



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

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

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

**Initial reports submitted by States parties under article 35 of  
the Convention**

**Azerbaijan\***

[16 February 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited.

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## Articles 1 to 4 of the Convention (objective, definitions, general obligations)

1. These articles establish the purpose, definitions, general principles and obligations of the Convention.
2. States Parties should report on:
  - (a) The definition of disability used to collect the data being analysed, which impairments have been included, and the conceptualization of “long- term”;
  - (b) The ways and means by which the domestic law defines and understands the concepts provided in articles 1 and 2 of the Convention, and in particular any laws, regulations, social customs or practices that discriminate on the ground of disability;
  - (c) The ways and means by which the State Party defines and understands the concept of “reasonable accommodation”, and the requirement of “disproportionate and undue burden”, providing examples;
  - (d) In what manner the general principles and obligations established under articles 3 and 4 of the Convention have been implemented, and how it intends to ensure their effective realization, in particular the principle of promotion of the full realization of the rights under the Convention without discrimination based on disability as provided under article 4 and provide examples;
  - (e) Disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal realization of each of the Convention rights by persons with disabilities including a gender- and age-based perspective;
  - (f) Which Convention rights the State Party has endeavoured to implement progressively and which it has committed to implement immediately. Describe the impact of the latter measures;
  - (g) The degree of involvement of persons with disabilities including women, boys and girls with disabilities in the development, implementation and evaluation of legislation and policies to introduce the Convention. It should also be indicated the diversity of persons with disabilities who have been involved in these processes with a gender, and age based perspective;
  - (h) Whether the State has measures that provide higher levels of protection of the rights of persons with disabilities than those included in the Convention, in line with paragraph 4 of article 4;
  - (i) How it has been ensured that the provisions of the Convention extend to all parts of the States, without any limitation or exception, in the case of federal or very decentralized States.
3. According to the Article 2 of the Law of the Republic of Azerbaijan “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health” category of the disabled persons include people in need of social assistance and protection because of mental or physical defects arisen from birth, sickness or injury. According to the law an expression of “disabled” in respect to children was replaced with the word “children with impaired health”. Children with impaired health under 18 are considered, children in need of social assistance and protection because of their limited life activities as a result of sicknesses, mental and physical defects interrupting their normal development. Limitation of life activities of disabled persons or children with impaired health displays itself as a total or

partial loss of self-service, mobility, orientation, communication, control of behaviour, as well as education and employment skills.

4. According to the legislation limitation of life activities of persons of disabilities reflects itself in a total or partial loss of self-service, mobility, orientation, communication, control of behaviour and employment skills. Also the legislation considers prevention of limitations of life activities of the persons with disabilities and their economic, social and legal protection ensuring equal opportunities for disabled persons as citizens of the society.

5. According to the Constitution of the Republic of Azerbaijan everyone is equal before the law and justice. The state guarantees equality of rights and freedom of everyone.

6. According to the Law of the Republic of Azerbaijan on "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health" persons with disabilities and children with impaired health have all socio-economic, political, personal rights and freedom given in the Declaration on Rights of the Disabled Persons approved by the General Assembly of the UN, Constitution of the Republic of Azerbaijan, the Law and other legislation. Discrimination is prohibited and pursued by law. Protection of freedom and legal interests of the disabled persons and children with impaired health is ensured by the state in court or other manner defined by law. Officials or other citizens guilty of violating their rights shall be liable in extent of material, disciplinary, administrative and criminal liabilities considered in law.

7. The Law of the Republic of Azerbaijan on Ratification of the Convention on the Rights of Persons with Disabilities, dated on October 2, 2008 # 686-IIIQ and the Law of the Republic of Azerbaijan on Ratification of Optional Protocol of the Convention on the Rights of Persons with Disabilities, dated on October 2, 2008 # 687-IIIQ define tasks for protection of the rights of persons with disabilities, non-discrimination towards them, equality before the law, rehabilitation, increasing their potential, social protection and integration to the society.

8. According to the information of the Ministry of Labour and Social Protection of Population (MoLSPP) there are 400587 persons with disabilities in the country in October 1, 2010. 186444 of them are women. The number of children till age of 18 with impaired health is 57999.

9. A Working Group for coordination of implementation of the provisions of the Convention has been established in the Ministry of Labour and Social Protection of the Population consisting from representatives of relevant state agencies and non-governmental organizations of the disabled persons. The main responsibility of the Working Group is to ensure appropriate reflection and implementation of provisions on protection of rights of disabled persons, in line with the Convention, in action plans and development strategy of their representative agencies.

10. The Government of the Republic of Azerbaijan considers comments and suggestions of the disabled persons during development of legislative basis and programs in direction of application of the Convention. At the same time, relevant state agencies are carrying out joint projects in cooperation with different profiled organizations of the persons of disabilities in direction of implementation of the Convention.

11. The Republic of Azerbaijan declares that, it is not able to ensure implementation of the provisions of the Convention in its occupied areas by the Republic of Armenia until it is freed.

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

12. This article recognizes that all persons are equal before the law with entitlement to equal protection and benefit of the law on equal grounds without any discrimination.

13. States Parties should report on:

(a) Whether persons with disabilities are able to use the law to protect or pursue their interests on an equal basis to others;

(b) Effective measures taken to guarantee persons with disabilities equal and effective legal protection against all types of discrimination, including the provision of reasonable accommodation;

(c) Policies and programmes, including affirmative action measures, to achieve the de facto equality of persons with disabilities, taking into account their diversity.

14. According to the Constitution of the Republic of Azerbaijan everyone is equal before law and justice. The state ensures equality of everyone's rights and freedom. According to the Law of the Republic of Azerbaijan on "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health" persons with disabilities and children with impaired health have all socio-economic, political, personal rights and freedom given in the Declaration on Rights of the Disabled Persons approved by the General Assembly of the UN, Constitution of the Republic of Azerbaijan, the Law and other legislation. Discrimination is prohibited and pursued by law. Protection of freedom and legal interests of the disabled persons and children with impaired health is ensured by the state in court or other manner defined by law. Officials or other citizens guilty of violating their rights shall be liable in extent of material, disciplinary, administrative and criminal liabilities considered in law.

15. According to the Article 16 of the Labour Code of the Republic of Azerbaijan concessions, privileges and additional protection in labour relations for persons with disabilities, minors under 18 years of age and others in need of social protection shall not be considered discrimination.

## **Article 6 - Women with disabilities**

16. Although gender aspects should be mainstreamed in each of the articles where applicable, under this specific article the report should include information regarding measures taken by the State Party to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the Convention rights and fundamental freedoms, and the elimination of all forms of discrimination.

17. States Parties should report on:

(a) Whether gender inequality of women and girls with disabilities is recognized at legislative and policy levels, as well as within programme development;

(b) Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with boys and men with disabilities;

(c) Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other girls and women without disabilities.

18. According to the Constitution of the Republic of Azerbaijan men and women have equal rights and freedom. The state guarantees everyone's rights and freedom regardless of

their gender and limiting citizens' rights and freedom because of their gender is forbidden by law.

19. It should be noted that, constitutional norms establishing equality were further improved with additions and amendments to the Constitutions in March 18, 2009. Thus, with additions to the Article 25 (Right of Equality) no one may be granted allowances or privileges, or deprived from granting allowances and privileges on the basis of their gender or other status. Equal rights of everyone are guaranteed in relation with decision making agencies on rights and responsibilities, and state agencies in charge of government authorities.

20. The most important activity carried out in direction of protection of women's rights was adoption of the Law "On insuring gender (man and woman) equality" in October 10, 2006, which is the fundamental document in this field. The objective of the document is insuring gender equality by prevention of all forms of gender discrimination and creating equal opportunities for men and women in political, economic, social, cultural and in other fields of life.

21. A State Committee on Family, Woman and Child Problems was established in the basis of the State Committee on Women Problems in line with the Decree of the President of the Republic of Azerbaijan in February 6, 2006. The committee is the central executive power for implementing regulations and state policy on family, woman and child problems.

22. Activities for protection of women's rights, together with other rights were reflected, in the "National Action Plan for protection of human rights in the Republic of Azerbaijan" (NAP) approved by the Decree of the President of the Republic of Azerbaijan in December 28, 2006. NAP considers strengthening fight against violence, providing measures for protection of rights of victims, ensuring necessary compensations, rehabilitation, medical and psychological help, and organizing wide awareness-raising campaigns in this field.

23. "Complex Program for fight against daily violence in a democratic society" was approved by the Cabinet of Ministers in January 25, 2007, for a systematic organization of fight against daily violence in the Republic of Azerbaijan in line with international principals and national legislation.

24. As a continuation of the work in this area Milli Majlis of the Republic of Azerbaijan adopted a Law "On prevention of domestic violence" dated June 22, 2010. This law identifies and regulates measures for prevention of negative legal, medical and social consequences of violence committed through abuse of close relative relationship, joint residence and previous joint residence, and social protection of victims of violence, provision with legal assistance, as well as measures in direction of prevention of such cases.

## **Article 7 - Children with disabilities**

25. The report should include supplementary information where applicable, regarding measures taken by the State Party to ensure the full enjoyment by children with disabilities of all Convention rights and fundamental freedoms, in particular to ensure that all actions concerning children with disabilities are in the best interests of the child.

