



# Convention on the Rights of Persons with Disabilities

Distr.: General  
10 April 2014

Original: English

---

## Committee on the Rights of Persons with Disabilities Eleventh session

### Summary record of the 126th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 2 April 2014, at 10 a.m.

*Chairperson:* Ms. Cisternas Reyes

## Contents

Consideration of reports submitted by States parties under article 35 of the Convention  
(continued)

*Initial report of Azerbaijan (continued)*

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.5106, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-42196 (E) 070414 100414



\* 1 4 4 2 1 9 6 \*

Please recycle 



*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 35 of the Convention** *(continued)*

*Initial report of Azerbaijan (continued) (CRPD/C/AZE/1; CRPD/C/AZE/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.*

*Articles 11–20*

2. **Mr. Musayev** (Azerbaijan) said that his Government was committed to protecting the rights of persons with disabilities. A number of provisions had been put in place to prevent any violation of the rights of a person with a severe psychosocial or intellectual disability who had been declared as lacking legal capacity. For example, the prior consent of the courts must be obtained before the legal guardian of such a person could enter into contracts involving the sale of personal property or material goods. The Constitution clearly stated that all persons were equal before the law and guaranteed the full enjoyment by persons with disabilities of their social, political and civil rights. Article 16 of the Labour Code also stated that any benefits or additional assistance provided to persons with disabilities were not considered to be discriminatory. A national complaints mechanism had been established to defend the rights of persons with disabilities, and legal mechanisms were in place to address any human rights abuses committed against them by State agents.

3. Special local administrative courts had been set up to increase access to justice for all citizens, including persons with disabilities, and the conviction rate in cases involving human rights abuses was high. Persons with disabilities could request additional assistance during civil and criminal proceedings and had access to lawyers, sign language interpreters and doctors, as appropriate. A series of steps had also been taken to make additional training available to lawyers, establish regional citizen advisory bureaus and provide legal aid to low-income families.

4. An extensive reform of the judiciary had taken place in 2000 with the support of several European and international institutions, and a national council to monitor the independence and effectiveness of the judicial system had been established. Over 30 new courthouses that would fully comply with accessibility standards would be opened shortly. A new procedure for appointing judges had been introduced which allowed representatives from civil society and non-governmental organizations (NGOs) to take part in the selection process. As part of a project supported by the World Bank, a national website had been designed that provided ready access to information on court proceedings, jurisprudence and rulings. A new national pilot scheme was being launched that would allow some types of legal proceedings to be conducted online.

5. Persons with disabilities were kept informed of their rights at all times. Prisons organized human rights awareness-raising events for detainees and their families, and prison libraries contained books on the subject. Article 10 of the Penal Enforcement Code also stipulated that detainees with disabilities had the same right to pensions and benefits as any other prisoners. The Government had built new, fully accessible prisons in several regions of the country, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had noted an improvement in the conditions of detention for detainees with disabilities during its recent visit to Azerbaijan. The International Committee of the Red Cross and the Ombudsman's Office regularly monitored prison conditions, and the Government had not received any reports of torture or ill-treatment from them. As a result of the recommendations made by the European

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following its visit, the Ombudsman's Act had been revised and a new national prison management system had been established to promote greater transparency and trust between prison authorities and the general public.

6. The Government remained committed to addressing the health problems experienced by detainees and had set up a medical database in 2013 for use in monitoring the situation. The prevalence rate of tuberculosis among detainees had been significantly reduced, but additional technical assistance would be required to make further progress.

7. **Mr. Aghayev** (Azerbaijan) said that the Government remained committed to improving child and maternal health. The mortality rate for children with disabilities had decreased in recent years owing in part to the national vaccination programme for children between the ages of 3 and 7, which had eradicated certain illnesses, such as polio. The malaria, tuberculosis and communicable disease prevalence rate for children with disabilities had also dropped considerably. A new national health screening programme to detect life-threatening and debilitating illnesses had been introduced. That programme also offered antenatal screening for expectant mothers. Medical sterilization of persons with disabilities was not carried out on a systematic basis and was never conducted without patients' informed, written consent.

