52 of the Constitution provides that all people born in the territory of Azerbaijan or to at least one Azeri parent acquires Azeri nationality. Article 53 provides that no one shall be deprived of their nationality.

Article 28(4) of the Constitution provides for the right of every citizen of Azerbaijan to enter or leave the country.

Article 10 of the Law on Children's Rights provides for the registration at birth of every child, and the right to be given a name and nationality.<sup>16</sup>

However, it is recommended that Azerbaijan review its laws to ascertain whether the State may withhold travel documents from someone on the basis of his or her disability.

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<sup>15</sup> Office of the High Commissioner for Human Rights (2007), *From Exclusion to Equality – Realising the Rights of Persons with Disabilities*, Geneva 2007.

<sup>16</sup> Article 10, Law on Children's Rights.

## Article 19 – Living independently and being included in the community

Article 19 of the CRPD emphasises the right of persons with disabilities to live independently and be included in the community, including through access to a range of in-residential and other community support services, including personal assistance, and to prevent isolation or segregation from the community. In Azerbaijan, Article 34 of the Law on Prevention of Disablement provides for the adjustment of resident premises for access of and use by PWD and CWD. Article 43 of this Law mandates the provision of housing-domestic services to PWD and CWD.

**Article 19 of the CRPD emphasises the right of persons with disabilities to live independently and be included in the community, including through access to a range of in-residential and other community support services, including personal assistance, and to prevent isolation or segregation from the community.**

However, despite the implementation of Azerbaijan’s “State Programme on De-Institutionalisation and Alternative Care 2006-2015”, there are still 2,641 children living in institutions, the majority of whom are not orphans<sup>17</sup>. This underlines the prevailing view in Azerbaijan that the State can better care for children with disabilities than their own families.

It is recommended that Azerbaijan enact legal protections to ensure that persons with disabilities are not forced into particular living arrangements, to ensure that there are legal mechanisms and remedies that persons with disabilities can use to challenge barriers to living independently, and to ensure that there are laws to ensure that community services and facilities for the general public are made available on an equal basis to persons with disabilities and are responsive to their needs.<sup>18</sup>

## Article 20 - Personal mobility

The Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 has several articles relating to personal mobility. Article 31 provides for “unimpeded access for use of public transport and transportation networks”. Article 32 provides for consideration of PWD and CWD during the design and construction of social infrastructure facilities, including airports and railway stations. Article 33 requires the adjustment of existing social infrastructure facilities for use by PWD and CWD. Article 34 requires the adjustment of resident premises for access of and use by resident PWD and CWD. Article 35 provides for access to entertainment centres and sport facilities for PWD and CWD. Article 37 provides for a penalty for non-provision of access to social infrastructure for PWD and CWD, which is a good example of a special measure to promote the rights of PWD. Article 41 provides for an allowance to be paid in respect of transport for PWD and CWD.

With respect to personal mobility, the State has promulgated the Resolution of the Cabinet of Ministers (no 103, 08 July 2002), which stipulates that persons with disabilities are to be provided with prosthetic and orthopedic appliances, wheelchairs, technical, and other rehabilitative means to increase their independence.

<sup>17</sup> New State data\*\*\* Munir please insert correct source.

<sup>18</sup> Office of the High Commissioner for Human Rights (2010), Monitoring of the Convention on the Rights of Persons with Disabilities, New York/Geneva 2010.

Personal mobility could be enhanced by the enactment and implementation of a law requiring universal design for all new buildings including an enforcement mechanism, and amendment of the Law on Transport to include a requirement that all new scheduled public transport to be accessible in order to phase out inaccessible public transport.

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

Article 47 of the Constitution provides for freedom of expression and opinion and Article 50 provides for freedom of information. Moreover, Article 45 provides for the right of everyone to use and be educated in his or her mother tongue.

The Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 has several articles relating to freedom of expression and opinion, and access to information. Article 22 provides for recognition of body language, Braille, audio materials and large fonts, and other accessible interpersonal communication means. Article 36 provides for telecommunications allowances for PWD and CWD.

Notwithstanding, it is recommended that Azerbaijan enact legislation to ensure that information provided to the general public is accessible to persons with disabilities, by facilitating the use of sign languages, plain language, Braille, audio formats, and augmentative and alternative communication in official interactions. It is also recommended that laws be enacted to make websites accessible, to ensure that websites are designed and developed according to accessibility guidelines. Moreover, following international best practice, it is recommended that Azerbaijan enact legislation to officially recognize sign language for persons with hearing impairments.

### Article 22 – Respect for privacy

Article 32 of the Constitution provides for the right of privacy for all citizens.

However, it is recommended that Azerbaijan enact legislation to protect the privacy of personal, health and rehabilitation related information of persons with disabilities. In addition, there should be laws to ensure that disaggregated data about persons with disabilities is not concealed on the pretext of protection of privacy.

### Article 23 – Respect for home and the family

**Article 34 of the Constitution provides for the right of everyone to marry on reaching the required age on the basis of full and free consent.**

Article 34 of the Constitution provides for the right of everyone to marry on reaching the required age on the basis of full and free consent. However, the Family Code contains some provisions that are discriminatory towards PWD, including article 17.2.2 which allows for termination of marriage on the basis of disability of one of the spouses, article 26 which allows for invalidation of marriage on the basis of disability, article 182.1 which allows the court to declare consent by a person with mental disabilities null and void, and article 187 which allows for identification of fatherhood without reference to a mother with disability. Moreover, Article 144.1.6 of the Family Code prohibits PWD becoming foster parents in some circumstances and Article 68 allows restrictions on parental rights of PWD.

It is recommended that these provisions be repealed. Furthermore, Article 120 of the Family Code prohibits the adoption of a child by people with disabilities, which is prima facie discriminatory. It is recommended that this provision be amended to ensure that parents with disabilities, who so require, are provided with adequate support in their child-rearing responsibilities, ensuring the parent-child relationship.

Article 31 of the Law on the Rights of the Child provides for measures to protect children deprived of parental care, which include adoption and institutionalization. Despite Azerbaijan's "State Programme on De-Institutionalisation and Alternative Care 2006-2015", it is recommended that Azerbaijan draft and enact legislation to ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

#### Article 24 - Education

Article 42 of the Constitution provides for the right of all citizens to education. The Law on Education contains only one provision relating to CWD, namely Article 36.4 which provides that educational staff working in the educational institutions for children with disabilities receive additions to their rate of pay and official salary, in the amount determined by the legislation.

In line with the draft State Programme on Inclusive Education, it is recommended that the Law on Education be amended to ensure that PWD are not excluded from the general education system on the basis of disability, and that CWD are not excluded from free and compulsory kindergarten, primary education, or from secondary education, on the basis of disability, in line with Article 2(a) of the CRPD. Moreover, in line with Article 2(c) of the CRPD, the Law on Education should be amended to include provisions to ensure that persons with disabilities receive reasonable accommodations within the general education system, to facilitate their effective education. For instance, reasonable accommodation might require the provision of alternative ways to fill course requirements, tutorial assistance or assistive technology.

**In line with the draft State Programme on Inclusive Education, it is recommended that the Law on Education be amended to ensure that PWD are not excluded from the general education system on the basis of disability, and that CWD are not excluded from free and compulsory kindergarten, primary education, or from secondary education, on the basis of disability, in line with Article 2(a) of the CRPD.**

It is also recommended that the Law on Education be amended to include provisions expressly ensuring accessible buildings and an adequate curriculum, that integrated schools are equipped to receive CWD, that provide for the employment of teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, that provide for the training of professionals and staff who work at all levels of education, and that sufficient financial and human resources are allocated to implement the national programme of inclusive education for CWD (perhaps mandating a percentage of the education budget to be directed towards ensuring inclusive education for PWD). Legislative and other measures that ensure that schools and materials are accessible and that indi-

vidualized reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion.

The Law on Education of Persons with Limited Health Capacity allows for CWD to be educated in mainstream classrooms. However, the law limits the types of impairments which may be accommodated in mainstream schools<sup>19</sup>. The CRPD requires “reasonable accommodation” of CWD in education (Article 24). Therefore, this law should be amended to include all types of impairments and accommodations to make education in mainstream schools possible. Moreover, the law does not require the creation of conditions at mainstream schools in order to include CWD, such as physical accessibility to the built environment. Nor does the law contain any provisions regarding secondary or tertiary level education<sup>20</sup>. The law should be amended accordingly.

The Law on Education at Home should be amended to require reasonable accommodation so that CWD may be educated in mainstream schools rather than at home. The teachers allocated to teach CWD at home could instead be transferred to the mainstream school together with the CWD.

The Law on Social Protection of Children Deprived of Parental Care should be amended to require every effort to provide community based care for CWD rather than care in boarding schools. The law should also be amended to require reasonable accommodation so that CWD may be educated in mainstream schools.

### Article 25 - Health

Article 36 of the Law on Health provides for use of preventive, diagnostic and treatment methods and medicines only with the consent of patients. This provision should be amended to reflect the requirement of “free and informed consent”. Article 14.1 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 provides for access to free professional medical assistance for PWD. The principle of individual autonomy underpins the freedom from non- consensual medical intervention and the requirement that health care should be provided on the basis of free and informed consent. Therefore, the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 should be amended to include provisions granting universal access to essential medicines and treatments provided on the basis of the free and informed consent of the person with a disability. It is also recommended that other relevant laws be amended and/or enacted to ensure that any health treatment is provided to PWD on the basis of their free and informed consent, including the Law on Health and the Criminal Code. It is recommended that Azerbaijan amend the Law on Health to ensure that general public health campaigns are accessible for PWD.

Article 16 of the Law on Labour Protection provides for healthy and safe labour conditions at enterprises and organizations. Article 31 penalises enterprises and organisations for non-provision of healthy and safe labour conditions. Article 32 also penalizes enterprises and organisations in cases of constant loss of labour capacity or death of employee as a result of an accident or occupational disease at the production. However, legislation should also be drafted and implemented to minimise

<sup>19</sup> UNICEF/Centre for Innovations in Education (undated), Study on Educational Provision for Children with Disabilities in Azerbaijan.

<sup>20</sup> UNICEF/Centre for Innovations in Education (undated), Study on Educational Provision for Children with Disabilities in Azerbaijan.

and prevent further disabilities, including among children and older persons, and including occupational safety and health laws.

The Law on Medical Insurance should be amended to prohibit discrimination against persons with disabilities in the provision of health insurance.

### Article 26 - Rehabilitation

Article 10 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 provides for state financed programmes for rehabilitation of PWD and CWD. Article 14 provides for individual rehabilitation programmes for PWD and CWD. Article 14.2 provides for the establishment of rehabilitation centres in the areas of health and employment. Chapter 3 (Articles 15-22) provides for rehabilitation services in the area of education. Chapter 4 (Articles 23-30) provide for rehabilitation services in the area of employment. Chapter 6 (Articles 38-49) provide for rehabilitation services in the area of social services.

**Article 10 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 provides for state financed programmes for rehabilitation of PWD and CWD.**

It is recommended that Azerbaijan review this legislation to ensure that participation in habilitation and rehabilitation services and programmes is voluntary. It is also recommended that Azerbaijan enact provisions to address early intervention and peer support.

### Article 27 - Work and employment

It is recommended that Azerbaijan implement legislative provisions ensuring access of persons with disabilities to the labour market. In particular, Azerbaijan should include provisions that prohibit discrimination on the basis of disability with regard to conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions. Also, Azerbaijan should include provisions to protect the rights of PWD, on an equal basis with others, to just and favourable conditions of work, including equal opportunities, equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances. Moreover, Azerbaijan should include provisions for reasonable accommodation, equal opportunities and equal remuneration for work of equal value, and for protection from harassment, and the redress of grievances.

Article 6.2.1 of the Law on Employment purports to provide equal opportunities for all citizens to employment without discrimination on the basis of various grounds but omits disability; this provision should be amended.

Article 9 of the Law on Employment provides for segregated employment for PWD and specialized vocational training. In line with international best practice, this provision should be amended to reflect open employment for PWD in the regular job market, rather than in a segregated job market, through the provision of reasonable accommodation.



Article 78(2) of the Labour Code allocates preference to PWD with identical skills to people without disabilities for personnel retention at enterprises during cutbacks. This provision is a good example of an affirmative action measure to promote the rights of PWD. However, adding a provision on the necessity of the employer to provide reasonable accommodation to PWD in order to adequately carry out the job duties could strengthen it. It could be strengthened even further by the provision of employer incentives, such as loans or grants in order to comply with reasonable accommodation duties.

It is recommended that the official list of professions and trades suitable for persons with disabilities be abolished in its entirety.

**It is recommended that the official list of professions and trades suitable for persons with disabilities be abolished in its entirety.**

Article 15 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 provides for state provision of training opportunities to PWD. This article could be strengthened by an amendment to increase provision of education and training opportunities to persons with disabilities, including general technical and vocational guidance programmes, placement services and vocational and continuing training.