26. States Parties should report on:

(a) The principles that underpin decision-making in relation to boys and girls with disabilities;

(b) Whether boys and girls with disabilities are able to express their views on all matters that affect them freely, and receive appropriate assistance according to their disability and age to practice this right;

(c) Relevant differences in the situations among boys and girls with disabilities;

(d) Whether children with disabilities are viewed as right-bearers on an equivalent basis to other children.

27. Children with impaired health have all socio-economic, political, private right and liberties. Their discrimination is prohibited and pursued by law. According to the Law "On rights of the Child" adopted in May 19, 1998, government agencies and all legal entities and individuals should hold children's interests above and create conditions for ensuring their rights. Normative legal acts and decisions of relevant agencies may not contradict children's interests in the Republic of Azerbaijan and their execution may not harm life, development and upbringing. Any transaction restricting rights and interests of children is considered void. All children have equal rights. There are no differences in the situations of boys and girls with impaired health, as well as, approach towards them in the fields of protection of rights, education, rehabilitation, social protection and etc.

28. According to the Article 35 of this law children with impaired health have right to get extraordinary medical, defectology and psychological help, in manners determined by the Cabinet of Ministers of the Republic of Azerbaijan. The state assists these children with social and psychological rehabilitation, receiving education in their conditions, choosing professions and involving in labour force, as well as carries out activities for preventing impairment of their health.

29. The period of aftercare of children with impaired health under 18 years of age is included in work experience with the right of pension and additional benefit is paid to subservient in an amount of 10% of the basis part of labour pension.

30. If a minor is catches disease related to post vaccination trauma then a parent or a legal representative, regardless of work experience, has a right for benefit for the loss of work capacity in the amount of 100% of average salary, until the child's health impairment is identified according to legislation.

31. It should be noted that, 2009 was declared as a "Child Year" in Azerbaijan Republic with the Decree of the President of the Republic of Azerbaijan dated December 22, 2008 and Action Plan was approved related to it.

32. Referendum held in March 18, 2009 for amendments and additions to the Constitution of the Republic of Azerbaijan has an important role on promotion of children's rights and on carrying out international obligations. Thus, according to the Article 17 of the Constitution establishes that children deprived of parental care are under the protection of the State, it is prohibited to involve children in activities that may cause threat to their lives, health and morality, children under the age of 15 may not be employed for work, and the State implements children's rights.

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

33. This article establishes the obligation of States Parties to conduct effective awareness raising policies to promote a positive image of persons with disabilities. The report should contain information on the measures taken to raise awareness of persons with disabilities, to foster respect for their rights and dignity, their capabilities and contributions, and to combat stereotypes, and prejudices against them.

34. States Parties should report on:
- (a) Public-awareness campaigns directed to general society, within the education system and actions undertaken through mainstream media;
  - (b) Actions undertaken to raise awareness and inform persons with disabilities and other parts of society on the Convention and the rights it includes.
35. The following matters are reflected in the “National Action Plan on protection of human rights in the Republic of Azerbaijan”; promotion of “Education for all” principle of UNESCO, expansion of legal education and training teacher, lecturers and guides in different categories of population groups (civil, political, economic, social and cultural rights) as well as in field of legal education of persons with disabilities for more efficient protection of human rights and liberties.
36. The Convention on the Rights of Persons with Disabilities was placed on the website of the Ministry of Justice and print materials were published in this area.
37. The Articles 1.0.12 and 13.5 of Law of the Republic of Azerbaijan “On television and radio broadcasting” contains provision for broadcasting of programs of education, training and information pattern for deaf and hearing impaired persons.
38. In accordance to the Convention on the Rights of Persons with Disabilities, National Council of Television and Radio gives recommendations about television and radio programs for equal participation of persons with disabilities together with other persons in cultural life for development and use of creative, artistic and intellectual capacity, as well as for ensuring their right for equal participation in recreation, entertainment and sports activities.

## **Article 9 - Accessibility**

39. This article establishes the obligation of States Parties to take appropriate measures to enable persons with disabilities to live independently as possible and to participate fully in all aspects of life.
40. States Parties should report on:
- (a) Legislative and other measures taken to ensure to persons with disabilities, access on an equal basis with others to the physical environment (including the use of signal indicators and street signs), to transportation, information and communications, (including information and communications technologies and systems) and to other facilities and services provided to the public including by private entities, both in urban and in rural areas according to article 9, paragraphs 2 (b) to (h), of the Convention;
  - (b) Technical standards and guidelines for accessibility; as well as on the auditing of their fulfilment and sanctions for noncompliance; and whether resources obtained by means of money sanctions are applied to encourage accessibility actions;
  - (c) The use of public procurement provisions and other measures that establish compulsory accessibility requirements;
  - (d) The identification and elimination of obstacles and barriers to accessibility including from both within the public and the private sector, and national accessibility plans established with clear targets and deadlines.
41. According to the Law “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health” executive power bodies in the Republic of Azerbaijan provide necessary conditions



for unimpeded access of persons with disabilities and children with impaired health to enterprises (associations), institutions and organizations (irrespective of the forms of property and economic activity), social infrastructure buildings, housing, public and industrial buildings and equipments and free access to public transport and transport communication, media and communication, recreation and leisure facilities.

42. In case of not providing accessibility for persons with disabilities and children with impaired health, organization shall pay penalty to the State Social Protection Fund of the Republic of Azerbaijan of 20% of the amount required for adjustment of the facility to the access of persons with disabilities and children with impaired health.

43. Enterprises and organizations paying the penalty for not adjusting the facilities for free use of persons with disabilities and children with impaired health are not released from duty of adjusting the facility.

44. Relevant activities were carried out in field of Urban Planning, construction and design taking into account persons with physical disabilities. Thus, a separate article (Article 4), named "Interests of state, society and individual in Urban Planning", is considered in the Law of the Republic of Azerbaijan "On basis of city-planning" which is in accordance to the provisions of "State program for prevention of disabilities and rehabilitation of the persons with disabilities for 1999-2002" approved by the Decree # 155 of the President of the Republic of Azerbaijan dated May 14, 1999. A part of this article contains prohibiting provision suspending activities contrary to interests that are legalized for ensuring favourable living conditions of the population in cities and other settlements.

45. The normative documents were approved and adopted by the State Committee of Construction and Architecture for implementation of specific responsibilities of the above mentioned State Program. As a result of application of these normative documents vast theoretical and practical enrichment was observed in area of social and normative-technical view oriented to establishing favourable conditions for persons with disabilities and relevant executive responsibility was formed.

46. State Committee on Urban Planning and Architecture is carrying out activities for self-education of relevant subjects, society and especially persons with disabilities.

47. The reference book "For creation of equal opportunities for persons with disabilities", consisting of 100 pages, has been prepared by the Union of Organizations of Disabled Persons of Azerbaijan Republic with consultation of State Committee on Urban Planning and Architecture.

48. Taking into account individual movement conditions of persons with disabilities, for facilitating their movements, 75 pedestrian crossings are planned to be constructed in streets and avenues of Baku city, in accordance to the Order of the President of the Republic of Azerbaijan. The pedestrian crossings that are already given to exploitation are supplied with equipment mitigating movement of individuals with physical impairment.

49. At the same time, number of important activities were carried out and being continued for providing free movement and comfort of individuals with physical impairment in ground transportation. For example, surfaces of platforms were brought to the same level, for comfort of persons with disabilities, in railway stations of highest passenger flow. The busses of medium and large capacity in city transport were provided with special places for persons with disabilities and pneumatic hardware was installed that lowers the busses to the surface level, facilitating entering and exiting of persons with disabilities.

50. In recent years, for facilitating movement of persons with disabilities special pedestrian strips have been constructed on sides of newly built automobile roads as part of reconstruction of roads of the country for modern requirements.

51. At the same time, new vehicles, of European standards, are being brought to the country for the purpose of further improving taxi service in Baku city. Some of these vehicles were produced by well known company, "London Taxi". It should be noted that, TX-4 model produced by this company is only considered to be used only for the purpose of a taxi and it is equipped with advanced engineering and technical means for use of persons with disabilities and it is wheelchair adapted for easy entrance of wheelchairs and child carriages.
52. Besides this, necessary condition were created for free movement of physically impaired individuals in newly built and already given to exploitation modern bus stations and train stations of "Azerbaijan Railways" CJSC in Baku and in the regions of the country. Currently, the mentioned necessary activities are being carried out in capital repaired and re-constructed transport infrastructure facilities.
53. Information centers were established in 3 regions of Azerbaijan as a part of project for purpose of expanding physically impaired persons' access to information and communication technologies. The project is carried out by the Ministry of Communication and Information Technologies (MCIT), Haydar Aliyev Foundation and the UN Development Program. One of these centers in established in Baku and the other two in the regions of the country, namely Ganja and Nakhchivan.
54. 60 thousand physically impaired people from Ganja and its surroundings may benefit from services of the Regional Information Center in Ganja. Poor eye sighted persons from Nakhchivan Autonomous Republic may use the Center established in Nakhchivan city.
55. The centers are equipped with modern technology and they also contain reading halls, training centers, audio-libraries, recording studios for converting books of the libraries to audio format, computer centers supplied with high-speed internet access with up-to-date computers for visually impaired and poor eye-sight people and cinemas.
56. There are more than 1000 books published in Braille alphabet as well as movies with subtitles for speech and hearing impaired persons and video game room for mentally impaired people for mental development.
57. MCIT is cooperating with the Civil Association of Society of Visually Impaired Persons in Azerbaijan for purpose of expanding use of visually impaired people from telecommunication system and information technologies as well as to solve their employment related problems. Thus, in 2009 Communication Vocational Rehabilitation School was established by the Society in the framework of "Protecting economic rights of visually impaired persons" project carried out with financial support of "Oxfam" International Humanitarian Organization.
58. Students of this school passed production internship in "Aztelekom" and "Baku Telephone Communication" production units of the MCIT in specialties of communication units and communication systems, multi-channel telecommunication systems and information calculations for management of communication systems.
59. Expanding use of ICT and internet by all categories of the population, including groups with impaired health (persons with disabilities and children with impaired health) is considered in the Article "4.3. Creating condition for transition to Information society" of the "State Program for the development of the communication and information technologies in the Republic of Azerbaijan in 2010-2012" (Electronic Azerbaijan) approved with the Decree of the President of the Republic of Azerbaijan, dated to August 11, 2010.