8. **Mr. Rahimov** (Azerbaijan), responding to a question on boarding schools, said that major reforms were under way and, since 2008, there had been a 70 per cent decrease in the number of children living in the institutions that came under the purview of the Ministry of Education. Two institutions had been converted into inclusive education facilities, and many children had returned to live with their families. The parents of those children had been provided with a means of transport so that they could take their children to and from school. The number of children living in the two institutions overseen by the Ministry of Labour had also decreased by more than half. There were 108 vocational schools under the Ministry of Education and 3 training centres under the Ministry of Labour, in addition to a vocational training centre for young persons with disabilities. In 2012, 67 persons with disabilities had completed vocational training courses, and 30 of them had subsequently been hired in accordance with the quota system that was in place. In 2013, 105 persons had completed training and 62 had found jobs.

9. **Mr. Zakiyev** (Azerbaijan) said that he himself was visually impaired and had married and had three children after losing his sight. He was not aware of any cases of persons with disabilities having their children taken away from them for that reason.

10. **Mr. Muslumov** (Azerbaijan) said that any outstanding replies to questions regarding the rights covered in articles 11 through 20 would be provided in writing.

#### *Articles 21–33*

11. **Mr. McCallum** said that he appreciated the delegation's reply to his question on the guardianship system in Azerbaijan, but noted that the country still had some way to go before it would be in compliance with article 12. Further work was needed in order to move from a system of substitute decision-making to one of supported decision-making. In relation to article 27, he personally felt that quota systems were not particularly helpful, since they were often not properly enforced and many Governments felt that, once a quota system was in place, they were not obliged to do anything else. In his view, programmes to assist persons with disabilities in finding employment were more useful than quotas, and he would welcome information on any such programmes.

12. **Mr. Ríos Espinosa**, following up on his question on article 14, said that it was still not clear whether it was possible to deprive people of their liberty on the ground of disability. He would be interested to know whether there were any statistics on how many

members of minorities, particularly the Lezgin and Talysh minorities, had disabilities and whether there were any special programmes to ensure their access to education, health, employment and opportunities to participate in political affairs.

13. **Ms. Degener** said that another case had been brought to her attention in which a woman had had her child taken away after she had become disabled and she wondered whether the State party might consider developing legislation to regulate that kind of situation.

14. **Mr. Tatić** said that, with reference to article 21, he would be interested to hear more about the steps taken to recognize the right to use sign language. With respect to article 33, he would like to know whether, under the legislation governing the functions of the Office of the Ombudsman, it was authorized to receive complaints of alleged violations of rights under the Convention. If so, he would welcome statistics on the number of complaints lodged with the Ombudsman by persons with disabilities and would like to know whether there was a special unit charged with protecting the rights of persons with disabilities.

15. **Ms. Peláez Narváez** said that she would welcome a response to her question in relation to the recommendation by the Committee on the Rights of the Child concerning the use of the international definition of live birth. She also wished to know whether the law under which parents were allowed to place newborns in the care of the State because they were born with a disability was still in force. In view of the low adoption rate for children with disabilities, she would be interested to hear more about adoption as an alternative to State care. She would also like to know whether any efforts had been made to ensure that more children above the age of 5 were adopted. She would appreciate information about the measures taken to address the concerns expressed by the Committee on the Rights of the Child regarding pervasive corruption among health-care professionals and inadequate primary health-care services, which had a particular impact on children with disabilities. In relation to article 26, she wondered what measures were in place to ensure that children with disabilities received the necessary care at an early stage.

16. **Mr. Kim Hyung Shik** said that he agreed with Mr. McCallum's comments on quota systems, but would be interested to hear about the State party's overall experience with its own quota system, the number of persons with disabilities who had found employment as a result, and the response of employers. He wondered how the quota system fit in with the national employment strategy and whether the State party had an open employment policy. With regard to article 32, he would like to emphasize that persons with disabilities should play a key role as participants in international cooperation activities and that tokenistic participation was not sufficient. Since that article was concerned with efforts to address issues of poverty and inequality of persons with disabilities, the State party should also indicate how it mobilized resources in that connection.

17. **Ms. Maina** said that she would be interested to learn whether the State party now recognized persons who had formerly been referred to as persons with mental illness as persons with mental or psychosocial impairments, in accordance with the Convention. She wondered whether the draft legislation that was under consideration provided for a transition from institutionalization to more inclusive programmes for persons with such disabilities and would be interested to hear more about the shift away from a medical approach and towards a rights-based approach. She hoped that the new law would not contain any archaic or obsolete terminology and that it would prohibit practices that stigmatized and excluded persons with psychosocial disabilities or violated their dignity, such as electroshock treatment or excessive restraint measures.