Article 23 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 provides for special measures including financial assistance to enterprises that provide employment to PWD. This is a good example of an affirmative action measure to promote the employment of PWD. This could be enhanced by the enactment of legislation that establishes a register of persons with disabilities available for mainstream employment opportunities and distribute to public and private entities.

Paragraph 1.2 of Decree #213 of the Cabinet of Ministers of the Azerbaijan Republic 2005 establishes a quota for employment of PWD varying from 3-5% depending upon the size of the enterprise. This is another good example of an affirmative action measure to increase access of PWD to the labour market. This could be strengthened by enactment of legislation providing for a penalty fee for non-fulfillment of the quota obligation, and for the use funds arising from non-fulfillment of quota obligations to fund vocational training of persons with disabilities.

Article 30 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 mandates assistance for PWD and CWD in the establishment of self employment. This could be enhanced by the addition of an article about state provision of information about career options, ways to generate income, and assistance available for people with disabilities, including the promotion of opportunities for self-employment.

### Article 28 - Social protection

Article 38 of the Constitution provides for the right of everyone to social protection. Articles 4, 5 and 7 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 related to social protection for PWD and CWD. Article 3, 4 and 6 of the Law on Social Insurance provide

for social insurance on the basis of disability. Chapter III (Articles 11-13) of the Law on Labour Pensions provides for disability labour pensions in case of physical and mental impairments. Article 1 of the Law on Social Protection of Children Deprived of Parental Care provides that children of parents with disabilities in Groups 1 and 2 are defined as children deprived of parental care. This provision is discriminatory and should be amended accordingly.

■ **Article 38 of the Constitution provides for the right of everyone to social protection.**

It is recommended that the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 be amended to ensure the provision of reasonable accommodation to PWD and CWD. Also, legislation should be reviewed to ensure that law provides for all the provisions of Article 28 of the CRPD without discrimination on the basis of disability, including adequate food, water, clothing and housing. The provisions of Article 28 might also be aptly covered in the draft Law on Social Services.

#### Article 29 – Participation in political and public life

Article 54 of the Constitution provides for the right to take part in political life. Article 55 provides for the right of every citizen to take part in governing the state. Article 56 provides for the right to vote. The Election Code provides measures to ensure the right to vote of all PWD on their own or to be assisted by a person of their choice (Article 104). It also provides for measures to ensure the full accessibility of the voting procedures, facilities and materials (Article 17). The Law on Civil Service provides for the participation and support of PWD as civil servants (Articles 19 and 23).

However, it is recommended that legislation be enacted to ensure the right to PWD for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level, through financial and other support from the state.

#### Article 30 – Participation in cultural life, recreation, leisure and sport

Article 51 of the Constitution provides for freedom of creative activity for all citizens. Article 40 provides for the right of everyone to take part in cultural life. Article 30 provides for the right of everyone to intellectual property. The Law “On Physical Training and Sports” provides for free access to physical training and sports services for PWD and CWD.

■ **The right to participate in cultural life requires, *inter alia*, examining whether sign languages and deaf culture are explicitly recognized and supported and whether copyright protection does not inhibit access to cultural materials such as talking books.**

The right to participate in cultural life requires, *inter alia*, examining whether sign languages and deaf culture are explicitly recognized and supported and whether copyright protection does not inhibit access to cultural materials such as talking books.<sup>21</sup> Article 13 of the Law on Protection of Information states that a proprietor or owner of information resources may not engage in groundless restriction

<sup>21</sup> Office of the High Commissioner for Human Rights (2010), Monitoring of the Convention on the Rights of Persons with Disabilities, New York/Geneva 2010.

of users' rights. It is unclear whether this inhibits access to cultural materials such as talking books. It is recommended that Azerbaijan review its intellectual property law to verify that does not inhibit access of PWD to cultural, recreation and leisure rights. As noted above, it is recommended that Azerbaijan enact legislation to officially recognize sign language for persons with hearing impairments.

### Article 31 - Data collection and statistics

Article 32 of the Constitution protects the right to privacy.

However, it is recommended that legislation be enacted to specifically provide for legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities, particularly with regard to medical records and other personal information.

It is also recommended that Azerbaijan review its statistics legislation to include a provision on the inclusion of the six Washington Group census disability questions in the census provision: 1. Do you have difficulty seeing, even if wearing glasses? 2. Do you have difficulty hearing, even when using a hearing aid? 3. Do you have difficulty walking or climbing steps? 4. Do you have difficulty remembering or concentrating? 5. Do you have difficulty (with self-care as such) washing all over or dressing? 6. Using your usual customary language, do you have difficulty communicating (for example understanding or being understood by others)?<sup>22</sup>

The statistics legislation should also be amended to include provisions obliging the Committee of Statistics to collect disaggregated data on all areas of the CRPD, including for WWD and CWD. Data should be disaggregated by sex, age, type of disability (physical, sensory, intellectual and mental), ethnic origin and urban/rural population, as appropriate. There should also be provisions ensuring the dissemination of these statistics in a manner that is accessible to PWD.

**The statistics legislation should also be amended to include provisions obliging the Committee of Statistics to collect disaggregated data on all areas of the CRPD, including for WWD and CWD.**

### Article 33 – National Implementation and Monitoring

Article 5 of the Law on the “Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan” concerning safeguards of the independence of the commissioner should be amended to take into account the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights, in accordance with Article 32(2) of the CRPD.<sup>23</sup> Since the ombudsman institution has been designated as the independent monitoring framework for the promotion, protection and monitoring of the implementation of the CRPD, bylaws should be developed establishing exactly what this role entails. Specifically, the body designated under Article 33(2) should:

<sup>22</sup> Washington Group on Disability Statistics: Monitoring the UN Convention on the Rights of Persons with Disabilities.

<sup>23</sup> Issues to flag – State approves budget of NHRI – how independent is it of government? OHCHR currently questioning «A» status of NHRI due to potential reappointment of Ombudsperson for another term. Complaints go back to the government – therefore, how independent?

- Make recommendations to the relevant authorities with the aim of improving the promotion and protection of the rights of people with disabilities based on the obligations contained in the CRPD and other relevant international standards.
- Submit proposals and observations concerning existing or draft legislation in relation to compatibility with the CRPD
- Establish close working relationships with the designated focal point and the coordination mechanism, individual people with disabilities, including children and young people with disabilities, women with disabilities and minority groups, and disabled people's organizations (DPOs)
- Establish contact with the Committee on the Rights of Persons with Disabilities, submit information and meet with the Committee as appropriate
- Conduct awareness raising and other advocacy and training activities for the promotion of the rights and obligations included in the CRPD both among people with disabilities, public bodies and the general public
- Publish, with the relevant authorities, guidelines concerning all matters which are the subject of the CRPD
- Monitor legislative compliance with the provisions of the CRPD
- Conduct public inquiries/reviews on thematic issues.

Moreover, positioning CRPD compliance as a top priority means addressing the issues of Azerbaijan's political and financial commitments. Therefore, it is recommended that Azerbaijan increase the human and financial resources of Ombudsperson institution in order to properly carry out monitoring function under the CRPD. A provision should be included in this legislation to address this.

It is also recommended that legislation be enacted to ensure the involvement of civil society, in particular PWD and their representative organisations, including gender perspectives, in the monitoring process and the preparation of monitoring reports. The aim of Article 33(3) would be best met via the establishment of a 'CRPD reference group' or 'Alliance' of people with disabilities and their representative organisations which would then act as a 'conduit' between those bodies designated under Articles 33(1) and 33(2), and civil society more generally. In fulfilling its role under Article 33(3), this reference group should work with people with a range of disabilities from diverse backgrounds, including those who are particularly marginalised, and their representative organisations in developing clear structures and ensuring a cohesive and coordinated approach to monitoring across the disability sector. This reference group or alliance should be led by and made up of people with disabilities. Membership should explicitly include people with disabilities from a range of different groups. Particular emphasis should be placed on ensuring that women, children and young people with disabilities are actively engaged with and sit on this group.

To facilitate the development of an effective Article 33 framework and successful outcomes with respect to implementation and monitoring, there should be regular meetings between:

- CRPD reference group and the focal point and coordination mechanisms.
- CRPD reference group and the national monitoring mechanism.
- CRPD reference group, focal point, and national monitoring mechanism.

These meetings should provide an opportunity to:

- Develop a substantive, coherent and coordinated Article 33 framework at national level;
- Facilitate discussion and review of progress with respect to implementation of CRPD obligations;
- Facilitate discussion and review of progress with respect to monitoring;
- Identify and overcome real and potential barriers to effective implementation and monitoring;
- Enable a clear channel of communication on disability and human rights issues more generally;
- Build cross-sectoral capacity and expertise on disability and human rights;
- Provide meaningful space for engagement and participation by people with disabilities.
- Ultimately such meetings can provide a coordinated approach in promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all disabled people, and promoting respect for their inherent dignity, at national and local level.

In fulfilling its obligations under the CRPD, the focal point, coordination mechanism and national monitoring mechanism should ensure that they work through this reference group in:

- Raising awareness of the CRPD among people with disabilities throughout Azerbaijan;
- Developing familiarity with the CRPD obligations, understanding what the rights in the CRPD mean for people with disabilities at local level, and implementing these obligations in a meaningful way;
- Developing a clear understanding of the broad legislative and policy context in which the experiences of people with disabilities are located, and the impact of that context on the experiences of people with disabilities.

### Key conclusions of the legislative review

The main legislative acts of the Republic of Azerbaijan provide a very good basis for the protection of the human rights of people with disabilities in Azerbaijan. However, significant legal reforms are required in order to bring the legislation fully into harmony with the CRPD. There are many provisions which require amendment in order to reflect international best practice and the social model of disability espoused in the CRPD in order to promote an inclusive approach to PWD and their rights, rather than the outdated, segregated, medical approach of yesteryear. Moreover, additional legislation needs to be drafted and enacted to address gaps in the current legislative framework.

### B. Services for People with Disabilities in Azerbaijan

The implementing partner, International Center for Social Research, carried out a survey to collect quantitative data on a broad range of issues related to the situation for people with disabilities in Azerbaijan. Respondents were selected using a non-probability, purposive sampling method. Initially the survey was carried out for 500 people with different types of disabilities, aged between 16 and 64. 203 of those had a sensory impairment (visual – 125 and hearing 78); 196 had a physical impairment; and 101 had a mental impairment. The distribution of the sample ensured range of opinions and inclusion of different age categories (16-25 year olds, 25-45 year olds, 45-65 year olds). This data has been disaggregated by sex and rural/urban area. Later, an additional 250 respondents were added to the survey, including 100 CWD aged between 10-15 years old, and 150 parents of CWD aged between 0-9 years old.

In addition, the national partner collected qualitative data by interviewing experts working with PWD. The data is summarized in the sections below.

### Accessibility of health services for CWD in Azerbaijan

According to the survey, 44 % of parents of CWD age 0-9 reported having no access to special treatment and medical services (34% reported partial access and 22% reported full access, with 96% of those having a hearing impairment), 62% reported their children have no access to special rehabilitation services treatment, 86% reported having no access to special equipment, 64% indicated no access to reduced price medicines, and 97% reported no access to in-home, residential and other support services in the community. 93% of these parents indicated that being able to get support from teachers, psychologists, and social workers would make their child's life easier.

This data suggests that access to special treatment and medical services is only adequate for children with a hearing impairment, and that such access for children with visual, physical or mental impairments is insufficient. The data also suggests that there is inadequate access to special rehabilitation services for all types of disabilities, but that there is partial access for children with hearing impairments. There is inadequate access to special equipment, to reduced price medicines and to state assistance including temporary home nursing care and counseling for all types of impairments.

Moreover, according to the experts interviewed by the national partner for the qualitative data, there are several medical rehabilitation centres. However, some impairments require treatment with physical therapy or psychologists. Another expert remarked upon the small number of rehabilitation centres, especially outside of Baku, and that their availability should be increased in the regions. Other experts noted the lack of specialized rehabilitation equipment.

As for awareness of PWD about their rights and entitlements, experts noted that people with hearing impairments are not generally aware that the government distributes hearing devices. Nor are they aware that all TV channels are supposed to provide subtitles. People with physical impairments are generally not aware that the government provides wheelchairs to people with serious physical impairments. Since PWD are not aware of their rights, they do not know how to demand that these rights be fulfilled.

Parents of CWD are not aware of relevant information or how to tell whether their child has a disability, making early intervention difficult.

Other barriers to access to health services include inadequate numbers of specialists, such as rehabilitation specialists, social workers, health workers and psychologists, and a lack of health services for PWD.