60. The article “7.3.5. To carry out activities for expansion conditions of use of ICT by health impaired groups” is reflected in the Action Plan for implementation of the State Program for the purpose of enhancing role of health impaired groups in the society.
61. In this regard, activities are being carried out for audio text dubbing and establishing voice activated computers in the framework of project “Dilmanc”. This system will create possibility for health impaired people to use internet, e-mails, create texts and send them without using keyboard.
62. Activities are being carried out for adaptation of web-sites to suggestions in “Web Content Accessibility Guidelines (WCAG) 2.0” (enlarged fonts, font Braille, audio, symbols and simplified language) of “W3C” company.
63. MCIT provides free internet access for people with health impairment on individual application.
64. Wheelchair paths and elevators were constructed in Haydar Aliyev Palace, Azerbaijan State Academic National Drama Theatre, Azerbaijan State Puppet Theatre, Azerbaijan State Russian Drama Theatre, Azerbaijan State Young Spectators Theatre to ensure right of equal participation of persons with disabilities in cultural life, to develop and use their creative, artistic and intellectual capacity, as well as to participate in recreational and entertainment events. It is considered to construct wheelchair paths and elevators in buildings of Azerbaijan National Library named after M.F.Akhundov, Azerbaijan State Art Museum named after R.Mustafayev and “Nizami” cinema.
65. Above mentioned activities are considered to be carried out in Academic Opera and Ballet Theatre during its reconstruction and capital repair as well as in already designed Azerbaijan State Music Culture Museum, “Shahdag” Summer-Winter Tourism Complex and other future tourism and cultural facilities.

## **Article 10 - Right to life**

66. This article reaffirms the inherent right to life of persons with disabilities on an equal basis with others.
67. States Parties should report on:
- (a) Whether the legislation recognizes and protects the right to life and survival of persons with disabilities on an equal basis with others;
  - (b) Whether persons with disabilities are being subject to arbitrary deprivation of life.
68. According to the Article 27 of the Constitution of the Republic of Azerbaijan, everyone has the right to live. Except extermination of enemy soldiers in a case of military aggression, when executing the sentence and in other cases envisaged by law, right of every person for life is inviolable.
69. Considering the importance of human rights and principles of democracy, in 1993 Azerbaijan Republic imposed veto to the execution of capital punishment and in 1998, for the first time in the East, capital punishment was abolished in Azerbaijan.
70. Unreasonably depriving lives of persons with disabilities is prohibited by law. But there are exceptions in law about inviolability of life. Using arms against human beings is prohibited, except the cases of extermination of enemy soldiers during military aggression on the state, necessary defense, last resort, whenever a criminal should be caught, to prevent a prisoner from running away, to prevent revolt against the state or coup and military aggression against the country.

## **Article 11 - Situations of risk and humanitarian emergencies**

71. This article obliges States Parties to ensure the protection and safety of persons with disabilities in situations of risk, such as situations resulting from armed conflicts, humanitarian emergencies or natural disasters.

72. States Parties should report on any measures taken to ensure their protection and safety including measures taken to include persons with disabilities in national emergency protocols.

73. States Parties should report on measures taken to ensure that humanitarian aid relief is distributed in an accessible way to people with disabilities caught in humanitarian emergency, in particular measures taken to ensure that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for persons with disabilities.

74. According to the Statute of the Ministry of Emergency Situations the ministry carries out activities to protect the population from emergency situations of natural and man-made type, prevent emergency situations and eliminating their consequences. The priority is evacuating population from regions of emergency situations and providing them with humanitarian aid and emergency medical services.

75. As a result of implementation of the State Program on “Improvement of Living Conditions of Refugees and Internally Displaced People and increasing their employment” approved by the Decree of the President of the Republic of Azerbaijan dated on July 1, 2004 # 298 and “Additions” to the State Program approved by the Decree of the President of the Republic of Azerbaijan dated on October 31, 2007 # 2475 the level of housing of refugees and internally displaced people has been considerably improved . In the period of 2001-20010, 67 settlements and private houses were built and these houses were provided with modern housing conditions, as well as sanitation and latrine facilities accessible for persons with disabilities.

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

76. This article reaffirms that persons with disabilities have the right to recognition as persons before the law.

77. States Parties should report on:

(a) Measures taken by the State Party to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in particular such measures as to ensure the equal right of persons with disabilities to maintain their physical and mental integrity, full participation as citizens, own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and their right not to be arbitrarily deprived of their property;

(b) Whether legislation does or does not exist which restricts the full legal capacity on the basis of disability, as well as actions being taken towards conformity with article 12 of the Convention;

(c) The support available to persons with disabilities to exercise their legal capacity and manage their financial affairs;

(d) The existence of safeguards against abuse of supported decision-making models;

(e) Awareness-raising, and education campaigns in relation to equal recognition of all persons with disabilities before the law.

78. All citizens of the Republic of Azerbaijan are equal before law and law court. The state guarantees equality of rights and liberties of everyone. In the Republic of Azerbaijan the state guarantees rights, liberties and legal interests of persons with disabilities and children with impaired health by means of court or other means defined by law.

79. According to the Article 61 of the Constitution everyone has the right for obtaining qualified legal advice. In specific cases envisaged by legislation legal advice shall be rendered free, at the governmental expense.

80. 16 regional legal counseling service centres were established by the Ministry of Justice for providing free legal assistance to the population, especially to low-income group and for awareness-raising purposes. These activities were carried out in line with the "State Program for poverty reduction and sustainable development in the Republic of Azerbaijan in 2008-2015" approved by the Decree of the President of the Republic of Azerbaijan in September 15, 2008. Works were carried out to supply the centres with staff lawyers with necessary knowledge as well as for provision of necessary equipment and legislative acts.

81. According to the Article 25 of the Civil Code of the Republic of Azerbaijan the civil legal capacity of an individual is the ability of a person to possess civil rights and be liable for civil obligations. Civil legal capacity is recognized equally for all natural persons. Civil legal capacity is recognized equally for all individuals. Legal capacity for a natural person arises from the moment of birth and ceases to exist upon the moment of death and an individual may not be deprived of his legal capacity.

82. The civil legal capacity of an individual is the ability to obtain and exercise civil rights and to establish and perform civil obligations by his own actions. The full civil legal capacity of a natural person begins in its full upon his reaching the adult age of maturity, i.e., upon reaching the age of 18. The court may also declare 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 persons. Upon recovery or substantial improvement of the health of a person previously declared as not having legal capacity, a court shall declare such person as having legal capacity and the guardianship established for such person shall be terminated by court order.

83. An individual may not be deprived of his legal capacity in any circumstances. An individual's legal capacity and capability may be limited only in those cases and in accordance with the procedures provided by law.

84. At the request of an adult having legal capacity, who, due to health conditions, cannot independently exercise and protect his rights and perform obligations, patronage may be established over such person. The establishment of patronage does not restrict limit the rights of a natural person.

85. According to the Article 29 of the Constitution of the Republic of Azerbaijan, everyone has the right to own a property. Ownership right including right for private owners is protected by law. Everyone might possess movable and real property. Right of ownership envisages the right of owner to possess, use and dispose of the property himself/herself or jointly with others. Nobody shall be deprived of his/her property without decision of law court. Total confiscation of the property is not permitted. Appropriation of the property for state or public needs is permitted only after preliminary fair reimbursement of its cost. The state guarantees succession rights.

86. According to the Article 54 of the Law “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children of impaired health” residential areas build by the funds or jointly by the civil associations of persons with disabilities and children of impaired health cannot be bought back as their permanent property and it is distributed in accordance with the proposals of the organizations in line with housing legislation of the Republic of Azerbaijan.

### **Article 13 - Access to justice**

87. This article recognizes the right of persons with disabilities to have effective access to justice on an equal basis to others, without being excluded from legal proceedings.

88. States Parties should report on:

(a) Measures taken to ensure the effective access to justice at all stages of the legal process, including investigative and other preliminary stages, by all persons with disabilities;

(b) Measures taken to ensure effective training of personnel in the national justice and prison system, in the respect for the rights of persons with disabilities;

(c) The availability of reasonable accommodations, including procedural accommodations that are made in the legal process to ensure effective participation of all types of persons with disabilities in the justice system, whatever the role which they find themselves in (for example as victims, perpetrators, witness or member of jury, etc.);

(d) Age-related accommodations to ensure effective participation of children and young persons with disabilities.