18. **Ms. Pavey** said that she and other members of the Committee would be glad to provide whatever support they could to the State party in its examination of the new draft legislation. Given that cultural transformation was in some ways a bigger challenge than the

passage of legislation, she welcomed the intensification of awareness-raising campaigns. With respect to article 29, she would like to know whether the electronic system that had been successfully introduced for the distribution of social security benefits might be applied to the voting system in order to ensure broader participation by persons with disabilities. Noting the importance of role models, she asked whether anything was being done to encourage persons with disabilities to participate more actively in political and public affairs.

19. **Mr. Buntan** said that, in reference to article 21 as it related to article 9, he had noted that the State party report mentioned that efforts were being made to adapt websites to the Web Content Accessibility Guidelines. Were those guidelines incorporated into legislation and strictly enforced, or was their use simply recommended? He felt that the new draft legislation should include a reference to adherence to international accessibility standards and guidelines. He was concerned by the lack of effort to promote the teaching and training of Braille to blind persons and persons with visual impairments and by the shortage of professionals with the necessary skills in Braille. In addition to officially promoting Braille, the State party should also officially recognize sign language and promote the training of professional sign language interpreters. He would be happy to provide assistance in drafting the new bill.

20. **Mr. Al-Tarawneh** said that, with reference to article 29, he would like to know whether any measures were in place to encourage Azerbaijanis with disabilities to run for public office and whether there was a quota system for political representation. With respect to article 33, he wished to know whether there was any independent umbrella body which served as a focal point for disability issues and monitored implementation of the Convention. He also wished to know what steps the Government was taking to ensure that article 32, on international cooperation, was being properly implemented and whether the private sector was engaged in the promotion of international cooperation.

21. **Mr. Lallahom** said that, while the prevention of illnesses and pathologies that could cause disability was important and was to be encouraged, it was part of the country's public health policy for the whole of the population, not specifically for persons with disabilities, and was not covered by the Convention. The Convention called for acceptance of persons with disabilities as part of human diversity and the removal of barriers to the full participation by persons with disabilities in all aspects of life. The State party needed to move away from the medical approach and work on a social approach to disability.

22. **The Chairperson**, speaking as a member of the Committee, said that she would like to know what steps had been taken to implement the recommendation made by the Committee on Economic, Social and Cultural Rights in 2013 concerning inclusive education for students with disabilities. With regard to article 32, she wished to know what measures had been taken to mainstream a disability perspective in efforts to implement the Millennium Development Goals. Since article 37 of the Convention established the competence of the Committee to support capacity-building, she was interested in hearing the delegation's comments on the offer to support the legislative process that had been extended by a number of Committee members.

*The meeting was suspended at 11.40 a.m. and resumed at 12.10 p.m.*

23. **Mr. Muslumov** (Azerbaijan) said that the current discussion would encourage the Government to continue with its deliberations and speed up the process of amending Azerbaijani legislation concerning persons with disabilities. The small number (843) of persons who had been employed under disability quotas between 2009 and 2013 illustrated the ineffectiveness of that mechanism. Although existing legislation included specific provisions for the employment of persons with disabilities, a separate programme would be

developed with the express aim of increasing employment opportunities for persons with disabilities.

24. The available statistics on persons with disabilities were not disaggregated by ethnic group because the State party made no distinction between persons of different ethnic origins in the country. All persons were considered to be Azerbaijani, and Azerbaijani cultural heritage encompassed the linguistic, religious and cultural characteristics of minority groups. The Ministry of Education had, however, established a programme to address the needs of children from ethnic minorities in regions where the population density of those groups of people was high.

25. The law prohibited the separation of children from mothers who had disabilities without a judicial ruling. While sign language was not officially recognized in Azerbaijan, the law provided for the use of any language, including sign language, at all stages of legal proceedings and for sign language interpretation in courts.