### Accessibility of education services for PWD in Azerbaijan

**According to the official data of the Ministry of Education of the Republic of Azerbaijan for 2011, there are 7,750 children with disabilities studying at home,**

**1,105 at special schools, and 2,664 at special boarding schools. Therefore, most school-aged children with disabilities are excluded from education, and most who receive education do so separated from other children.**

According to the quantitative survey, only 29% of CWD aged 10-15 years old study at a regular secondary school while 44% study in special boarding school, 17% are receiving education at home and 10% do not study at all. The children who are not included in the regular education system were asked whether they would study in a regular school with typical children and almost 61% of children responded in the negative. In the majority of cases (62%), the main reason for not wanting to study with children without disabilities was “fear of ridicule from classmates”. The next most frequent reason was lack of physical access to a regular school (24%). This data suggests that there is inadequate access of CWD to the mainstream schooling system and that the main reasons are due to attitudinal barriers in society and physical access to mainstream schools.

For CWD aged 0-9 slightly over half of the parents (52%) responded that it was preferable for CWD to study in a special boarding school for CWD. The reasons proffered included concerns about the child’s capacity to study in a regular school (37%) and fear of ridicule by classmates (13%). This data indicates that barriers to CWD accessing the mainstream education system may be perceived lack of reasonable accommodations available in the mainstream schools and attitudinal barriers of other students.

For school aged CWD, access to schooling was better for children with sensory impairments, with 68% of visually impaired children and 100% of hearing impaired children accessing school. However, access to education is not so easy for children with physical disabilities and mental impairments, with 39% of children with physical disabilities and 60% of children with mental impairments reporting that they do not have access to education. This underlines the need for the state to urgently address the issue of access of children with disabilities to education, especially those most vulnerable to exclusion, namely children with physical or mental impairments.

Even though schooling is compulsory up to 17 years of age, for PWD aged 16-64 only 34% reported having received a secondary education and only 13% having received tertiary education. The majority reported having been educated in a segregated facility (66%) and not having had access to any special, facilitated benefits or discounts for education (76%). The majority (46%) reported that the most important reason they wanted to be educated is to obtain the relevant specialty in order to work. When asked whether the learning environment in educational facilities meets the special needs of PWD, the majority responded that their needs were not met with respect to individualized education programmes, special training for teachers, special teaching methods, adapted curriculum, availability of textbooks and specially equipped classrooms. This data underlines the lack of access of people with disabilities to education services and the prevailing resort to segregated education. It also emphasizes that PWD would like to become educated in order to work but that there are various environmental and societal barriers which prevent their accessing the education system in order to do so.

Moreover, according to the experts interviewed by the national partner for the qualitative data, no type of disability should present a barrier to receiving an education. It is only environmental, attitudi-

nal and social barriers that hinder access of CWD to education. In their opinion it is the mainstream education system that needs to be adjusted to be more inclusive of CWD. This could be improved by including in the legal framework of Azerbaijan a requirement for inclusive education in primary, secondary, and tertiary educational facilities. Other barriers should be dissolved through raising public awareness, such as attitudinal barriers in the community, amongst teachers, pupils, and parents. Physical access to educational facilities should be improved, as should services and infrastructure. There should be financial support for the education of CWD. There should be revision of the school curriculum in order to accommodate CWD and teachers should be properly trained. There needs to be better access to textbooks and the Internet for CWD.

It should be noted that some experts still hold the view that home based education and other segregated education arrangements are preferable, contrary to international best practice. They suggested that information about special schools for children with sensory disabilities should be disseminated in a more widespread manner.

### Accessibility of social protection services for PWD in Azerbaijan

According to the survey of quantitative data, the vast majority of CWD are cared for by their parents (96% of CWD aged 0-9 and 99% of CWD aged 10-15), and other family members such as grandparents, brothers, and sisters. Most respondents for CWD age 0-9 reported that the type of social assistance and services mostly needed included financial assistance (69%) and a network of contacts between families of CWD so they can support each other (23%) and psychological assistance and support for both child and parent (23%). For PWD age 16-64, financial assistance was also the most popular requirement (81%) followed by treatment at a health resort (32%) and employment assistance (28%).

This data indicates that financial assistance is the most wanted type of social assistance across all groups of respondents. Families of CWD would like assistance in receiving support from other families of CWD, as well as psychological support for both the CWD and parents. Adult PWD are also particularly wanting assistance with accessing employment opportunities.

A majority of CWD aged 0-9 are not accessing state programmes on housing (95%) or any in-home residential or other support services in the community, including personal assistance (97%). Yet most are accessing pension benefits, including 100% of children with hearing impairments, 75% of children with physical impairments, and 65% of children with mental impairments. However, only 22% of children with visual impairments are accessing pension benefits. This underlines the need for Azerbaijan to address the availability of and access to pension benefits for children with visual impairments.

As for PWD aged 16-64, most are not accessing the state programme on housing (76%), with people with visual impairments having the most access across all the disability categories (still only 29%). A majority are accessing full pension benefits (59%), with people with visual impairments lagging behind other disability categories at 31% access. Nearly a third have only partial access (28%) and 12% report no access, with people with visual impairments the worst affected (34%). This emphasizes the need for the state programme on housing to be evaluated and revamped so as to increase its accessibility to PWD and for particular attention to be paid to the access of people with visual impairments to pension benefits.



### Accessibility of other services for PWD in Azerbaijan

According to the quantitative survey, a vast majority of PWD aged 16-64 are unemployed (74%). The two most frequently stated reasons for not working include health impairments (42%), which could also mean that given the accessibility of employment they are unable to take part, and difficulty in accessing work opportunities (29%). Out of those respondents who were unemployed at the time of the survey, 47% expressed their willingness to start or go back to work. PWD felt that in order to enter the job market, the two most important elements were the need for a specialty (22%) and the need for access to information about employment opportunities (17%). Of those PWD who are working, 62% reported full time work, 61% reported that their workplace is at an enterprise far from home, with only 32% working at an enterprise that they consider close to home.

This data indicates that addressing access to employment for PWD needs to be a serious priority for the government of Azerbaijan. Helping to improve access to information about work opportunities should be given pressing attention.

Moreover, according to the experts interviewed by the national partner for the qualitative data, there are many obstacles to employment for PWD in Azerbaijan. These include the lack of jobs in both the open market (integrated) and closed employment opportunities (segregated, noting that during Soviet times, there were special factories for employment of PWD); attitudinal barriers including a lack of confidence on the part of employers in the abilities of PWD; and environmental barriers including physical access in buildings and transportation issues.

The experts suggested that incentives such as quotas, insurance, tax breaks, and discounted credits could be used to motivate employers to employ PWD. They also underlined the priorities for getting PWD into work, namely basic education, vocational training, and specialization.

Some experts expressed a preference for specific employment opportunities to be created for PWD (closed employment), which is not the preference in international practice. Others suggested the re-institution of home based workshops where PWD could weave baskets and the likes. Many attitudes of the experts interviewed exposed the prevailing attitude in Azerbaijan that particular jobs should be reserved for PWD – reinforcing the view espoused by a Directive of the government of Azerbaijan which includes a list of jobs for PWD. This is *prima facie* discriminatory and should not be encouraged. PWD should be able to perform any sort of job they like, with the provision of reasonable accommodation, and should be able to perform this job in the open job market, rather than being restricted to ‘special’ and segregated employment. It is not any disability that is a barrier to employment, rather it is the barriers present in society that are a hindrance, including environmental and attitudinal barriers. The medical or charitable model of disability is outdated and the rights based, social model of disability should be substituted.

According to the survey, most people with disabilities are not accessing TV programmes, films, museums, libraries, theatres and other cultural activities in an accessible format (53%), with people with visual impairments having the most difficulty (73%) followed by people with mental impairments (67%). Moreover, most people with disabilities are not accessing sports or tourist facilities (79%), nor are they accessing new information such as communication technologies and systems including the

internet (92%). No people with hearing impairments are accessing transport, with the other categories of disability only partly accessing transport (46%).

This data emphasizes the need for the state to address the issue of access of PWD to cultural life in accessible formats, in particular people with visual impairments. The state also needs to address access to sporting and tourist facilities and access to ICT. Access to transport needs to be improved, especially for people with hearing impairments.

### Key conclusions with respect to services for PWD in Azerbaijan

There exist some excellent services for PWD in Azerbaijan, such as special treatment and medical services for children with hearing impairments, the embryonic provision of inclusive education for CWD, and the trend towards deinstitutionalization of PWD and CWD. However, access to health services is otherwise severely limited and requires urgent attention, as does access to education and social services. The most pressing need would appear to be with respect to access to employment services for PWD, given that there exist no services in this area at the present time.

## C. Social model of disability in Azerbaijan

### Pattern of disability in Azerbaijan

According to the official statistics of the country related to newly recognized cases of disabilities among children and adults for 2008, 2009 and 2010, four major causes of disability are diseases of the circulatory system, neurological diseases, mental diseases and injures, poisoning and other external factors.

According to the survey of 750 respondents, respondent PWD and CWD are predominantly male (60% PWD aged 16-64, 68% CWD aged 10-15, 70% CWD aged 0-9). Most respondent PWD and CWD are resident in the urban area of Baku-Absheron (57.6% PWD aged 16-64, 60.7% CWD aged 0-9). However, 55% of CWD aged 10-15 years old reside outside of Baku-Absheron. Most respondents reported disability pensions as the main source of family income (88% CWD aged 0-9 and 97% PWD aged 16-64), with only 11% reporting wages or income from employment. This suggests that employment is not accessible for PWD in Azerbaijan. Most adult respondents (94%) live with their family and relatives, rather than in institutions. This suggests that there is inadequate access for PWD to live independently and be included in the community. 46% of adult respondents are single and 48% are married. This suggests that there may be significant barriers to PWD's right to marry, since this is a very high rate of not being married, when compared to the average in Azerbaijan.

### Severity and causes of disability in Azerbaijan

In all three age-groups of respondents, people with physical disabilities were the majority. The implementing partner called these groups "those with loss or dysfunction of any part of the locomotive system" (38% of CWD age 0-9, 45% of CWD age 10-15 and 37% of adult PWD). People with sensory impairments were the next largest group in all categories, with visual impairments being more predominant than hearing impairments in all three categories. People with mental impairments ranged

from 25% of CWD age 0-9, to 20% of adult PWD, and 5% of CWD age 10-15. This latter pattern may have resulted from the sampling of the survey.

According to the quantitative survey, most respondents for CWD reported their disability as being cause from birth (81% of parents of CWD age 0-9 and 83% of CWD age 10-15). For PWD aged 16-64 58% reported that their disability dates from childhood or from birth, with 10% each reporting disability by accident and by military conflict respectively.

This data highlights the need for early intervention to prevent disabilities from childhood, which are among the prevailing causes of disability in Azerbaijan across all age groups, as is the cases in most countries. Since this is when most disability occurs, it offers the most opportunity to reduce the overall rate of disability.

As for the severity of disability for CWD age 0-9 in Azerbaijan, respondents reported increasing severity (35% of respondents reported some loss or impairment, 34% reported severe impairment, or total loss of function and 32% reported limited or poor function). The severity of disability for CWD age 10-15 was reported as decreasing in severity (54% with some loss or impairment, 25% with severe impairment or total loss of function and 21% with limited or poor function).

This data suggests that 30% of CWD have severe impairment or total loss of function, 27% of CWD have very limited, or poor function, and 45% of have some loss or impairment. This means that the severity of disability in Azerbaijan is quite high<sup>24</sup>, with 57% of CWD with very limited or total loss of function.

### Barriers faced by people with disabilities in Azerbaijan

Paragraph (e) of the Preamble of the CRPD recognizes that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others. This underlines the international acceptance of the social model of disability, which has become the norm, rather than the medical or charitable model of disability, which focused on the impairment rather than on barriers in society. Some environmental barriers are addressed by Article 9 of the CRPD on accessibility, which seeks to identify and eliminate barriers to accessibility for PWD through (a) buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces; and (b) information, communications and other services, including electronic services and emergency services.

People with disabilities in Azerbaijan face attitudinal barriers that hinder their full and effective participation in society on an equal basis with others. The quantitative survey of 250 respondents found that among CWD age 10-15, stigma and discrimination was low (2/22) and for CWD age 0-9 it was also low (4/22). The survey also found that there was no significant variation when the data was disaggregated by type of disability. For CWD age 10-15 there was no significant variation when the data was disaggregated by rural/urban area. However, for CWD age 0-9, there was more perceived stigma and discrimination in the Baku-Absheron area compared to the regions.

<sup>24</sup> WHO World Disability Report (2011), Chapter 2 p 35. Estimates of the prevalence of children with disabilities vary substantially depending on the definition and measure of disability. As presented above, the Global Burden of Disease estimates the number of children aged 0–14 years experiencing “moderate or severe disability” at 93 million (5.1%), with 13 million (0.7%) children experiencing severe difficulties.