89. Great importance was attached to judicial activities and continuous activities have been carried out by the government to improve judicial system to the level of international norms and principles. It should be noted that in a short time period judicial and legislative system was totally re-established with democratic principles, modern judicial system was established, improved laws and codes of European standards were adapted, in the year 2000 selection of judges was carried out by multiple-choice questions and it was the first among state agencies, important steps were taken in direction of establishing independent judicial power and new judicial system started to operate.

90. As a result of the activities legislative projects were developed and adapted after the review of the Council of Europe expertise, for the purpose of increasing efficiency of justice and for identifying additional guarantees for independence of judicial power. Thus, the Law “On courts and judges” was fundamentally renewed and a special Law “On Judicial-Legal Council” was adopted.

91. For the first time, regulations were stipulated in the legislation for permanent appointment of judges and evaluation of their activities.

92. New institution, the self-government body of judiciary power, namely Judicial-Legal Council was established. Evaluation of activities of judges, changing their jobs, their disciplinary proceedings and other related issues are exceptional powers of this council.

93. The most progressive rules were developed for selection of judges and they were adopted by the Judicial-Legal Council after the review of the Council of Europe expertise and activity of independent agency, namely Judges Selection Committee, was provided.

94. This objective selection mechanism of numerous transparent exams and interviews, and long term courses and internships for preparation of candidates to the position of judge ensures independence of judges during their activities.

95. It should be noted that, the Decree of the President of the Republic of Azerbaijan, signed in 2006 for modernizing judicial system and increasing efficiency of justice was a new stage in improvement and development of judicial system.

96. New courts, including regional appeal and economic courts were established, in accordance to this Decree. Establishment of these new courts facilitated application of population to courts, increased socio-economic development speed of the regions, improved legal assistance and stimulated advocacy services.

97. It should be emphasized that, appropriate activities are being carried out for establishing modern judicial infrastructure in a framework of “Modernization of the Judicial System” project implemented together with the World Bank. In the framework of activities carried out in this direction increasing application opportunity of persons with disabilities to courts, including their entrance to court buildings and full representation in court process.

98. According to the Article 92.3.2. of the Criminal-procedural Code 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 defense counsel shall be ensured.

99. According to the Article 153.2.10 of the Code the officials of the prosecuting authority and those in charge of the temporary detention facility 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.

100. According to the Article 229 of the Code 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. This person’s participation in the interview shall be noted in the record. If a witness suffers from a mental or other serious illness, the interview shall be held with the permission and the participation of a doctor. If 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. If the witness cannot sign the record because of physical disabilities, the investigator shall note these circumstances in the record and endorse the record with his own signature. An interview with a dumb, deaf or blind witness shall be conducted in accordance to Article 229 of the Code.

101. It should be noted that, for the first time the Justice Academy of the Ministry of Justice of the Republic of Azerbaijan proper consideration is given to studying precedents of European Court of Human Rights and other international document on human rights during mandatory trainings for recruitment to the prosecutors’ offices and advocacy candidates, as well as during first long-term training programs of candidates to judge’s position and during continuous education program of judges.

102. At the same time, two academic hours of the Convention on the Rights of Persons with Disabilities was included to “Human Rights” subject in the Training Centre of Penitentiary Services to raise the professionalism of personnel of penitentiary institutions.

## Article 14 - Liberty and security of the person

103. This article ensures that persons with disabilities enjoy the right to liberty and personal security, and are not deprived of their liberty, unlawfully or arbitrarily, on the basis of the existence of a disability.

104. States Parties should report on:

(a) Measures taken by the State Party to ensure that all persons with all forms of disabilities enjoy the right to liberty and security of person and that no person is deprived of her/his liberty on the basis of her/his disability;

(b) Actions being taken to abolish any legislation that permits the institutionalization or the deprivation of liberty of all persons with all forms of disabilities;

(c) Legislative and other measures put in place to ensure that persons with disabilities who have been deprived of their liberty are provided with the required reasonable accommodation, and benefit from the same procedural guarantees as all other persons to enjoy fully their remaining human rights.

105. According to the Article 28 of the Constitution of the Republic of Azerbaijan everyone has the right for freedom. The right for freedom might be restricted only as specified by law, by way of detention, arrest or imprisonment. According to the Article 32 of the Constitution everyone has the right for personal immunity. It should be noted that, existence of the disability is not a basis for deprivation of freedom.

106. According to the Article 53.5 of the Criminal Code of the Republic of Azerbaijan restriction of freedom is not appointed to the persons recognized as invalids of the first or second group. Also, criminal responsibility is considered in the Code for illegal deprivation of freedom and placement to psychiatric hospital.

107. Prisoners are provided with rights and liberties specified in the legislation during serving the punishment. The prisoners might be deprived of their rights and liberties only in cases specified in the legislation.

108. According to the information of the Ministry of Justice, as of October 1, 2010, there are 301 persons with disabilities in penitentiary institutions.

109. According to the Sentence Execution Code of the Republic of Azerbaijan prisoners in penitentiary institutions may receive packages, wrappers and presents in a specified amount. There is limit for receiving packages, presents or wrappers for invalids of the first and the second groups. Improved housing-communal conditions are created for ill and for invalids of the 1st and 2nd groups and special norms of feeding are established for them. Prisoners may obtain food-stuff and essential goods with their own non-cash account. Invalids of the 1st and the 2nd groups are allowed to obtain additional food-stuff and essential goods in amount of 15 manats per month. Each prisoner is engaged in labour activity determined by the administration of the prison. Invalids of the 1st and the 2nd groups are allowed to work on a voluntary basis. Exemptions are carried out from earnings, pensions and incomes of prisoners in jails and prisons. At least 60% of monthly salary, pensions and other incomes are transferred to the accounts of invalid prisoners of the 1st and the 2nd groups. Invalid prisoners of the 1st and the 2nd group are involved to vocational education or trainings, as well as general secondary education with their own desire. Invalid prisoners of the 1st and 2nd group may be sent to nursing homes of the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan for aged and persons with disabilities. It is done so with an application of the prisoners and a reference of the administration of the prison.



110. In prisons there are medical sanitary units to provide prisoners with medical services, as well as treatment institutions for stationary treatment and storage of infectious diseases, alcohol and drug addiction as well as patients with tuberculosis. Treatment of prisoners in the outside prison medical institutions and involvement of civil medical staff is considered in the legislation. Prisoners have right to apply for paid medical institutions for counseling and treatment.

111. It should be noted that, medical services of the ministry has been removed from penitentiary system and Medical head office was established in its basis directly answering to the Ministry of Justice and completed with experiences specialists to provide all prisoners with qualified medical aid and to ensure independence of medical specialists.

112. At the same time, reliably provision of rights and security of the prisoners, including invalid prisoners, adaptation of the storage conditions to international standards, modernization of corrective work, expanding meeting opportunities and motivational activities, using free time more efficiently and other modern provisional issues are reflected in the text of "Internal Disciplinary Regulations of Prisons". The text was prepared by considering suggestions of Public Committee taking part in corrective work of prisoners and conducting public control over activities of penitentiary institutions, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as European Prison Rules and it was approved by the ministry in September 24, 2010 meeting of colleagues.

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

113. This article establishes the protection of persons with disabilities from being subjected to torture, cruel, inhuman and degrading treatment or punishment.

114. States Parties should report on:

(a) Measures taken to protect effectively persons with disabilities from medical or scientific experimentation without their free and informed consent, including persons with disabilities who need support in exercising their legal capacity;

(b) The inclusion of persons with disabilities in national strategies and mechanisms to prevent torture.

115. According to the Article 46 of the Constitution of the Republic of Azerbaijan everyone has the right to defend his/her honour and dignity. Dignity of a person is protected by state. Nothing can lead to humiliation of dignity of human being. Nobody can be subject to tortures and torment, treatment or punishment humiliating the dignity of human beings. Medical, scientific and other experiments must not be carried out on any person without his/her consent.

116. Azerbaijan has joined to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The issue of ensuring rights of prisoners, including persons with disabilities, in penitentiary systems and prevention of torture and inhuman treatment has always been in the centre of attention and public control mechanisms are widely used for this purpose.

117. It should be noted that, Public Committee was established in 2006 to strengthen public control in this direction and this committee takes part in controlling corrective work in prisons and activities of the penitentiary institutions. The Committee is consisting from representatives of NGOs and they carry out regular monitoring in jails and during these

monitoring they meet with prisoner with disabilities, pay attention and propose suggestions about treatment towards the prisoners, their housing conditions, financial and medical supply and other issues. The Ministry of Justice carries out necessary work in direction of these suggestions and proposals.

118. Also, the monitoring of the prisoners' conditions is carried out by the European Committee for Prevention of Torture, International Committee of the Red Cross, as well as relevant non-governmental organizations.

119. At the same time, Commissioner of Human Rights (Ombudsman) was established in line with the Decree of the President of the Republic Of Azerbaijan dated January 13, 2009, as an institutions carrying out national preventive mechanisms envisaged in the Facultative Protocol of the UN Convention against Torture approved by the Law of the Republic of Azerbaijan in December 2, 2008.

120. The main objective of regular visits of Ombudsman's National Preventive Mechanism to penitentiary institutions were learning current situation and carrying out preventive activities in line with the Facultative Protocol.

121. The relevant services of the Ministry of Internal Affairs (MIA) carry out their work in accordance to the Constitution of the Republic of Azerbaijan, the Law "On Police", Criminal and Criminal Procedural Code and other national and international normative legal acts providing equal rights to men and women, as well as protecting the high rights of children. The activities are carried out as a part of human rights to protect citizens and especially the group in need of special protective mechanisms namely, persons with disabilities, women and under aged individuals.