26. The Office of the Ombudsman was the only body that was empowered to visit public institutions without prior authorization for monitoring purposes. The Office's regional branches were open to the public, and telephone hotlines had been set up in many government ministries to enable people to obtain information from each particular department. The percentage of children with disabilities who had intellectual or psychosocial impairments was around 37 per cent in 2013, and the percentage of adults with disabilities who had one or the other of those types of impairments was 18.4 per cent.

27. Measures to enhance the participation of persons with disabilities in electoral processes were in place. Braille had been used since 2003 to enable people with visual impairments to exercise their right to vote, and persons with reduced mobility could either cast their vote in mobile polling booths or be picked up and taken to a local polling booth to vote. A commission which included representatives of NGOs and civil society organizations had been established to address those and other issues affecting persons with disabilities and to consider legislative amendments.

28. The Office of the Ombudsman was responsible for monitoring political participation and representation. There was no specific programme to promote the participation in public and political life of persons with disabilities, but all persons who had completed their tertiary education were entitled to apply to take the civil service competitive examination. The number of persons with disabilities enrolling in universities and four-year vocational training institutions was increasing, thereby improving their chances of sitting the examination and holding public office. Furthermore, in 2013, the President had opened a vocational training centre for persons with disabilities which complied with international standards. That centre offered a range of courses and gathered together persons belonging to different ethnic communities. Disability-inclusive education had been established in Azerbaijan since 2004.

29. Internet access had been improved across the country, including remote areas, and programmes were being developed by the Ministry of Communication and Information Technologies to enhance blind persons' access to the Internet.

30. A bill was under consideration which would spur the paradigm shift from a medical to a social approach in respect of persons with disabilities. The guidance of the Committee would be appreciated in the implementation of that legislation once it had been enacted, and cooperation with international bodies such as the United Nations Children's Fund (UNICEF) and the World Bank would also be strengthened to that end. The State party would certainly review its translation of the Convention and the terms used in its domestic legislation in order to align them with the wording of the Convention.

31. The adoption of children with disabilities over 5 years of age should be encouraged in Azerbaijan, particularly in the light of the very small number of such adoptions in the country. Prior to adoption, the living conditions in what would be the child's new home were evaluated to ensure that they were suitable.

32. **Mr. Aghayev** (Azerbaijan) said that primary health care for children and institutionalization arrangements were covered by existing laws. A programme had been established for the early detection of congenital diseases that carried a risk of mental impairment, and that initiative had resulted in a reduction of the development of such diseases. With a view to combating corruption in public services, the Ministry of Health had set up a working group and a monitoring mechanism, and 161 complaints had been submitted and dealt with in that regard. The World Health Organization had carried out an assessment of the mental health system in Azerbaijan, and its report was publicly available. Training was provided to medical personnel by health-care professionals from Turkey, and disability-inclusive training was to be incorporated into those training activities.

33. **Mr. Asadullayev** (Azerbaijan) said that there was no discrimination against persons from minority groups in Azerbaijan and there had been no reports in the last decade of ethnically motivated rights violations. Data disaggregated by mother tongue were collected to serve as a basis for the allocation of budgetary funds for the production of school textbooks in different minority languages for children between the ages of 4 and 11.

34. **Mr. Muslumov** (Azerbaijan) said that the Government would continue to monitor the situation of children and adults with disabilities in the country and would take all the Committee's comments into consideration in its future efforts in that respect. It would devote particular attention to fostering a social approach to persons with disabilities.

35. **Mr. Mwesigwa** (Country Rapporteur) commended the delegation on the dedication and sincerity demonstrated during its constructive dialogue with the Committee. He hoped that the same form of mutual engagement would be engendered between the Government and disabled persons' organizations, development partners and civil society and that all of those counterparts would take part in discussions on the issues raised during the session and would advocate for the mainstreaming of the rights of persons with disabilities in legislation, policies and the development framework. The dialogue with the Committee marked the start of a process of promoting the inclusion and meaningful engagement of persons with disabilities and the creation of an enabling environment that would afford all persons equal opportunities for living a full life.

36. **The Chairperson** said that, in addition to taking advantage of the support for national capacity-building provided for under article 37 of the Convention, she encouraged Azerbaijan to accept the cooperation offered by Mr. Tatić with a view to the creation of an enabling environment. The State party might also consider adopting the simplified reporting procedure within the framework of the treaty body system.

*The meeting rose at 1 p.m.*