This data indicates that raising awareness of the general public about PWD and their rights to full and effective participation in society on an equal basis with others should be a priority, especially in Baku. This would help to address the stigma and discrimination against PWD that is still prevalent in Azerbaijan. In other countries, celebrity campaigns have proven very successful in breaking down attitudinal barriers and stigma against PWD. For example, in New Zealand the state mental health ministry recently conducted a public awareness raising campaign in television, print and internet media that was represented by a famous sports star and aimed to break down attitudinal barriers about depression. The campaign has been an enormous success.<sup>25</sup>

Furthermore, according to the experts interviewed by the implementing partner for the qualitative data, there are many attitudinal barriers for PWD in Azerbaijan. Several experts spoke of intolerant attitudes towards PWD, exposing the prejudices, stigma, and negative stereotypes that are commonplace in Azerbaijan. This negatively affects self esteem of PWD and contributes to their lack of self confidence and empowerment. Others spoke of the effect of alienation that this has on PWD. In particular, people with mental impairments are more vulnerable to social isolation because of their condition. The social isolation that comes with societal stigma towards PWD does not help, and may actually hinder PWD who need to communicate with others as part of their recovery and ongoing management of their condition.

Environmental barriers that hinder the full and effective participation in society of PWD on an equal basis with others include those relating to the built environment, such as transport, buildings, roads, schools, housing, medical facilities and workplaces; and information, communications and other services, including electronic services and emergency services. According to the qualitative data, environmental barriers in Azerbaijan's built environment particularly affect people with sensory impairments and people with physical disabilities. Experts referred to difficulties in transportation for both these categories of people, including inadequate access to transportation infrastructure, such as elevators, buses, the limited number of available wheelchairs, and the general difficulties of accessibility of public places. According to both the survey and the experts interviewed, environmental barriers relating to access to information include poor information dissemination, with particular reference to the social protection measures and benefits available to PWD (67% of respondents), including specialised equipment. Moreover, PWD lack access to information and communication technology, including the internet which makes it difficult for PWD to communicate their needs to others and to receive reasonable accommodations which would enable the full and effective participation in society of PWD on an equal basis with others. The survey also highlighted difficulties for parents of PWD, the majority of who reported that they were unable to work due to the child's disability (64%). Experts mentioned that financial benefits are very low for PWD and their families. This underlines the financial barriers which PWD face in their attempts to participate fully and effectively in society. The majority of parents (74%) reported very large expenditures related to the child's disability, in addition to the lack of income that salary would otherwise provide.

Other financial barriers relate to the difficulty faced by PWD to have access to work opportunities, particularly youth with disabilities, including the lack of adequate legislation in this area, the lack of equal opportunities for PWD to work and the absence of incentives to employ PWD, which fuels

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<sup>25</sup> [www.depression.org.nz](http://www.depression.org.nz)

PWD's dependency upon their families and the state, which is detrimental to their self esteem. This highlights the need to follow the social model of disability, which is advocated for in the CRPD and address the attitudinal and environmental barriers in Azerbaijan society which hind the full and effective participation of PWD. This also underlines the interconnectedness of all human rights of PWD. If we take the example of the difficulty PWD face in accessing employment by way of illustration, this situation is influenced by: - the inadequate access to transport, which makes it difficult for PWD to commute to workplaces; the inadequate access to buildings, which makes it difficult for PWD, especially those with physical or sensory impairments, to enter such buildings; the lack of access to information and communication technology, which renders it difficult to receive information about rights and employment opportunities; and the attitudinal barriers because of stigma and discriminatory attitudes of employers towards PWD that make it very difficult for PWD to get offered a job in the first place.

Other barriers mentioned by experts and survey respondents alike included the inadequate level of medical care available for PWD in Azerbaijan, the lack of specialists working in this field, the fact that PWD do not know their rights or how to claim them, and the difficulties faced by CWD in access to inclusive education.

### Key conclusions with respect to the social model of disability in Azerbaijan

According to findings of the survey, the most frequently occurring type of disability in Azerbaijan would appear to be physical impairment, followed by sensory impairment and mental impairment. Most disability among children in Azerbaijan originates from birth. Therefore, the urgent need to address early intervention in order to prevent a large proportion of disability in Azerbaijan is evident. Other causes of disability include by accident. Therefore, traffic and occupational safety and health must be a priority, as well as addressing potential hazards in the built environment. The severity of disability in Azerbaijan is quite high for CWD in the survey, with 57% reporting very limited or total loss of function. There are no comparable official nation-wide statistics to compare the survey to.

People with disabilities in Azerbaijan face attitudinal barriers that hinder their full and effective participation in society on an equal basis with others. Raising awareness of the general public about PWD and their rights to full and effective participation in society on an equal basis with others should be a priority, especially in Baku. Environmental barriers that hinder the full and effective participation in society of PWD on an equal basis with others particularly affect people with sensory impairments and people with physical disabilities. Priority should be given to addressing inadequate access to transportation infrastructure, such as elevators, buses, the limited number of available wheelchairs, and the general difficulties of accessibility of public places. Other priorities should include addressing poor information dissemination, with particular reference to the social protection measures and benefits available to PWD, including specialised equipment. PWD face numerous financial barriers in their attempts to participate fully and effectively in society. Therefore, the state should provide increased financial benefits to PWD and their families to address this. Access to work opportunities for PWD, particularly youth with disabilities, should also be a priority.

## 4. Children with disabilities in Azerbaijan

Children with physical, sensory, intellectual, or mental health impairments are among the most excluded of all the world's children and face serious barriers to the full enjoyment of their human rights. They are less likely than other children to be in school, they often have trouble using the health services they need, and are particularly vulnerable to violence, abuse, and exploitation. They are also more likely to be denied the right to grow up in a family environment than their able-bodied peers. The barrier is frequently not the impairment itself, but rather a combination of social, cultural, attitudinal and physical obstacles, which children with disabilities encounter in their daily lives. Many of the factors contributing to the high levels of impairment are potentially preventable, and include congenital defects, malnutrition, childhood illnesses, lack of sanitation and clean water and accidents.<sup>26</sup> Despite opportunities for prevention of disability, the number of children with disabilities is very high. Globally, an estimated 200 million children – 10% of the world's young people – are born with a disability or become disabled before the age of 19. Around 90 per cent of children with disabilities in developing countries do not attend school.<sup>27</sup>

59,207 children are registered as disabled in Azerbaijan<sup>28</sup>. According to the quantitative survey, most respondents for CWD reported their disability as being cause from birth (81% of parents of CWD age 0-9 and 83% of CWD age 10-15). This data highlights the need for early intervention to prevent disabilities stemming from childhood, which are among the prevailing causes of disability in Azerbaijan across all age groups.

The past two decades have witnessed a new global focus on the rights of persons with disabilities in general and children in particular. These include:

- The Convention on the Rights of the Child, which was the first human rights treaty that contained a specific reference to disability (article 2 on non-discrimination) and a separate article (23) exclusively dedicated to the rights and needs of children with disabilities.
- The Convention on the Rights of Persons with Disabilities points the way towards overcoming discrimination and recognizing the right to full participation of children with disabilities – in the home and community, in school, health services, recreation activities and in all other aspects of life.<sup>29</sup>

Azerbaijan's ratification of both the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities underscores its commitment to protection the rights of children with disabilities. Azerbaijan's international obligations are underscored by its legislative framework in key areas affecting the lives of children with disabilities, including legislation such as the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992, which prohibits discrimination against children with disabilities, and the Law on Children's Rights which provides for the protection of children with disabilities in a range of areas. Moreover, there exist some excellent programmes, such as the "State Programme on De-Institutionalisation and Alternative Care 2006-2015" and "Inclusive Education" which are being implemented with a view to more adequately involving children with disabilities in mainstream education and mainstream family life, rather than living a life of segregation from the rest of Azeri society.

<sup>26</sup> UNICEF Innocenti Research Centre (2007), Promoting the Rights of Children With Disabilities, Innocenti Digest No. 13.

<sup>27</sup> UNICEF Innocenti Research Centre (2007), Promoting the Rights of Children With Disabilities, Innocenti Digest No. 13.

<sup>28</sup> Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan (2011).

<sup>29</sup> UNICEF Innocenti Research Centre (2007), Promoting the Rights of Children With Disabilities, Innocenti Digest No. 13.

This is an excellent starting point. However, despite the achievements in terms of policy and legislation, there has been limited impact on the lives of children with disabilities. While there is political will to address the needs of people with disabilities, knowledge on disability is very fragmented, and many gaps in service delivery remain due to inadequate budgetary allocations, weak capacity, patchy implementation and procedural bottlenecks.

Much more remains to be done in order to properly protect the rights of children with disabilities in Azerbaijan. Notwithstanding the programme of de-institutionalisation, there are still over 2,600 CWD living in institutions, the majority of whom are not orphans<sup>30</sup>. Much more needs to be done in order to support their families who could care for their children at home if they were given reasonable accommodations and support from the state, which underlines the importance of community based services for children. Furthermore, the legislative framework needs additional amendments in many areas in order to properly comply with the CRPD, which have been described in detail above. In particular, it has been recommended that the Law on Education be amended to include provisions enacting the principles of inclusive education for children with disabilities. This should include provisions expressly recognizing the right to inclusive education, ensuring accessible buildings and an adequate curriculum, that integrated schools are equipped to receive CWD, that provide for the employment of teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, that provide for the training of professionals and staff who work at all levels of education, and that sufficient financial and human resources are allocated to implement the national programme of inclusive education for CWD (perhaps mandating a percentage of the education budget to be directed towards ensuring inclusive education for PWD). It has also been recommended that Azerbaijan take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, particularly in the following areas in accordance with Article 7(1) of the CRPD: discrimination, health, work, occupational safety and health, exploitation, mobility, rehabilitation, and to ensure that a child shall not be separated from his or her parents against their will or on the basis of disability. This also means that the provision of reasonable accommodation to CWD should be provided for in all relevant laws.

The primary data collected by the implementing partner revealed several particularly vulnerable groups of children with disabilities in several areas of service provision in Azerbaijan. It underlined the need for Azerbaijan to address the availability of and access to pension benefits for children with visual impairments. The data suggested that access to special treatment and medical services is only adequate for children with a hearing impairment, and that such access for children with visual, physical or mental impairments is insufficient. Parents of CWD are not aware of relevant information or how to tell whether their child has a disability, making early intervention difficult. The data also suggested that there is inadequate access of CWD to the mainstream schooling system and that the main reasons are due to attitudinal barriers in society and physical access to mainstream schools. It also indicates that attitudes of parents of CWD may be another barrier to CWD accessing the mainstream education system, as well as perceived lack of reasonable accommodations available in the mainstream schools and attitudinal barriers of other students. This underlines the need for the state to urgently address the issue of access of children with disabilities to education, especially those most vulnerable to exclusion, which were identified as children with physical or mental impairments.

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<sup>30</sup> Report of the Ministry of Education of the Republic of Azerbaijan, December 2010.

## 5. Recommendations

### A. Recommendations with respect to legislation

#### Article 5 – Equality and non discrimination

- ▶ Carry out a systematic review of all substantive areas of the CRPD (in both disability specific and mainstream legislation) to ensure that reasonable accommodation is provided in order to promote equality and eliminate discrimination<sup>31</sup>.
- ▶ Include an explicit prohibition of disability-based discrimination in an anti-discrimination law, as well as ensure that disability-based discrimination is prohibited in all laws, particularly those governing elections, labour, education, and health, among others.
- ▶ Incorporate the definition of reasonable accommodation in national law, and apply it in accordance with article 2 of the CRPD, in particular by ensuring that the law explicitly recognizes the denial of reasonable accommodation as disability-based discrimination.

#### Article 6 - Women with disabilities

- ▶ Specifically recognize gender equality of women and girls with disabilities in legislation, particularly those concerning gender equality, education, health and labour, among others.
- ▶ Laws should be amended to recognize the denial of reasonable accommodation as disability based discrimination.

#### Article 7 - Children with disabilities

- ▶ Draft and implement adequate legislation granting equal rights to children with disabilities, *inter alia*, in the areas of discrimination, health, inclusive education, and to ensure that a child shall not be separated from his or her parents against their will or on the basis of disability.
- ▶ Take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, particularly in the following areas in accordance with Article 7(1) of the CRPD: discrimination, education, health, work, occupational safety and health, exploitation, living independently and being included in the community, mobility, and rehabilitation.
- ▶ Take improved measures to replace institutional care for girls and boys with disabilities with community based care, in accordance with Article 7(2) of the CRPD.
- ▶ Provide for reasonable accommodation to CWD in all relevant laws.

#### Article 8 – Awareness raising

- ▶ Article 10 of the Law on Education relating to the school curriculum should be amended to include public awareness campaigns and/or course content within the education system to promote a positive image of CWD and PWD.

<sup>31</sup> Convention on the Rights of Persons with Disabilities Article 5(3).