122. The applications of individuals from the mentioned group are issued to initial inspection, administrative inquisition and before court proceedings without distinction of existing disabilities or gender. Girls and women with disabilities have opportunity to use their right to entirety.

123. Reference to different principles is not allowed during opinions or decisions about investigation materials of boys and girls with disabilities and children with impaired health are considered equal and they have all the rights as other children.

124. Taking into account age and gender, children with impaired health are ensured with protection, like other children, against exploitation, violence and all forms of degrading treatment in both domestic and educational institutions. These activities for education and awareness-raising are carried out in accordance to guidelines of the Law of the Republic of Azerbaijan "About the Rights of the Children" and with the instructions adapted to the Law by the order of the MIA dated to February 27, 2007.

125. State Commission of Family, Woman and Child Problems, Ombudsman Institution and other child protection organization carry out activities for providing and improving activities of protection of children from violence, illegal domestic acts and rehabilitation of children committing crime and victims of criminal acts according to instructions reflected in the legislation. These activities are also carried out by the order, instruction and guidelines of the Ministry of Internal Affairs.

126. The above mentioned institutions carry out workshops, round-tables and conferences, as well as are study and implement modern and useful work methods of specialists of child rights institutions of the UN and OSCE.

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

127. This article protects persons with disabilities from all forms of exploitation, violence and abuse, both within and outside the home, paying special attention to children and women with disabilities.

128. States Parties should report on:

(a) Legislative, administrative, social, educational and other measures taken to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including the gender and child based aspects;

(b) Social protection measures to assist and support persons with disabilities, including their families and caregivers, and to prevent, recognize and report instances of exploitation, violence and abuse, including the gender- and child-based aspects;

(c) Measures taken to ensure that all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities;

(d) Measures taken to ensure that all persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social re-integration services and programmes;

(e) Measures taken to ensure that all services and resources available to prevent and support victims of violence are accessible to persons with disabilities;

(f) Legislation and policies, including women and child focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

129. “The Complex Program for Fight against Daily Violence in a Democratic Society” was approved by the Decision of the Cabinet of Ministers in January 25, 2007 for purpose of providing systematic fight against daily violence in the Republic of Azerbaijan in accordance to international principles and national legislation. The issues of activating persons with disabilities using their vocational and experience capacity, carrying out relevant activities for reintegrating to the society the victims of violence and children with special needs, including children with impaired health are determined in the Action Plan for implementation of the Program;

130. The Law of the Republic of Azerbaijan “On Prevention of Domestic violence” identifies and regulates measures for prevention of negative legal, medical and social consequences of violence committed through abuse of close relative relationship, joint residence and previous joint residence, and social protection of victims of violence, provision with legal assistance, as well as measures in direction of prevention of such cases.

131. The Criminal Code of the Republic of Azerbaijan determines criminal responsibility for killing, injuring health, beating, torturing etc. of persons with disabilities and the fact that the crime is committed against a person in a helpless situation or against a person which is in dependence on guilty, is considered as aggravating circumstance.

132. According to the Article 35.3 of the Constitution of the Republic of Azerbaijan, nobody might be forced to work. The Criminal Code of the Republic of Azerbaijan determines criminal responsibility for human trafficking and forced labour.

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

133. This article establishes the right to respect for the physical and mental integrity of persons with disabilities.

134. States Parties should report on:

(a) Measures taken to protect persons with disabilities from medical (or other) treatment given without the free and informed consent of the person;

(b) Measures taken to protect all persons with disabilities from forced sterilization, and girls and women from forced abortions;

(c) The existence, composition and role of independent review organizations to ensure the fulfilment of this right, as well as the programmes and measures adopted by these bodies.

135. According to the Constitution of the Republic of Azerbaijan medical, scientific and other experiments must not be carried out on any person without his/her consent.

136. According to the Criminal Code of the Republic of Azerbaijan criminal responsibility is considered for illegal artificial fertilization or implantation of embryos, implementation of operation with purpose of medical sterilization, realization of biomedical researches or application of forbidden diagnostics and treatments ways, and also of medical products, and illegal abortion.

## **Article 18 - Liberty of movement and nationality**

137. This article recognizes the right of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality.

138. States Parties should report on:

(a) Legislative or administrative measures taken to ensure the right of persons with disabilities to acquire a nationality and to not be deprived of it, as well as to ensure the right of persons with disabilities to enter or leave the country arbitrarily;

(b) Measures taken to ensure that every newborn child with a disability be registered upon birth and given a name and a nationality.

139. According to the Article 28 of the Constitution of the Republic of Azerbaijan everyone legally being on the territory of the Azerbaijan Republic may travel without restrictions, choose the place of residence and travel abroad. Any citizen of the Azerbaijan Republic has the right to return to his/her country whenever he/she so desires.

140. According to the Article 52 of the Constitution of the Republic of Azerbaijan a person having political and legal relations with the Azerbaijan Republic and also mutual rights and obligations is the citizen of the Azerbaijan Republic. A person born on the territory of the Azerbaijan Republic or by citizens of the Azerbaijan Republic is the citizen of the Azerbaijan Republic. A person is the citizen of the Azerbaijan Republic if one of his/her parents is the citizen of the Azerbaijan Republic.

141. In no circumstances a citizen of the Azerbaijan Republic may be deprived of citizenship of the Azerbaijan Republic. The state of Azerbaijan carries the responsibility on behalf of its agencies and officials of citizenship right before the citizens of the Republic of Azerbaijan.

142. According to the Law "On Citizenship of the Republic of Azerbaijan" citizenship of the Republic of Azerbaijan is equal for all irrespective of foundations of its acquisition.

According to the Article 11 of the Law, a person shall acquire the citizenship of the Republic of Azerbaijan in the following cases:

- (a) When born on the territory of the Republic of Azerbaijan, or born from citizens of the Republic of Azerbaijan;
- (b) As a consequence of admission to citizenship of the Republic of Azerbaijan;
- (c) By reasons stipulated by international treaties of the Republic of Azerbaijan;
- (d) By other reasons stipulated by the present Law

143. According to the Law of the Republic of Azerbaijan “Law on Azerbaijani citizens' identity cards” refusal from issuing or changing identification card is prohibited. The identification cards are issued by relevant bodies, in maximum 10 days after the application of the citizen of the Republic of Azerbaijan or his legal representative with a birth certificate, photo of the citizen of 16 years of age, receipt of payment of state duty and in necessary situations, documents confirming the citizenship of the Republic of Azerbaijan.

144. According to the Law on “On exit from the country, entry into the country, and about Passports” each citizen of the Republic of Azerbaijan, as well as foreigners and persons without citizenship have rights to free exit from the country and entry into the country through the check-points specially provided for such purposes and they cannot be deprived of this right. The citizen's right to exit from the country and entry into the country in accordance with the procedure determined by the present Law is realized only on a basis of the passport of the citizen of the Azerbaijan Republic and permission to enter a foreign country — visa, issued in accordance with the international agreements. Civil passport is issued by relevant bodies of internal affairs within no later than one month after application of the citizen with identification card, photos, the state duty receipt, and documents confirming the Azerbaijan Republic's citizenship. The passport is issued in 5 days in cases envisaged in the legislation of the Republic of Azerbaijan, in 2 days in exceptional cases (if the voyage is connected with an urgent medical treatment of the citizen of Azerbaijan or individual(s) travelling with them, or serious illness or death of a relative and other exceptional conditions).

145. According to the Law “On the Rights of the Child” a child born in the area of the Republic of Azerbaijan is registered and provided with citizenship. A name is given to a child with mutual consent of the parents, in the absence of parents it is given with the consent or instruction of custodial agency.

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

146. This article recognizes the right of persons with disabilities to live independently and to participate in the community.

147. States Parties should report on:

- (a) The existence of available independent living schemes, including the provision of personal assistants for persons who so require;
- (b) The existence of in-house support services allowing persons with disabilities to live in their community;

(c) The existence and range of options of residential services for living arrangements, including shared and sheltered accommodation which take into account the form of disability;

(d) The degree of accessibility for persons with disabilities to community services and facilities provided to the general population.

148. According to the Law of the Republic of Azerbaijan on “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children of impaired health” social support agencies provide medical and public services in homes or stationary institutions to persons with disabilities in need of outside assistance and care, as well as to children with impaired health.

149. The circumstances of being in boarding houses or other stationary social support institutions ensure use of rights and legal interests to the persons with disabilities and children with impaired health and assist provision of demands in maximum capacity.

150. According to the Articles 34 and 43 of the Law, the relevant executive body provide comfortable living space to the persons with disabilities and children with impaired health in case if there is no need for them to stay in boarding houses or stationary social support institutions as a result of their rehabilitation.

151. Children without parents or with parents deprived of their rights, living in state or other social institutions when they reach to the age of maturity they have right to get financial support to buy flats without waiting and to repair it if the medical social expertise decides that he/she can live independently.

152. Labour and recreational facility for young persons with disabilities has been functioning in Ramana with 200 places since 1990, under the Ministry of Labour and Social Protection of the Population. Currently it has 123 residents. According to the Statute, persons between 18-35 years of age with the disability in mobility and support are allowed to reside in the facility. They reside with provision of state guarantee and pensions.

153. Since the facility has started functioning the Ministry of Labour and Social Protection of Population had established special engineer-programmer faculty in the Azerbaijan State Oil Academy for the residents living there and capable of continuing their education. The faculty functioned till the year 2000. Graduates of the faculty are working in different organization, offices and institution, including 5 of them working in Ramana Labour and Recreation House for Young Persons with Disabilities.

154. 5 vocational training courses have been established in Ramana Labour and Recreation House for Young Persons with Disabilities since 2009, as a result of activities carried out by the Ministry to provide purposeful work of the facility. Until now 171 persons with disabilities have graduated from these training courses and 40 are continuing with their education.

## **Article 20 - Personal mobility**

155. This article recognizes the right of persons with disabilities to move freely with the greatest possible independence.

156. State Parties should report on:

(a) Measures to facilitate the personal mobility of persons with disabilities, including the use of signal indicators and street signs for accessibility, in the manner and

the time of their choice, as well as their access to forms of assistance (human, animal, or assistive technologies and devices), at an affordable cost;

(b) Measures taken to ensure that the technologies are high quality, affordable, and user-friendly;

(c) Measures taken to give training in mobility skills to persons with disabilities and specialist staff;

(d) Measures taken to encourage entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

157. Relevant road signs for pedestrian persons with disabilities and recognition signs for their vehicles are determined in the Law “On traffic” of the Republic of Azerbaijan. Thus, “Visually Impaired Pedestrians” 7.15 and “Persons with Disabilities” 7.17 road signs are determined in the appendix number 4 of the Law “On traffic” in the part 7 (additional information signs) of “Road Signs” in vehicle recognition part. Also, “Recognition sign of vehicles operated by speech or hearing impaired persons” and “Recognition sign of vehicles operated by persons with disabilities” are determined in the appendix 7 of the Law.

158. According to the Paragraph 11 of the Article 37 of the Law determines the followings; carrying out activities for safe movement of mechanical means of transportation operated by the disabled and immediate suspension of movement of vehicles with the signal (a signal – rising white stick) of visually impaired person crossing the street.

159. At the same time, according to the Article 28.2 of the Code of Administrative Offences of the Republic of Azerbaijan the movement of vehicles operated because of disabilities of persons cannot be suspended, with the exception of operating drunk driver.

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

160. This article recognizes the right of persons with disabilities to freedom of expression and opinions, including the freedom to seek, receive and impart information and ideas through all forms of communication of their choosing.

161. States Parties should report on:

(a) Legislative and other measures taken to ensure that information provided to the general public is accessible to persons with disabilities in a timely manner and without additional cost;

(b) Legislative and other measures taken to ensure that persons with disabilities can use their preferred means of communication in all forms of official interaction and access to information, such as sign language, Braille, augmentative and alternative communication, and all other accessible means;

(c) Measures taken to urge private entities and mass media to provide their information and services in an accessible form for persons with disabilities, including measures taken to prevent the blocking or restriction of access to information in alternative formats by the private sector;

(d) Degree of accessibility of mass media and percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards;

(e) Legislative and other measures taken linked to the official recognition of sign language(s).

162. According to the Constitution of the Republic of Azerbaijan everyone has liberty of thought and speech. Nobody should be forced to promulgate his/her thoughts and convictions or to renounce his/her thoughts and convictions. Everyone is free to look for, acquire, transfer, prepare and distribute information. In Azerbaijan laws about freedom of thought, speech, information and mass media were expertise by reliable international organization and adopted

163. At the same time, the citizens' rights of speech and the right to express their thoughts and convictions in mass media, the rights to collect and distribute information are determined with the laws "On Mass Media", "On Access to Information" and other laws of the Republic of Azerbaijan.

164. A Library for Visually Impaired Persons was established in 1981. The library has around 5 thousand books printed in Braille fonts, as well as audio-cassettes and CDs. The library is being expanded constantly to meet the demands of readers. In 2007-2010 the Library for Visually Impaired Persons has bought many CDs from the Russian Federation, on scientific-popular literature, as well as bestsellers and classic literature.

165. The library has 20 employees and 13 of them have university degree. Majority of the employees are visually impaired. The library cooperated closely with the Society of Visually Impaired Persons in Azerbaijan and together they carry out projects.

## **Article 22 - Respect for privacy**

166. This article recognizes the right of all persons with disabilities to the protection of their private life, honour and reputation.

167. States Parties should report on the measures taken to protect the privacy of personal, health and rehabilitation related information of persons with disabilities.

168. States parties should report on measures taken so that persons with disabilities not be concealed on the pretext of protection of privacy.

169. According to the Constitution of the Republic of Azerbaijan everyone has the right for personal immunity. Everyone has the right for confidentiality concerning personal and family life. Except cases envisaged by legislation interference in personal life is prohibited. Everyone has the right of protection from illegal interference to personal and family life. Gaining, storing, use and spreading information about the person private life without his/her consent is not permitted. No one may be subjected to being followed, videotaped or photographed, tape recorded or subjected to other similar actions without his or her consent save activities in cases prescribed by law. The state guarantees everyone the right for confidentiality with respect to correspondence, telephone communications, post, telegraph messages and information sent by other communication means. This right might be restricted, as specified by legislation, to prevent crime or to find out true facts when investigating criminal case. Everyone may become familiar with the materials collected in regards to him or her save in cases prescribed by law. Everyone has a right to demand correction or elimination of the information collected in regards to him or her, which does not correspond to the truth, is incomplete or collected through violation of the provisions of law.

170. Everyone has the right to defend his/her honour and dignity. Dignity of a person is protected by state. Nothing must lead to humiliation of dignity of human being.



## Article 23 - Respect for home and the family

171. This article recognizes the right of persons with disabilities to marriage and to found a family, to decide freely on the number of children to have, and to retain their fertility on an equal basis to others.

172. States Parties should report on:

(a) Measures taken to ensure that persons with disabilities may exercise the right to marry and to found a family on the basis of full and free consent;

(b) Measures taken so that persons with disabilities have access to family planning, assistive reproduction and adoption or fostering programmes;

(c) Measures taken to ensure that parents with disabilities, who so require, are provided with the adequate support in their child-rearing responsibilities, ensuring the parent-child relationship;

(d) Measures taken to ensure that no child is separated from her/his parents because of the disability of either the child or one or both of the parents;

(e) Measures taken to support fathers and mothers, and the families of boys and girls with disabilities, in order to prevent concealment, abandonment, neglect or segregation of the boy or girl with a disability;

(f) Measures taken to avoid institutionalization of boys and girls with disabilities whose parents are unable to care for them, and ensure that they are provided with alternative care from the wider family, or when this is not possible, in a family setting in the wider community;

(g) Measures taken to prevent the forced sterilization of persons with disabilities, especially with girls and women.

173. According to the Article 34 of the Constitution of the Republic of Azerbaijan everyone has the right to marry on reaching the age specified by legislation. Marriage shall be concluded voluntarily. Nobody should be force to marriage. Marriage and family are protected by state. Maternity, paternity and childhood are protected by the law.

174. Also, marriage connection procedures and conditions between the citizens of the Republic of Azerbaijan have been widely interpreted in Family Code of the Republic of Azerbaijan. Thus, in the Republic of Azerbaijan age of marriage for men 18 years old, for women 17 years old was determined according to the Code. For the conclusion of marriage, written consent and to reach the age of marriage are necessary. If one of the parties or both of them intending to marry has been considered by a court mentally ill or lacking wisdom, it is measured as cases to prevent the closure of the marriage.

175. If one of person getting married hide found skin-venereal disease and acquired immune deficiency syndrome (AIDS) and, then another side may apply to the court at the request of invalidation of marriage.

176. According to the Article 120, of the Family Code of the Republic of Azerbaijan, persons considered by the court to be incapable of activity or persons with limited activity, as well as persons unable to carry out parental duties due to health, cannot adopt a child.

177. According to the Decision of Cabinet of Ministers of the Republic of Azerbaijan dated August 15, 2000 persons with diseases and injuries that lead to disability groups I and II are not allowed to adopt a child, as well as guardianship or patronage.

178. According to the Article 35 of the Law of the Republic of Azerbaijan "On Rights of the Child" Children with mental and physical disabilities shall have the right to receive

extraordinary, psychological, medical and defectological help determined by the Cabinet of Ministers of the Republic of Azerbaijan.

179. The State assists with the social and psychological rehabilitation, with receiving education in accordance with their opportunities, choosing profession, labour involvement of these children, take appropriate measure to prevent children's disabilities.

180. Provision of discounts to the persons taking care of the child with impaired health is reflected on Article 36 of the Law "On the Right of the Child". The period of care of children with impaired health under the age of 18 are included in work practice of giving pension law and additional benefits are paid in the amount of 10% of basis part of labour pensions to child care person.

181. If a minor is catches disease related to post vaccination trauma then a parent or a legal representative has right for benefit of 100% of average salary, regardless of work experience, until the child's health impairment is identified according to legislation.

182. The Law of the Republic of Azerbaijan "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health" determine state policy on disabled persons in the Republic of Azerbaijan, guarantee the prevention of reasons leading of disabilities, rehabilitation of the disabled, getting equal opportunities of disabled to all other citizens, the creation of necessary condition for assisting of full leading life according to their interests and own talents.

183. The Law "On education (special education) of persons with impaired health" was adopted according to the Decree of the President of the Republic of Azerbaijan, dated June 5, 2001. The law regulates relations arising in the field of education of persons with impaired health care, determine the organizational-legal and economic fundamentals of special education.