### Article 9 – Accessibility

- ▶ Access to the physical environment and transportation could be enhanced by the enactment and implementation of a law requiring universal design for all new buildings including an enforcement mechanism, and by a requirement that all new scheduled public transport to be accessible in order to phase out inaccessible public transport.

### Article 10 – Right to Life

- ▶ Explicitly recognize and protect the right to life and survival of persons with disabilities on an equal basis with others.
- ▶ Amend legislation to ensure that PWD are not subject to arbitrary deprivation of life in laws covering detention, health, criminal law, among others.

### Article 11 – Situations of risk and humanitarian emergencies

- ▶ Amend the Law on the Status of Refugees and Forcibly Displaced Persons provides for the provision of humanitarian aid to refugees to ensure the protection and safety of PWD in situations of risk, including their inclusion in national emergency protocols, to ensure that humanitarian aid relief is distributed in an accessible way to PWD, and that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for PWD.
- ▶ Withdraw Azerbaijan’s declaration with respect to Article 11 of the CRPD.

### Article 12 – Equal recognition before the law

- ▶ Amend the Civil Code to replace substitute decision making by supported decision making in the exercise of legal capacity, including for persons with mental impairments.
- ▶ Review any other laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace any other regimes of substitute decision-making by supported decision-making.

### Article 13 – Access to Justice

- ▶ Enact age-related accommodations to ensure effective participation of children and young persons with disabilities.
- ▶ Review all laws to ensure that all CRPD rights are justiciable before national courts. Such provisions could be included, for example, in the Juvenile Justice law which is currently in draft format.

### Article 14 – Liberty and security of the person

- ▶ Carefully review laws in areas of deprivation of liberty of PWD, especially those with intellectual disabilities. For example, Azerbaijan should note the CRPD’s emphasis on independent living within the community instead of forced institutionalization.

- ▶ Repeal legislative provisions, including those in the Law on Children’s Rights, which allow for the deprivation of liberty on the basis of disability, including a psychosocial or intellectual disability.
- ▶ Until new legislation is in place, all cases of persons with disabilities who are deprived of their liberty in hospitals and specialized institutions should be reviewed, and the review should include the possibility of appeal.
- ▶ Review the Criminal Code in relation to compulsory or forced medical interventions, and should ensure that there are laws and procedures to monitor the operation of this legislation, investigate cases of abuse and impose punitive measures, as necessary in accordance with Article 14 and Article 16 (4) of the CRPD.<sup>32</sup>

#### Article 15 – Freedom from torture and cruel, inhuman or degrading treatment or punishment

- ▶ Amend Article 153.2.10. of the Criminal Procedure Code to ensure the provision of reasonable accommodation to detainees with disabilities.
- ▶ Enact legislation outlawing such practices in prisons and psychiatric institutions.
- ▶ Enact legislation to ensure that prison officers and health professionals are given adequate training and information so that the human rights of persons with disabilities are respected.

#### Article 16 – Freedom from exploitation, violence and abuse

- ▶ Enact legislative measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
- ▶ Review the Law on Prevention of Domestic Violence 2010 to include legislative measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including gender and child based aspects, and to include women and child focused provisions to ensure that instances of exploitation, violence and abuse against PWD are identified, investigated and, where appropriate, prosecuted.

#### Article 17 – Protecting the integrity of the person

- ▶ Amend Article 108 of the Criminal Code to specifically refer to the protection of all PWD from forced sterilization.
- ▶ Amend Article 141 of the Criminal Code to contain provisions to protect women and girls with disabilities from forced abortions.
- ▶ Incorporate into law the abolition of surgery and treatment without the full and informed consent of the patient, and ensure that national law especially respects women’s rights under article 23 and 25 of the CRPD.

<sup>32</sup> Office of the High Commissioner for Human Rights (2007), *From Exclusion to Equality – Realising the Rights of Persons with Disabilities*, Geneva 2007.

### Article 19 – Living independently and being included in the community

- ▶ Enact legal protections to ensure that persons with disabilities are not forced into particular living arrangements, to ensure that there are legal mechanisms and remedies that persons with disabilities can use to challenge barriers to living independently, and to ensure that there are laws to ensure that community services and facilities for the general public are made available on an equal basis to persons with disabilities and are responsive to their needs.

### Article 20 - Personal mobility

- ▶ Enact and implement a law requiring universal design for all new buildings including an enforcement mechanism, and requiring that all new scheduled public transport to be accessible in order to phase out inaccessible public transport.

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

- ▶ Enact legislation to ensure that information provided to the general public is accessible to persons with disabilities, by facilitating the use of sign languages, plain language, Braille, audio formats, and augmentative and alternative communication in official interactions.
- ▶ Enact laws to make websites accessible, to ensure that websites are designed and developed according to accessibility guidelines.
- ▶ Enact legislation to officially recognize sign language for persons with hearing impairments.

### Article 22 – Respect for privacy

- ▶ Enact legislation to protect the privacy of personal, health and rehabilitation related information of persons with disabilities.
- ▶ Enact laws to ensure that disaggregated data about persons with disabilities is not concealed on the pretext of protection of privacy.

### Article 23 – Respect for home and the family

- ▶ Repeal the provisions of the Family Code which allow the court to declare consent by a person with mental disabilities null and void, and which allow for dissolution of marriage on the basis of certain physical disabilities, including HIV/AIDS.
- ▶ Amend Article 120 of the Family Code to ensure that parents with disabilities, who so require, are provided with adequate support in their child-rearing responsibilities, ensuring the parent-child relationship.
- ▶ Draft and enact legislation to ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

## Article 24 - Education

- ▶ Amend the Law on Education to ensure that PWD are not excluded from the general education system on the basis of disability, and that CWD are not excluded from free and compulsory kindergarten, primary education, or from secondary education, on the basis of disability.
- ▶ The Law on Education should be amended to include provisions to ensure that persons with disabilities receive reasonable accommodations within the general education system, to facilitate their effective education.
- ▶ Amend the Law on Education to include provisions expressly ensuring accessible buildings and an adequate curriculum, that integrated schools are equipped to receive CWD, that provide for the employment of teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, that provide for the training of professionals and staff who work at all levels of education, and that sufficient financial and human resources are allocated to implement the national programme of inclusive education for CWD (perhaps mandating a percentage of the education budget to be directed towards ensuring inclusive education for PWD).
- ▶ Amend the Law on Education of Persons with Limited Health Capacity to include all types of impairments and accommodations to make education in mainstream schools possible. Amend this law to require the creation of conditions at mainstream schools in order to include CWD, such as physical accessibility to the built environment and to contain provisions regarding secondary or tertiary level education.
- ▶ The Law on Education at Home should be amended to require reasonable accommodation so that CWD may be educated in mainstream schools rather than at home. The teachers allocated to teach CWD at home could instead be transferred to the mainstream school together with the CWD.
- ▶ The Law on Social Protection of Children Deprived of Parental Care should be amended to require every effort to provide community based care for CWD rather than care in boarding schools. The law should also be amended to require reasonable accommodation so that CWD may be educated in mainstream schools.

## Article 25 - Health

- ▶ Article 36 of the Law on Health should be amended to reflect the requirement of “free and informed consent”.
- ▶ The Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 should be amended to include provisions granting universal access to essential medicines and treatments provided on the basis of the free and informed consent of the person with a disability.
- ▶ Amend and/or enact laws to ensure that any health treatment is provided to PWD on the basis of their free and informed consent, including the Criminal Code.
- ▶ Amend the Law on Health to ensure that general public health campaigns are accessible for PWD.
- ▶ Legislation should also be drafted and implemented to require early identification and intervention as appropriate, and services designed to minimise and prevent further disabilities, including among children and older persons, and including occupational safety and health laws.

- ▶ The Law on Medical Insurance should be amended to prohibit discrimination against persons with disabilities in the provision of health insurance.

### Article 26 - Rehabilitation

- ▶ Review the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 to ensure that participation in habilitation and rehabilitation services and programmes is voluntary.
- ▶ Enact provisions to address early intervention and peer support.

### Article 27 - Work and employment

- ▶ Enact and implement legislative provisions ensuring access of persons with disabilities to the labour market.
- ▶ In particular, Azerbaijan should include provisions that prohibit discrimination on the basis of disability with regard to conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.
- ▶ Also, Azerbaijan should include provisions to protect the rights of PWD, on an equal basis with others, to just and favourable conditions of work, including equal opportunities, equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.
- ▶ Moreover, Azerbaijan should include provisions for reasonable accommodation, equal opportunities and equal remuneration for work of equal value, and for protection from harassment, and the redress of grievances.
- ▶ Amend Article 6.2.1 of the Law on Employment to specifically include disability as a prohibited ground for discrimination in equal opportunities to employment.
- ▶ Amend Article 9 of the Law on Employment to reflect open employment for PWD in the regular job market through the provision of reasonable accommodation, rather than in a segregated job market.
- ▶ Strengthen Article 78(2) of the Labour Code by adding a provision on the necessity of the employer to provide reasonable accommodation to PWD in order to adequately carry out the job duties. It could be strengthened even further by the provision of employer incentives, such as loans or grants in order to comply with reasonable accommodation duties.
- ▶ Abolish the official list of professions and trades suitable for persons with disabilities in its entirety.
- ▶ Strengthen Article 15 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 to increase provision of education and training opportunities to persons with disabilities, including general technical and vocational guidance programmes, placement services and vocational and continuing training.
- ▶ Enhance Article 23 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 by establishing a register of persons with disabilities available for mainstream employment opportunities and distribute to public and private entities.

- ▶ Amend Paragraph 1.2 of Decree #213 of the Cabinet of Ministers of the Azerbaijan Republic 2005 to provide for a penalty fee for non-fulfillment of the quota obligation, and for the use funds arising from non-fulfillment of quota obligations to fund vocational training of persons with disabilities.
- ▶ Enhance Article 30 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 with respect to state provision of information about career options, ways to generate income, and assistance available for people with disabilities, including the promotion of opportunities for self-employment.

#### Article 28 - Social protection

- ▶ Amend the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 to ensure the provision of reasonable accommodation to PWD and CWD.
- ▶ Include provisions in the draft Law on Social Services to ensure that all the provisions of Article 28 of the CRPD are provided for by law without discrimination on the basis of disability, including adequate food, water, clothing and housing.

#### Article 29 – Participation in political and public life

- ▶ Enact legislation to ensure the right to PWD for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level, through financial and other support from the state.

#### Article 30 – Participation in cultural life, recreation, leisure and sport

- ▶ Review intellectual property law to verify that does not inhibit access of PWD to cultural, recreation and leisure rights.
- ▶ Enact legislation to officially recognize sign language for persons with hearing impairments.

#### Article 31 - Data collection and statistics

- ▶ Enact laws to specifically provide for legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities, particularly with regard to medical records and other personal information.
- ▶ Review statistics legislation to include a provision on the inclusion of the six Washington Group census disability questions in the census provision: 1. Do you have difficulty seeing, even if wearing glasses? 2. Do you have difficulty hearing, even when using a hearing aid? 3. Do you have difficulty walking or climbing steps? 4. Do you have difficulty remembering or concentrating? 5. Do you have difficulty (with self-care as such) washing all over or dressing? 6. Using your usual customary language, do you have difficulty communicating (for example understanding or being understood by others)?<sup>33</sup>

<sup>33</sup> Washington Group on Disability Statistics: Monitoring the UN Convention on the Rights of Persons with Disabilities.

- ▶ Amend statistics legislation to include provisions obliging the State Committee on Statistics to collect disaggregated data on all areas of the CRPD, including for VWD and CWD. Data should be disaggregated by sex, age, type of disability (physical, sensory, intellectual and mental), ethnic origin and urban/rural population, as appropriate. There should also be provisions ensuring the dissemination of these statistics in a manner that is accessible to PWD.

### Article 33 – National Implementation and Monitoring

- ▶ Take a Special Decision with respect to the Law on the “Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan” to take into account the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights.
- ▶ Take a Special Decision with respect to this law to include provisions enumerating the ombudsperson’s designation as the independent monitoring framework for the promotion, protection and monitoring of the implementation of the CRPD, and provisions establishing exactly what this role entails. Specifically, the body designated under Article 33(2) should:
  - Make recommendations to the relevant authorities with the aim of improving the promotion and protection of the rights of people with disabilities based on the obligations contained in the CRPD and other relevant international standards.
  - Submit proposals and observations concerning existing or draft legislation in relation to compatibility with the CRPD
  - Establish close working relationships with the designated focal point and the coordination mechanism, individual people with disabilities, including children and young people with disabilities, women with disabilities and minority groups, and disabled people’s organizations (DPOs)
  - Establish contact with the Committee on the Rights of Persons with Disabilities, submit information and meet with the Committee as appropriate
  - Conduct awareness raising and other advocacy and training activities for the promotion of the rights and obligations included in the CRPD both among people with disabilities, public bodies and the general public
  - Publish, with the relevant authorities, guidelines concerning all matters which are the subject of the CRPD
  - Monitor legislative compliance with the provisions of the CRPD
  - Conduct public inquiries/reviews on thematic issues.
- ▶ Provision should be included in this Special Decision to increase the human and financial resources of Ombudsperson institution in order to properly carry out monitoring function under the CRPD.
- ▶ Enact legislation to ensure the involvement of civil society, in particular PWD and their representative organisations, including gender perspectives, in the monitoring process and the preparation of monitoring reports. The aim of Article 33(3) would be best met via the establishment of a ‘CRPD reference group’ or ‘Alliance’ of people with disabilities and their representative organisations which would then act as a ‘conduit’ between those bodies designated under Articles 33(1) and 33(2), and civil society more generally. In fulfilling its role under Article 33(3), this reference group should work with people with a range of disabilities from diverse backgrounds, including those who are particularly marginalised, and their representative organisations in developing clear structures and ensuring a cohesive and coordinated approach to monito-

ring across the disability sector. This reference group or alliance should be led by and made up of people with disabilities. Membership should explicitly include people with disabilities from a range of different groups. Particular emphasis should be placed on ensuring that women, children and young people with disabilities are actively engaged with and sit on this group.