184. According to the "Guidelines on providing home services to lonely elderly citizens and persons with disabilities" of the Republic of Azerbaijan, elderly citizens over 75 years of age and persons with disability group of 1 living alone without children or parents legally obliged to take care of them living in the same city or rayon (regardless of living in different districts) are taken in for home services by the department of home services of the City (district) Centres for Social Protection of the Population.

185. According to the Article 45 of the Law of the Republic of Azerbaijan "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health", social support authorities provide medical and home services at home or at stationary institutions, to the disabled and children with impaired health in need of outside assistance and service. Social services agencies, as well as individuals professionally functioning in social services (at home, stationary and semi-stationary institutions) provide exclusive social services to elderly people with disabilities.

186. Concessions are considered for mothers of children with impaired health for their right of getting labour pensions, in the Article 8 of the Law of the Republic of Azerbaijan "On labour pensions" dated February 7, 2009.

187. "Rules of providing medical, defectological and psychological assistance (service) to persons with disabilities, children with impaired health, IDPs, refugees or elderly people, children, law-income families or families without house-hold head with IDP status living in temporary residence areas or hospitals, citizens injured during rescuing or providing medical aid in emergency situations, citizens of the Republic of Azerbaijan with HIV, individuals with refugee status and without permanent citizenship in the Republic of

Azerbaijan, donors during organ (and/or) tissue transaction” was approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan, dated March 7, 2005.

188. The Articles 9 and 10 of the Law “On social benefits” dated February 7, 2006, determining basis of appointment and issuance of social benefits in the Republic of Azerbaijan and regulating other relations in this area, also reflects rules for appointment and issuance of benefits for persons with disabilities and children with impaired health.

189. At the same time, Development program for organizing education of children with special needs (with impaired health) in the Republic of Azerbaijan was approved by the Decision of the Cabinet of Ministers, dated February 3, 2005. Main goals of the program are social protection of mentally and physically impaired children, development of the special education facilities, registration of these children and involvement in the education.

190. Issues of the relevant subject were reflected in the “State Program for returning children to their families from the state institutions of the Republic of Azerbaijan (de-institutionalizing) and alternative care (2006-2015)”.

191. One of the main goals of the Program is in a ground of socio-economic development, carrying out preventive measure for preventing falling of children to such institutions and reducing number of children in such institutions.

192. Systematic preventive measures among children in risk groups and their families is included in the Action Plan of the Program for preventing falling of children in state child institutions.

193. According to the Article 31 of the Law of the Republic of Azerbaijan “On the rights of the child”, protection of children deprived of parental care is ensured by their adoption, giving them to patronage, guardianship and other families and if not possible then placing them in relevant institutions.

194. The Law of the Republic of Azerbaijan “On protection of health of the population”, dated June 26, 1997, covers protection of health of the population, protection of everyone’s physical and mental health, increasing active life expectancy and political, economic, legal, scientific, medical, sanitary-hygienic measures directed to provision of medical service. According to the Article 31 of the Law medical sterilization is applied to eliminating fertility of an individual or protecting a woman from pregnancy. Medical sterilization is carried out only with a written consent of individual and medical directions.

195. Directions on the medical sterilization shall be determined by the Ministry of Health and it is carried out in state or private medical institution.

196. Persons carry responsibility for conduct of illegal medical sterilization established by the legislation.

## **Article 24 - Education**

197. This article recognizes the right of persons with disabilities to education on the basis of equal opportunity, ensuring an inclusive education system at all levels and the facilitation of access to lifelong learning.

198. State Parties should report on:

(a) Measures taken to ensure that every child with disabilities has access to early-stage education, and mandatory primary, secondary and higher education;

(b) Information on the number of boys and girls with disabilities in early-stage education;

(c) Information on the existing significant differences in the education of boys and girls in the different education levels and whether there are policies and legislation to cater for these differences;

(d) Legislative and other measures that ensure that schools and materials are accessible and that individualized reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion;

(e) Availability of specific skills-training services for children, adults or teachers who so require in Braille, sign languages, augmentative and alternative communication, mobility and other areas;

(f) Measures taken for the promotion of the linguistic identity of deaf persons;

(g) Measures taken to ensure education is delivered in the most appropriate languages, modes, means of communication, and environments for the individual;

(h) Measures to ensure an adequate training on disability to professionals in the education system, as well as measures to incorporate persons with disabilities in the education team;

(i) Number and percentage of students with disabilities in tertiary education;

(j) Number and percentage of students with disabilities by gender and fields of study;

(k) Reasonable accommodation provisions and other measures to ensure access to lifelong learning education;

(l) Measures taken by the State to ensure early identification of persons with disabilities and their education needs.

199. According to the Article 42 of the Constitution of the Republic of Azerbaijan, everyone has the right for education.

200. According to the Law “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health” the state guarantees the provision of necessary conditions for their education and vocational training.

201. The Law “On Education” adopted in June 19, 2009 determines main principles of providing education and for general regulation of education activities, in accordance to the Constitution of the Republic of Azerbaijan.

202. It should be noted that, the Law “On education (special education) of persons with disabilities” was adopted in June 5, 2001. The purpose of special education is adapting persons with disabilities to the society by teaching necessary knowledge, skills and habits, including habits for self-service, labour activities and family life.

203. At the same time, “Development Program for organizing education for children with special needs (with impaired health) in the Republic of Azerbaijan (2005-2009)” was approved by the Cabinet of Ministers in February 3, 2005.

204. Acceptance rules of persons with impaired health to professional education institutions have been established according to the according to the Decision of Cabinet of Ministers of the Republic of Azerbaijan dated April 29, 2002. It determines the acceptance rules of professional educational institutions, age limits, list of documents to which they are presented of limited health care persons.

205. Also, rules of receiving free special education have been established for persons with impaired health, according to the Decision of Cabinet of Ministers of the Republic of Azerbaijan dated May 29, 2002.
206. The list of diseases giving the right for education at home is given in “The list of diseases giving the right to education at home and rules of organizing of education at home” according to the Decision of Cabinet of Ministers of the Republic of Azerbaijan dated May 10, 2002.
207. Regulations have been developed for the special pre-school educational institutions for persons with impaired health in accordance to the Decision of Cabinet of Ministers of the Republic of Azerbaijan dated March 4, 2004. Purpose of the education in special pre-school educational institutions is to ensure the comprehensive development and training of persons with limited health, trainings for school, teaching of the necessary knowledge, ability and skills, their adaptation to society, as well as creation of skills of self-service, creating conditions for the restoration of health.
208. The relevant city (district) executive authorities and Ministry of Education provide pre-school education, after-school upbringing, pre-school, secondary, vocational, secondary vocational and higher education for children with impaired health and persons with disabilities older than 18 years of age. Education and vocational training of these persons are conducted in different forms, as well as in the form of education at home and private education.
209. Ministry of Education creates opportunities for establishing groups in pre-school education institutions for education and rehabilitation of children with impaired health in more comfortable conditions.
210. The education of children with impaired health is provided at home with the consent of the parents if the child is not capable of going to general education schools. Financial guarantee and privileges is given to one of the parents of children involved in home education or to the person replacing the parents in accordance to the legislation of the Republic of Azerbaijan. Such caretaking is considered as service and included to work experience.
211. Necessary conditions must be provided for after-school comprehensive and harmonious development of children with impaired health, as well as for activating them socially, involving to labour, science, technology, art and sports. These conditions must be provided by education institutions, other state authorities.
212. The secondary, secondary-vocational and higher education of persons with disabilities and children with impaired health is provided in general education institutions, if necessary in special education institutions. Special faculties and departments are organized for them in vocational education institutions, lyceums and higher education institutions.
213. Teaching sessions are organized for children with impaired health getting treatment in stationary preventive-treatment or rehabilitation institutions (centres).
214. Talented children with impaired health have the right to get free education, as well as music, fine and applied art in after-school general or special education institutions
215. The students of the 1st and 2nd group of disabilities or under 18 with impaired health get 50% more pension than other students.
216. According to individual rehabilitation program and state program on their rehabilitation, vocational training and re-training of persons with disabilities and children with impaired health is provided in education institutions, including education centres of

state employment services, enterprises and organizations (specialized or general) together with the agencies assisting these persons and their public organizations.

217. State employment services provide vocation oriented services for the purpose of vocational training, trainings for re-specialization and for determining employment opportunities.

218. Blind and visually impaired children are provided with textbooks published in Braille fonts, audio books, special tapes, magnifying glasses, hand sticks and hearing aids for audio impaired children, typhlo-surdo technical means and libraries, special schools and audio studios are established.

219. Child Music School number 38 was established in 1980 for visually impaired children and it has changed to 11 year education system in 2009. Children with the 1st and the 2nd group of disabilities are getting education in this school. The contingent of the school consists of boarding school student of the republic, with visual disabilities. Close to 200 students get education in this school in specializations of piano, tar, kamancha, accordion, drums and singing.

220. Psychological-medical-pedagogical commissions (PMPC) are established in Baku and in republic and their staff is approved by the order of the Ministry of Education for carrying out diagnostics of physical, mental and/or psychological impairment, deciding the need of special education in the basis of information gathered and for giving relevant advices to parents or legal representatives and for investigating disputable issues. The statute of the psychological-medical-pedagogical commissions is approved by the Cabinet of Ministers of the Republic of Azerbaijan.