## B. Recommendations with respect to Services for People with Disabilities in Azerbaijan

### Accessibility of health services for PWD in Azerbaijan

- ▶ Increase the availability and awareness about special treatment and medical services for CWD, especially those with visual, physical or mental impairments. For example, design and develop websites according to accessibility guidelines so that all users have equal access to information available through the internet, which provides a crucial link to health-care information, and is a channel for civic engagement and social networking.
- ▶ Increase the availability and awareness about special rehabilitation services for all types of disabilities.
- ▶ Increase the availability and awareness about special equipment, reduced price medicines, state assistance, including temporary home nursing care and counseling, for all types of impairments.
- ▶ Increase the number and quality of rehabilitation centres, especially outside of Baku and provide specialized rehabilitation equipment to all rehabilitation centres.
- ▶ Raise awareness of PWD about their rights and entitlements, and how to demand that these rights be fulfilled. Pay particular attention to people with hearing impairments with respect to the government distribution of hearing devices and to people with physical impairments with respect to the government provision of wheelchairs to people with serious physical impairments.
- ▶ Ensure that all TV channels provide subtitles.
- ▶ Raise awareness of all parents about how to tell whether their child has a disability, making early intervention possible.
- ▶ Increase the numbers of specialists, such as rehabilitation specialists, social workers, health workers and psychologists.
- ▶ Increase the availability of quality and affordable health care for persons with disabilities.

### Accessibility of education services for PWD in Azerbaijan

- ▶ Increase access of CWD, especially those most vulnerable to exclusion, namely children with physical or mental impairments, to the mainstream schooling system through removal of attitudinal barriers in society and physical access to mainstream schools.
- ▶ Carry out an information campaign to address attitudes of parents of CWD and other students without disabilities, which may be a barrier to CWD accessing the mainstream education system.
- ▶ Increase availability of reasonable accommodations available in the mainstream schools.
- ▶ Pay particular attention to the lack of access of people with disabilities to secondary and ter-



tiary education by addressing the various environmental and societal barriers which prevent their accessing the education system in order to do so.

- ▶ Include in the legal framework of Azerbaijan a requirement for inclusive education in primary, secondary and tertiary educational facilities.
- ▶ Raise public awareness about PWD and their rights amongst teachers, pupils and parents.
- ▶ Improve physical access to educational facilities, services and infrastructure.
- ▶ Provide financial support for the education of CWD.
- ▶ Revise the school curriculum in order to accommodate CWD
- ▶ Teachers should be properly trained to teach CWD or send special teachers to mainstream schools instead of homes of CWD.
- ▶ There needs to be better access to textbooks and the Internet for CWD.

### Accessibility of social protection services for PWD in Azerbaijan

- ▶ Provide more adequate financial assistance to PWD and their families.
- ▶ Assist families of CWD to receive support from other families of CWD and provide psychological support for both the CWD and parents.
- ▶ Address the availability of and access to pension benefits for children with visual impairments.
- ▶ Improve access to state programmes on housing and any in-home residential or other support services in the community, including personal assistance.
- ▶ Increase the availability and quality of social services for PWD and their families.

### Accessibility of other services for PWD in Azerbaijan

- ▶ Provide PWD assistance with accessing employment opportunities.
- ▶ Facilitate access to information for PWD about employment opportunities
- ▶ Address obstacles to employment for PWD in Azerbaijan. These include the lack of jobs in both the open market (integrated) and closed employment opportunities; attitudinal barriers including a lack of confidence on the part of employers in the abilities of PWD; and environmental barriers including physical access in buildings and transportation issues.
- ▶ Establish employer incentives such as quotas, insurance, tax breaks and discounted credits to motivate employers to employ PWD.
- ▶ Provide basic education, vocational training, and specialization to PWD in order to get them working.
- ▶ Address the issue of access of PWD to cultural life in accessible formats, in particular people with visual impairments.
- ▶ Address access to sporting and tourist facilities and access to ICT.
- ▶ Access to transport needs to be improved, especially for people with hearing impairments.

## C. Recommendations with respect to the social model of disability in Azerbaijan

- ▶ Address early intervention to prevent disabilities stemming from childhood, which are among the prevailing causes of disability in Azerbaijan across all age groups.

- ▶ Carry out public awareness campaigns to address the attitudinal barriers that hinder the full and effective participation in society of PWD on an equal basis with others, paying particular attention to addressing stigma and discrimination in the Baku area. In other countries, celebrity campaigns have proven very successful in breaking down attitudinal barriers and stigma against PWD. For example, in New Zealand the state mental health ministry recently conducted a public awareness raising campaign in television, print and internet media that was represented by a famous sports star and aimed to break down attitudinal barriers about depression. The campaign has been an enormous success.<sup>34</sup>
- ▶ Address environmental barriers in Azerbaijan's built environment paying particular attention to their effect on people with sensory impairments and people with physical disabilities, including with respect to access to transportation infrastructure, such as elevators, buses, the limited number of available wheelchairs, and the general difficulties of accessibility of public places.
- ▶ Address environmental barriers relating to access to information include poor information dissemination, with particular reference to the social protection measures and benefits available to PWD, including specialised equipment.
- ▶ Address access to information and communication technology, including the internet
- ▶ Provide adequate financial assistance to PWD and their families by increasing the availability and level of current benefits.
- ▶ Address the access of PWD to work opportunities, particularly youth with disabilities, including the lack of adequate legislation in this area, the lack of equal opportunities for PWD to work and the absence of incentives to employ PWD, which fuels PWD's dependency upon their families and the state, which is detrimental to their self esteem.
- ▶ Address the inadequate level of medical care available for PWD in Azerbaijan, the lack of specialists working in this field, the fact that PWD do not know their rights or how to claim them, and the difficulties faced by CWD in access to inclusive education.

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<sup>34</sup> [www.depression.org.nz](http://www.depression.org.nz)



**Action Plan:  
People with Disabilities in Azerbaijan**

**By Ms. Chantelle McCabe,  
International Consultant to UNICEF Azerbaijan**

# DISABILITY ACTION PLAN FOR AZERBAIJAN – 2011-2015

The Disability Action Plan is for implementation by the Inter-Ministerial Task Force on Disability in Azerbaijan. The timeframe of the Disability Action Plan is for five years, and seeks to coincide with the reporting period to the Committee on the Rights of Persons with Disabilities. The Disability Action Plan should be implemented together with relevant ministry staff, parliament, the ombudsperson's office, NGOs, DPOs, persons with disabilities, children with disabilities and relevant international organisations.

## Acronyms:

**PWD** = persons with disabilities;

**CWD** = children with disabilities;

**DPO** = persons with disabilities and their representative organisations  
(disabled people's organisations);

**CRPD** = Convention on the Rights of Persons with Disabilities;

**NGO** = non governmental organisation.

<b>A. Plan of Action with respect to legislation</b>				
<b>Crpd article</b>	<b>Action</b>	<b>Indicator</b>	<b>Responsible party</b>	<b>Timeframe</b>
<b>Article 5 – Equality and non discrimination</b>	Carry out a systematic review of all substantive areas of the CRPD (in both disability specific and mainstream legislation) to ensure that reasonable accommodation is provided in order to promote equality and eliminate discrimination <sup>1</sup> .	Number of disability specific laws that are systematically reviewed (article by article)  Number of mainstream laws that are systematically reviewed (article by article)	PWD, DPOs, Ministry of Justice, parliament	2011-2012
	Include an explicit prohibition of disability-based discrimination in an anti-discrimination law, as well as ensure that disability-based discrimination is prohibited in all laws, particularly those governing elections, labour, education, and health, among others.	Date of enactment of amendment	PWD, DPOs, Ministry of Justice, parliament	2011-2012
	Incorporate the definition of reasonable accommodation in national law, and apply it in accordance with article 2 of the CRPD, in particular by ensuring that the law explicitly recognizes the denial of reasonable accommodation as disability-based discrimination.	Number and type of laws that incorporate the definition of reasonable accommodation	PWD, DPOs, Ministry of Justice, parliament	2011-2012

<sup>1</sup> Convention on the Rights of Persons with Disabilities Article 5(3).

<p><b>Article 6 – Women with disabilities</b></p>	<p>Specifically recognize gender equality of women and girls with disabilities in legislation, particularly those concerning gender equality, education, health and labour, among others.</p>	<p>Number and type of laws that specifically recognize gender equality of women and girls with disabilities</p>	<p>Ministry of Justice, relevant ministries and parliament, PWD, WWD, DPOs</p>	
	<p>Amend laws to recognize the denial of reasonable accommodation as disability based discrimination.</p>	<p>Number of laws that are amended to recognize the denial of reasonable accommodation as disability based discrimination.</p>	<p>Ministry of Justice, relevant ministries and parliament, PWD, WWD, DPOs</p>	
<p><b>Article 7 – Children with disabilities</b></p>	<p>Draft and implement adequate legislation granting equal rights to children with disabilities, inter alia, in the areas of discrimination, health, inclusive education, and to ensure that a child shall not be separated from his or her parents against their will or on the basis of disability.</p>	<p>Number and type of laws that are drafted granting equal rights to children with disabilities</p>	<p>Ministry of Justice, ombudsperson’s office, children and youth with disabilities, DPOs</p>	<p>2011-2012</p>
	<p>Take improved measures to replace institutional care for girls and boys with disabilities with community based care, in accordance with Article 7(2) of the CRPD.</p>	<p>Number of girls and boys with disabilities that are moved from institutional to community based care</p>	<p>State Committee for Family, Women and Children’s Affairs, Ministry of Education, Ministry of Labour and Social Protection of Population</p>	<p>2011-2015</p>
	<p>Provide for reasonable accommodation to CWD in all relevant laws.</p>	<p>Number and type of laws that are amended to provide for reasonable accommodation to CWD</p>	<p>Ministry of Justice, ombudsperson’s office, children and youth with disabilities, DPOs</p>	<p>2011-2012</p>

<b>Article 8 – Awareness raising</b>	Article 10 of the Law on Education relating to the school curriculum should be amended to include public awareness campaigns and/or course content within the education system to promote a positive image of CWD and PWD.	Date of enactment of amendment	Ministry of Justice, Ministry of Education, DPOs, PWD, CWD	2011-2012
<b>Article 9 – Accessibility</b>	Access to the physical environment and transportation could be enhanced by the enactment and implementation of a law requiring universal design for all new buildings including an enforcement mechanism, and by a requirement that all new scheduled public transport to be accessible in order to phase out inaccessible public transport.	Date of enactment	State Committee on City-building and Architecture, Ministry of Emergency Situations, Ministry of Labour and Social Protection of Population, Ministry of Internal Affairs, Ministry of Finance, Ministry of Economic Development, Baku Mayor's office	2012
<b>Article 10 – Right to Life</b>	Explicitly recognize and protect the right to life and survival of persons with disabilities on an equal basis with others.	Date of enactment	PWD, DPOs, Ministry of Justice, parliament	2013
	Amend legislation to ensure that PWD are not subject to arbitrary deprivation of life in laws covering detention, health, criminal law, among others.	Date of enactment of amendment	PWD, DPOs, Ministry of Justice, parliament, Ministry of Health	2013



<p><b>Article 11 – Situations of risk and humanitarian emergencies</b></p>	<p>Amend the Law on the Status of Refugees and Forcibly Displaced Persons provides for the provision of humanitarian aid to refugees to ensure the protection and safety of PWD in situations of risk, including their inclusion in national emergency protocols, to ensure that humanitarian aid relief is distributed in an accessible way to PWD, and that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for PWD.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Justice, Ministry of Emergency Situations, PWD, refugees and internally displaced persons with disabilities, DPOs</p>	<p>2013</p>
<p><b>Article 12 – Equal recognition before the law</b></p>	<p>Amend the Civil Code to replace substitute decision making by supported decision making in the exercise of legal capacity, including for persons with mental impairments.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Justice, PWD, DPOs</p>	<p>2012</p>
	<p>Review any other laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace any other regimes of substitute decision-making by supported decision-making.</p>	<p>Number of laws reviewed  Number of substitute decision making regimes that are replaced by supported decision making regimes</p>	<p>Ministry of Justice, PWD, DPOs</p>	<p>2013</p>
<p><b>Article 13 – Access to Justice</b></p>	<p>Enact age-related accommodations to ensure effective participation of children and young persons with disabilities.</p>	<p>Date of enactment</p>	<p>Ministry of Justice, PWD, CWD, DPOs</p>	<p>2013</p>

	Review all laws to ensure that all CRPD rights are justiciable before national courts.	Percentage of laws that are reviewed  Number of laws that are amended	Ministry of Justice, PWD, DPOs	2014
<b>Article 14 – Liberty and security of the person</b>	Carefully review laws in areas of deprivation of liberty of PWD, especially those with intellectual disabilities. For example, Azerbaijan should note the CRPD’s emphasis on independent living within the community instead of forced institutionalization.	Percentage of laws that are reviewed	Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs	2014-2015
	Repeal legislative provisions, including those in the Law on Child Protection, which allow for the deprivation of liberty on the basis of disability, including a psychosocial or intellectual disability.	Number and type of provisions repealed	State Committee for Family, Women and Children’s Affairs, Ministry of Justice, PWD, DPOs	2014-2015
	Until new legislation is in place, all cases of persons with disabilities who are deprived of their liberty in hospitals and specialized institutions should be reviewed, and the review should include the possibility of appeal.	Number of PWD cases that are reviewed	State Committee for Family, Women and Children’s Affairs, Ministry of Justice, PWD, DPOs	2011-2015

	Review the Criminal Code in relation to compulsory or forced medical interventions, and should ensure that there are laws and procedures to monitor the operation of this legislation, investigate cases of abuse and impose punitive measures, as necessary in accordance with Article 14 and Article 16 (4) of the CRPD.	Date of enactment of amendment	Ministry of Justice, Ministry of Health, PWD, DPOs	2014-2015
<b>Article 15 – Freedom from torture and cruel, inhuman or degrading treatment or punishment</b>	Amend Article 153.2.10. of the Criminal Procedure Code to ensure the provision of reasonable accommodation to detainees with disabilities.	Date of enactment of amendment	Ministry of Justice, PWD, DPOs	2014-2015
	Enact legislation outlawing such practices in both public and private prisons and psychiatric institutions.	Date of enactment	Ministry of Justice, PWD, DPOs	2014-2015
	Enact legislation to ensure that prison officers and health professionals are given adequate training and information so that the human rights of persons with disabilities are respected.	Date of enactment	Ministry of Justice, PWD, DPOs	2014-2015

<b>Article 16 – Freedom from exploitation, violence and abuse</b>	Enact legislative measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.	Date of enactment	Ministry of Justice, State Committee for Family, Women and Children’s Affairs, Ministry of Labour and Social Protection of Population, PWD, WWD, CWD, DPOs	2013-2014
	Review the Law on Prevention of Domestic Violence 2010 to include legislative measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including gender and child based aspects, and to include women and child focused provisions to ensure that instances of exploitation, violence and abuse against PWD are identified, investigated and, where appropriate, prosecuted.	Date of enactment of amendment	Ministry of Justice, State Committee for Family, Women and Children’s Affairs, Ministry of Labour and Social Protection of Population, PWD, WWD, CWD, DPOs	2013-2014
<b>Article 17 – Protecting the integrity of the person</b>	Amend Article 108 of the Criminal Code to specifically refer to the protection of all PWD from forced sterilization.	Date of enactment of amendment	Ministry of Justice, State Committee for Family, Women and Children’s Affairs, PWD, WWD, DPOs	2013-2014

	Amend Article 141 of the Criminal Code to contain provisions to protect women and girls with disabilities from forced abortions.	Date of enactment of amendment	Ministry of Justice, State Committee for Family, Women and Children's Affairs, PWD, WWD, DPOs	2013-2014
	Incorporate into law the abolition of surgery and treatment without the full and informed consent of the patient, and ensure that national law especially respects women's rights under article 23 and 25 of the CRPD.	Date of enactment of amendment	Ministry of Justice, State Committee for Family, Women and Children's Affairs, PWD, WWD, DPOs	2013-2014
<b>Article 18 – Liberty of movement and nationality</b>	Review laws to ascertain whether the State may withhold travel documents from someone on the basis of his or her disability.	Law review carried out	Ministry of Justice, PWD, DPOs	2014-2015
<b>Article 19 – Living independently and being included in the community</b>	Enact legal protections to ensure that persons with disabilities are not forced into particular living arrangements, to ensure that there are legal mechanisms and remedies that persons with disabilities can use to challenge barriers to living independently, and to ensure that there are laws to ensure that community services and facilities for the general public are made available on an equal basis to persons with disabilities and are responsive to their needs.	Date of enactment	Ministry of Justice, Ministry of Labour and Social Protection of Population, PWD, DPOs	2013-2014

<b>Article 20 – Personal mobility</b>	Enact and implement a law requiring universal design for all new buildings including an enforcement mechanism, and requiring that all new scheduled public transport to be accessible in order to phase out inaccessible public transport.	Date of enactment	Ministry of Internal Affairs, Ministry of Transport, Ministry of Labour and Social Protection of Population, Ministry of Finance, State Committee for City-building and Architecture, Baku Mayor’s Office, Ministry of Justice, PWD, DPOs	2013-2014
<b>Article 21 – Freedom of expression and opinion, and access to information</b>	Enact legislation to ensure that information provided to the general public is accessible to persons with disabilities, by facilitating the use of sign languages, plain language, Braille, audio formats, and augmentative and alternative communication in official interactions.	Date of enactment	Ministry of Communication and Information Technology, Ministry of Justice, PWD, DPOs	2014-2015
	Enact laws to make websites accessible, to ensure that websites are designed and developed according to accessibility guidelines.	Date of enactment	Ministry of Communication and Information Technology, Ministry of Justice, PWD, DPOs	2014-2015
	Enact legislation to officially recognize sign language for persons with hearing impairments.	Date of enactment	Ministry of Communication and Information Technology, Ministry of Justice, PWD, DPOs	2014-2015
<b>Article 22 – Respect for privacy</b>	Enact legislation to protect the privacy of personal, health and rehabilitation related information of persons with disabilities.	Date of enactment	Ministry of Health, Ministry of Justice, PWD, DPOs	2011-2012

	Enact laws to ensure that disaggregated data about persons with disabilities is not concealed on the pretext of protection of privacy.	Date of enactment	State Statistical Office, Ministry of Justice, PWD, DPOs	2011-2012
<b>Article 23 – Respect for home and the family</b>	Repeal the provisions of the Family Code which allow the court to declare consent by a person with mental disabilities null and void, and which allow for dissolution of marriage on the basis of certain physical disabilities, including HIV/AIDS.	Date of repeal	State Committee for Family, Women and Children’s Affairs, Ministry of Health, Ministry of Labour and Social Protection of Population, Ministry of Finance, DPOs, PWD, CWD, families of CWD	2013-2015
	Amend Article 120 of the Family Code to ensure that parents with disabilities, who so require, are provided with adequate support in their child-rearing responsibilities, ensuring the parent-child relationship.	Date of enactment of amendment	State Committee for Family, Women and Children’s Affairs, Ministry of Health, Ministry of Labour and Social Protection of Population, Ministry of Finance, DPOs, PWD, CWD, families of CWD	2013-2015

	<p>Draft and enact legislation to ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.</p>	Date of enactment	<p>State Committee for Family, Women and Children's Affairs, Ministry of Health, Ministry of Labour and Social Protection of Population, Ministry of Finance, DPOs, PWD, CWD, families of CWD</p>	2013-2015
<b>Article 24 – Education</b>	<p>Amend the Law on Education to ensure that PWD are not excluded from the general education system on the basis of disability, and that CWD are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.</p>	Date of enactment of amendment	<p>Ministry of Education, Ministry of Justice, PWD, CWD, DPOs, families of CWD</p>	2011-2012



	<p>The Law on Education should be amended to include provisions to ensure that persons with disabilities receive reasonable accommodations within the general education system, to facilitate their effective education.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Education, Ministry of Justice, PWD, CWD, DPOs, families of CWD</p>	<p>2011-2012</p>
	<p>Amend the Law on Education to include provisions enacting the national programme of inclusive education for children with disabilities. This should include provisions expressly recognizing the right to inclusive education, ensuring accessible buildings and an adequate curriculum, that integrated schools are equipped to receive CWD, that provide for the employment of teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, that provide for the training of professionals and staff who work at all levels of education, and that sufficient financial and human resources are allocated to implement the national programme of inclusive education for CWD (perhaps mandating a percentage of the education budget to be directed towards ensuring inclusive education for PWD).</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Education, Ministry of Justice, PWD, CWD, DPOs, families of CWD</p>	<p>2011-2012</p>

<b>Article 25 – Health</b>	The Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 should be amended to include provisions granting universal access to essential medicines and treatments provided on the basis of the free and informed consent of the person with a disability.	Date of enactment of amendment	Ministry of Health, Ministry of Justice, PWD, DPOs	2011-2012
	Amend and/or enact laws to ensure that any health treatment is provided to PWD on the basis of their free and informed consent, including the Criminal Code.	Date of enactment of amendment	Ministry of Health, Ministry of Justice, PWD, DPOs	2011-2012
	Legislation should also be drafted and implemented to minimise and prevent further disabilities, including among children and older persons, and including occupational safety and health laws.	Date of enactment	Ministry of Labour, Ministry of Health, Ministry of Justice, PWD, DPOs	2012-2013
	Enact legislation to ensure that general public health campaigns are accessible for PWD.	Date of enactment	Ministry of Health, Ministry of Justice, PWD, DPOs	2012-2013

	Legislation should be drafted and implemented to prohibit discrimination against persons with disabilities in the provision of health insurance.	Date of enactment	Ministry of Labour, Ministry of Health, Ministry of Justice, PWD, DPOs	2012-2013
<b>Article 26 – Rehabilitation</b>	Review the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 to ensure that participation in habilitation and rehabilitation services and programmes is voluntary.	Date of enactment of amendment	Ministry of Labour, Ministry of Health, Ministry of Justice, PWD, DPOs	2012-2013
	Enact provisions to address early intervention and peer support.	Date of enactment	Ministry of Labour, Ministry of Health, Ministry of Justice, PWD, DPOs	2012-2013
<b>Article 27 – Work and employment</b>	Enact and implement legislative provisions ensuring access of persons with disabilities to the labour market. In particular, Azerbaijan should include provisions that prohibit discrimination on the basis of disability with regard to conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.	Date of enactment	Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs	2012-2013

	<p>Include provisions to protect the rights of PWD, on an equal basis with others, to just and favourable conditions of work, including equal opportunities, equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs</p>	<p>2012-2013</p>
	<p>Include provisions for reasonable accommodation, equal opportunities and equal remuneration for work of equal value, and for protection from harassment, and the redress of grievances.</p>	<p>Date of enactment</p>	<p>Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs</p>	<p>2012-2013</p>
	<p>Amend Article 6.2.1 of the Law on Employment to specifically include disability as a prohibited ground for discrimination in equal opportunities to employment.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs</p>	<p>2012-2013</p>
	<p>Amend Article 9 of the Law on Employment to reflect open employment for PWD in the regular job market through the provision of reasonable accommodation, rather than in a segregated job market.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs</p>	<p>2012-2013</p>

	Strengthen Article 78(2) of the Labour Code by adding a provision on the necessity of the employer to provide reasonable accommodation to PWD in order to adequately carry out the job duties. It could be strengthened even further by the provision of employer incentives, such as loans or grants in order to comply with reasonable accommodation duties.	Date of enactment of amendment	Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs	2012-2013
	Abolish the official list of professions and trades suitable for persons with disabilities in its entirety.	Official list abolished	Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs	2012-2013
	Strengthen Article 15 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 to increase provision of education and training opportunities to persons with disabilities, including general technical and vocational guidance programmes, placement services and vocational and continuing training.	Date of enactment of amendment	Ministry of Education, Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs	2012-2013

	<p>Enhance Article 23 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 by establishing a register of persons with disabilities available for mainstream employment opportunities and distribute to public and private entities.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs</p>	<p>2012-2013</p>
	<p>Amend Paragraph 1.2 of Decree #213 of the Cabinet of Ministers of the Azerbaijan Republic 2005 to provide for a penalty fee for non-fulfillment of the quota obligation, and for the use funds arising from non-fulfillment of quota obligations to fund vocational training of persons with disabilities.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs</p>	<p>2012-2013</p>
	<p>Enhance Article 30 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 with respect to state provision of information about career options, ways to generate income, and assistance available for people with disabilities, including the promotion of opportunities for self-employment.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs</p>	<p>2012-2013</p>

<b>Article 28 – Social protection</b>	Amend the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act 1992 to ensure the provision of reasonable accommodation to PWD and CWD.	Date of enactment of amendment	Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs	2012-2013
	Review legislation to ensure that all the provisions of Article 28 of the CRPD are provided for by law without discrimination on the basis of disability, including adequate food, water, clothing and housing.	Date of enactment of amendment	Ministry of Labour and Social Protection of Population, Ministry of Justice, PWD, DPOs	2012-2013
<b>Article 29 – Participation in political and public life</b>	Enact legislation to ensure the right to PWD for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level, through financial and other support from the state.	Date of enactment	Ministry of Labour and Social Protection of Population, PWD, DPOs	2014-2015
<b>Article 30 – Participation in cultural life, recreation, leisure and sport</b>	Review intellectual property law to verify that does not inhibit access of PWD to cultural, recreation and leisure rights.	Date of review	Ministry of Justice, PWD, DPOs	2013-2014
	Enact legislation to officially recognize sign language for persons with hearing impairments.	Date of enactment	Ministry of Justice, Ministry of Communication, PWD, DPOs	2014

<b>Article 31 – Data collection and statistics</b>	Enact laws to specifically provide for legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities, particularly with regard to medical records and other personal information.	Date of enactment	State Committee on Statistics, Ministry of Labour and Social Protection of Population, Ministry of Health, PWD, DPOs	2011-2012
	Review statistics legislation to include a provision on the inclusion of the six Washington Group census disability questions in the census provision: 1. Do you have difficulty seeing, even if wearing glasses? 2. Do you have difficulty hearing, even when using a hearing aid? 3. Do you have difficulty walking or climbing steps? 4. Do you have difficulty remembering or concentrating? 5. Do you have difficulty (with self-care as such) washing all over or dressing? 6. Using your usual customary language, do you have difficulty communicating (for example understanding or being understood by others)?	Date of enactment of amendment	State Committee on Statistics, Ministry of Labour and Social Protection of Population, PWD, DPOs	2011-2012



	<p>Amend statistics legislation to include provisions obliging the Ministry of Statistics to collect disaggregated data on all areas of the CRPD, including for WWD and CWD. Data should be disaggregated by sex, age, type of disability (physical, sensory, intellectual and mental), ethnic origin and urban/ rural population, as appropriate. There should also be provisions ensuring the dissemination of these statistics in a manner that is accessible to PWD.</p>	Date of enactment of amendment	State Committee on Statistics, Ministry of Labour and Social Protection of Population, PWD, DPOs	2011-2012
<p><b>Article 33 – National Implementation and Monitoring</b></p>	<p>Amend the Law on the “Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan” to take into account the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights.</p>	Date of enactment of amendment	Ministry of Justice, Ombudsman, PWD, DPOs	2012

	<p>Amend the Law on the “Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan” to include provisions enumerating the ombudsperson’s designation as the independent monitoring framework for the promotion, protection and monitoring of the implementation of the CRPD, and provisions establishing exactly what this role entails. A provision should be included in this legislation to increase the human and financial resources of Ombudsperson institution in order to properly carry out monitoring function under the CRPD.</p>	<p>Date of enactment of amendment</p>	<p>Ministry of Justice, Ombudsman, PWD, DPOs</p>	<p>2012</p>
<p><b>B. Recommendations with respect to Services for People with Disabilities in Azerbaijan</b></p>				
<p><b>Accessibility of health services for PWD in Azerbaijan</b></p>	<p>Address the lack access to special treatment and medical services CWD, especially children with visual, physical or mental impairments.</p>	<p>Percentage of children with visual impairments accessing special treatment and medical services</p> <p>Percentage of children with physical impairments accessing special treatment and medical services</p> <p>Percentage of children with mental impairments accessing special treatment and medical services</p>	<p>Ministry of Health</p>	<p>2012-2013</p>

## Action Plan: People with Disabilities in Azerbaijan

	Address the lack of access to special rehabilitation services for all types of disabilities.	Percentage of PWD accessing special rehabilitation services, disaggregated by type of disability	Ministry of Health	2012-2013
	Address the inadequate access to special equipment, to reduced price medicines, to state assistance including temporary home nursing care and counseling for all types of impairments.	Percentage of PWD accessing special equipment Percentage of PWD accessing reduced price medicines Percentage of PWD accessing state assistance	Ministry of Health	2012-2013
	Increase the number and quality of rehabilitation centres, especially outside of Baku and provide specialized rehabilitation equipment to all rehabilitation centres.	Number of rehabilitation centres compared to baseline Percentage of rehabilitation centres provided with specialized rehabilitation equipment	Ministry of Health	2012-2013
	Raise awareness of PWD about their rights and entitlements, and how to demand that these rights be fulfilled. Pay particular attention to people with hearing impairments with respect to the government distribution of hearing devices and to people with physical impairments with respect to the government provision of wheelchairs to people with serious physical impairments.	Percentage of PWD that know their rights and entitlements and how to claim them	Ministry of Health	2012-2013

	Raise awareness of all parents about how to tell whether their child has a disability, making early intervention possible.	Percentage of parents that know how to tell whether their child has a disability	Ministry of Health	2012-2013
	Increase the numbers of specialists, such as rehabilitation specialists, social workers, health workers and psychologists	Number and type of specialists compared with baseline	Ministry of Health	2012-2013
	Provide better health services for PWD.	Number and type of health services that are improved for PWD	Ministry of Health	2012-2013
<b>Accessibility of education services for PWD in Azerbaijan</b>	Address the inadequate access of CWD to the mainstream schooling system through removal of attitudinal barriers in society and physical access to mainstream schools.	Percentage of CWD accessing mainstream schooling compared to baseline	Ministry of Education	2011-2012
	Address attitudes of parents of CWD may be another barrier to CWD accessing the mainstream education system, as well as perceived lack of reasonable accommodations available in the mainstream schools and attitudinal barriers of other students.	Number of measures implemented to address attitudes of parents of CWD	Ministry of Education	2011-2012
	Urgently address the issue of access of children with disabilities to education, especially those most vulnerable to exclusion, namely children with physical or mental impairments.	Number of CWD accessing education disaggregated by type of disability	Ministry of Education	2011-2012

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	Pay particular attention to the lack of access of people with disabilities to secondary and tertiary education by addressing the various environmental and societal barriers which prevent their accessing the education system in order to do so.	Percentage of PWD that have completed secondary school compared with baseline  Percentage of PWD that have completed tertiary education compared with baseline	Ministry of Education	2011-2012
	Including in the legal framework of Azerbaijan a requirement for inclusive education in primary, secondary and tertiary educational facilities.	Date of enactment of amendment	Ministry of Education	2011-2012
	Raise public awareness about PWD and their rights amongst teachers, pupils and parents.	Number of awareness raising measures carried out	Ministry of Education	2011-2012
	Improve physical access to educational facilities, services and infrastructure.	Number and type of buildings/ infrastructure improved	Ministry of Education	2011-2012
	Provide financial support for the education of CWD.	Percentage of CWD receiving financial support for their education	Ministry of Labour and Social Protection, Ministry of Education	2011-2012
	Revise the school curriculum in order to accommodate CWD	Date school curriculum is revised	Ministry of Education	2011-2012
	Teachers should be properly trained.	Number of teachers trained	Ministry of Education	2011-2012
	There needs to be better access to textbooks and the internet for CWD.	Percentage of CWD accessing textbooks Percentage of CWD accessing the internet	Ministry of Education	2011-2012

<b>Accessibility of social protection services for PWD in Azerbaijan</b>	Provide more adequate financial assistance to PWD and their families.	Date and amount of increase in financial assistance  Percentage of PWD accessing adequate financial assistance	Ministry of Labour and Social Protection of Population	2013-2014
	Assist families of CWD to receive support from other families of CWD and provide psychological support for both the CWD and parents.	Percentage of families of CWD receiving support  Percentage of CWD receiving psychological support  Percentage of parents of CWD receiving psychological support	Ministry of Labour and Social Protection of Population	2013-2014
	Address the availability of and access to pension benefits for children with visual impairments.	Percentage of children with visual impairments accessing pension benefits	Ministry of Labour and Social Protection of Population	2013-2014
<b>Accessibility of other services for PWD in Azerbaijan</b>	Provide PWD assistance with accessing employment opportunities.	Percentage of PWD accessing employment opportunities	Ministry of Labour and Social Protection of Population	2013-2014
	Facilitate access to information for PWD about employment opportunities	Percentage of PWD accessing information about employment opportunities	Ministry of Labour and Social Protection of Population	2013-2014

	Address obstacles to employment for PWD in Azerbaijan. These include the lack of jobs in both the open market (integrated) and closed employment opportunities; attitudinal barriers including a lack of confidence on the part of employers in the abilities of PWD; and environmental barriers including physical access in buildings and transportation issues.	Number and type of measures taken to address obstacles to employment for PWD in Azerbaijan	Ministry of Labour and Social Protection of Population	2013-2014
	Establish employer incentives such as quotas, insurance, tax breaks and discounted credits to motivate employers to employ PWD.	Number and type of employer incentives established	Ministry of Labour and Social Protection of Population	2013-2014
	Provide basic education, vocational training, and specialization to PWD in order to get them working.	Percentage of PWD accessing basic education  Percentage of PWD accessing vocational training  Percentage of PWD accessing specialization training`	Ministry of Labour and Social Protection of Population	2013-2014
	Address the issue of access of PWD to cultural life in accessible formats, in particular people with visual impairments.	Percentage of PWD accessing cultural life in accessible formats  Percentage of people with visual impairments accessing cultural life in accessible formats	Ministry of Culture and Tourism	2014-2015

	Address access to sporting and tourist facilities and access to ICT.	Percentage of PWD accessing sporting facilities  Percentage of PWD accessing tourist facilities  Percentage of PWD accessing ICT	Ministry of Youth and Sport, Ministry of Culture and Tourism, Ministry of Communication and Information Technology	2014-2015
	Access to transport needs to be improved, especially for people with hearing impairments.	Percentage of PWD accessing transport  Percentage of people with hearing impairments accessing transport	Ministry of Transport	2012
<b>C. Recommendations with respect to the social model of disability in Azerbaijan</b>				
	Address early intervention to prevent disabilities stemming from childhood, which are among the prevailing causes of disability in Azerbaijan across all age groups.	Percentage reduction of number of children acquiring disabilities	Ministry of Health	2012-2013



	<p>Carry out public awareness campaigns to address the attitudinal barriers that hinder the full and effective participation in society of PWD on an equal basis with others, paying particular attention to addressing stigma and discrimination in the Baku area. In other countries, celebrity campaigns have proven very successful in breaking down attitudinal barriers and stigma against PWD. For example, in New Zealand the state mental health ministry recently conducted a public awareness raising campaign in television, print and internet media that was represented by a famous sports star and aimed to break down attitudinal barriers about depression. The campaign has been an enormous success.</p>	<p>Number and type of public awareness campaigns carried out</p>	<p>Ministry of Health</p>	<p>2012-2013</p>
	<p>Address environmental barriers in Azerbaijan's built environment paying particular attention to their effect on people with sensory impairments and people with physical disabilities, including with respect to access to transportation infrastructure, such as elevators, buses, the limited number of available wheelchairs, and the general difficulties of accessibility of public places.</p>	<p>Number and type of environmental barriers that are removed from Azerbaijan's built environment</p>	<p>Ministry of Transport</p>	<p>2014-2015</p>

	Address environmental barriers relating to access to information include poor information dissemination, with particular reference to the social protection measures and benefits available to PWD, including specialised equipment.	Number and type of environmental barriers that are removed with respect to access to information	Ministry of Communication and Information Technology	2015
	Address access to information and communication technology, including the internet	Percentage of PWD accessing information and communication technology	Ministry of Communication and Information Technology	2015
	Provide adequate financial assistance to PWD and their families by increasing the availability and level of current benefits.	Percentage of PWD accessing adequate financial assistance	Ministry of Labour and Social Protection	2012
	Address the access of PWD to work opportunities, particularly youth with disabilities, including the lack of adequate legislation in this area, the lack of equal opportunities for PWD to work and the absence of incentives to employ PWD, which fuels PWD's dependency upon their families and the state, which is detrimental to their self esteem.	Percentage of PWD accessing work opportunities  Percentage of youth with disabilities accessing work opportunities	Ministry of Labour and Social Protection	2012

	Address the inadequate level of medical care available for PWD in Azerbaijan, the lack of specialists working in this field, the fact that PWD do not know their rights or how to claim them, and the difficulties faced by CWD in access to inclusive education.	Percentage of PWD accessing adequate medical care	Ministry of Health	2012
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