221. Joint inclusive education projects have been launched by the Ministry of Education in cooperation with UNESCO within "Development Program on the education of vulnerable children in the Azerbaijan Republic for 2005-2009". "Inclusive education" also incorporates education, mainstreaming and comprehensive development of children with disabilities. Effective training and development environment is available in the project covered 13 kindergartens and 16 general education schools, necessary equipment including special facilities (devices, appliances, wheelchairs etc.) meeting the children's needs have been purchased. Booklets have been developed and distributed on "inclusive education" for teachers, tutors and psychologists and "family and school, parent and teacher interaction in the inclusive education" designed for parents. International conference on "Inclusive Education Practice in Azerbaijan" was implemented on June 12 and 13, 2006 and inclusive education experts from UNESCO, Russia and the Ukraine joined it.

222. To improve schooling opportunities of the children with disabilities, to develop their computer skills and increase their access to internet, 7th grade school children with physical disabilities from home school # 219, the Sabail district were involved in the distant education scheme. Every pupil involved in the project was provided with "Apple" computers and internet access. Special software and all set application packages are available for the pupils.

223. According to the Ministry of Education, 16 general education schools with inclusive education is functioning in the country. Number of pre-school education institution with inclusive education is 13. There are 7 special schools in the country. Number of students involved in home-education is 7750. There are 78 children studying in pre-school education institutions with inclusive education in the country and 78 children are involved in integrated education. 609 children are involved in pre-school speech therapy services. Also 555 children are getting education in 2 boarding schools for children with speech impairment.

224. 281 students are studying in the boarding schools of general education for visually impaired children. There are 3 pre-school institutions, 16 kindergartens, 4 general education institutions and 8 boarding schools with speech therapy service. Totally 847 pupils with hearing impairment of various degrees study in 3 boarding schools throughout the country.

## Article 25 - Health

225. This article recognizes that persons with disabilities have the right to the enjoyment of the highest attainable standard of health, ensuring access for persons with disabilities to health services, including health-related rehabilitation, that are gender-sensitive, in their community and without financial cost.

226. States Parties should report on:

(a) Legislative and other measures that protect against discrimination and ensure that persons with disabilities have the same access to quality health services, including in the area of sexual and reproductive health;

(b) Measures taken to ensure that persons with disabilities have access to disability-related health rehabilitation in their community freely and without financial cost;

(c) Health services, early detection and intervention programmes, as appropriate, to prevent and minimize the emergence of secondary disabilities, paying attention to children, women and the elderly, including in rural areas;

(d) Legislative and other measures to ensure that general public health campaigns are accessible for persons with disabilities;

(e) Measures put in place to train doctors and other health professionals on the rights of persons with disabilities, including in rural areas;

(f) Legislative and other measures to ensure that any health treatment is provided to persons with disabilities on the basis of their free and informed consent;

(g) Legislative and other measures that ensure protection against discrimination in the access to health insurance and other insurance, when these are required by law;

(h) Measures taken to insure that sanitation facilities are not simply available, but fully accessible;

(i) Measures taken to increase awareness and information in various accessible formats, including in Braille, for HIV/AIDS and malaria prevention.

227. Disabled people in Azerbaijan Republic have all socio-economical, political, personal rights and freedoms as shown in the declaration about the rights of disabled adopted by the UN General Assembly, Constitution of Azerbaijan Republic, Laws of Azerbaijan Republic "On the protection of public health", "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health". Discrimination against disabled people is prohibited and pursued by law.

228. The Law of the Republic of Azerbaijan on Ratification of the Convention on the Rights of Persons with Disabilities, dated on October 2, 2008 # 686-IIIQ and the Law of the Republic of Azerbaijan on Ratification of Optional Protocol of the Convention on the Rights of Persons with Disabilities, dated on October 2, 2008 # 687-IIIQ define tasks for protection of the rights of persons with disabilities, non-discrimination towards them,

equality before the law, rehabilitation, increasing their potential, social protection and integration to the society.

229. Citizens with disabilities have the right to use free qualified medical service in the state medical institutions by means of the state budget, to buy medicine in pharmacies on preferential terms and to be provided with sanatorium treatment.

230. In recent years, 7 State Programs were approved by the Cabinet of Ministers of Azerbaijan Republic by the initiative and direct support of the head of the state. The population have right to use services in framework of implementation of these programs in area of healthcare, including sexual and reproductive health as well as healthcare services for persons with disabilities:

(a) “State Program for diabetes mellitus” (June 7, 2005, the Cabinet of Ministers Decree number 101);

(b) “Action Program for the protection of mothers’ and children’s health” (September 15, 2006, the Cabinet of Ministers Decree number 211);

(c) “State Program for the development of blood, blood components donation and blood services” (March 6, 2006, the Cabinet of Ministers Decree number 61);

(d) “State Program for haemophilia, inherited blood diseases if Thalassemia” (January 18, 2006, the Cabinet of Ministers Decree number 15);

(e) “Action Program for Chronic renal failure” (July 19, 2006, the Cabinet of Ministers Decree number 179);

(f) “Action Program for immunoprophylaxis of infectious diseases” (July 19, 2006, the Cabinet of Ministers Decree number 177);

(g) “Action Program for guarantee of main antitumor preparation for oncology patients” (July 19, 2006, the Cabinet of Ministers Decree number 178).

231. In accordance with the Ministry of Health order number 3 of January 15, 2008, included in structure of the Ministry of Health and funded by the state budget, free medical services are offered to population, as well as to persons with disabilities at medical-prophylactic institutions.

232. Types of guaranteed medical aid to population, the list of 115 kinds of the most important medicines for patients receiving volumetric and hospital treatment, as well as 141 kinds of medicines for ambulatory patients included in preference groups has been approved.

233. According to the Decree number 37 and 38 of the Cabinet of Ministers of Azerbaijan Republic dated March 7, 2005, free medical treatment and medical aid are being offered by state medical institutions to citizens included in preference group.

234. Ministry of Labour and Social Protection of Population and Ministry of Health carried out necessary actions in the fields of determination of disability, guarantee of objectivity and elimination of negative facts in this issue, expertise of temporary and stable work ability loss of citizens.

235. As reflection of the completed issues, dynamic decrease of disability is being observed in the republic. Thus, according to the information of the MoLSPP while the number of disability in 2003 was 36861, this number has been decreased to 18514 in 2009.

236. According to the state policy in the area of prevention of disability and rehabilitation of disabled people, security of population health, prevention of diseases, their



early detection and occurrence or complication of disability is being prevented by State Programs.

237. Medical institutions provide children age of up to one year, with diagnostic and dispensary observations in specialized health care facilities for the purpose of early detection of latent faults of children intellectual development, sense organs and action system faults.

238. There are four infants' houses in the republic operating under the subordination of the Ministry of Health. Two of these houses are located in Baku, one in Ganja, and another one in Nakhchivan Autonomous Republic. Three of these infants houses are for healthy children, and one of them (Baku) is for children with psycho neurological disease.

239. The infants' houses are institutions for the purpose of children without parental care, orphans, also for single mothers with difficult social situations to care, to educate and to take medical care for their children.

240. Children in infants houses are examined by all experts, examined for helminthosis, tested for Mantua and preventive vaccinated. Upon illness, children are treated in dedicated isolators and children with average and serious illness are treated in children's hospitals. Children with health and physical faults or with faults in intellectual development receive necessary medical, pedagogical, psychological, defectology and other aids. Methods, forms, volume and duration of such aids are determined by individual rehabilitation program.

241. According to the Decision of the Cabinet of Ministers of the Republic of Azerbaijan dated on March 7, 2005 #38 disabled civilians and military servers as a result of events in 20th January 1990, disabled persons in the war of protection of territorial integrity of Azerbaijan, independence and constitutional order and equal to them, disabled persons of Chernobyl disaster, children with impaired health, disabled people with 1st and 2nd degree and persons infected to HIV/AIDS are provided with free medicals.

242. In order to prevent HIV infection in the territory of Azerbaijan Republic, HIV/AIDS Prevention service of the Ministry of Health and its main medical institution – Republic AIDS Prevention Centre provides preventive measures such as HIV infection detection in time, strengthening epidemiological monitoring, implementation of educational measures on preventive aim and comprehensive support to HIV/AIDS patients.

243. HIV examination has been expanded among population for the purpose of timely detection of the disease. Thus, HIV examinations have been carried: 261875 in 2005, 265804 in 2006, 330020 in 2007, 364367 in 2008, and 385745 in 2009.

244. One of the most important measures, which is educative measure for population about prevention of HIV infection spread, especially for people in risk groups have been implemented through active collaborations of Republic AIDS Prevention Centre with a number of organizations. HIV infection spread among population and methods of protection from this disease, HIV infection prevention measures have been carried out, methodical resources about AIDS problems have been published and spread.

245. Employees of the centre have carried out educative works among young people against HIV/AIDS and drug abuse, organized lectures, reports, trainings and performances dedicated to HIV infection and drug abuse prevention at secondary and high schools for pupils and students.

246. In recent years, cases with malaria illness has been decreased and epidemiological stability has been emerged in the country by proper selection of the disease prevention strategy, implementation of large scale organization against malaria disease, treatment-prophylactic and complex prevention measures.

247. According to “National Strategy for elimination of malaria in Azerbaijan Republic for 2008-2013” and “National Action Plan”, preventive measures have been implemented to preserve gained achievements and total elimination of malaria in future.

248. In order to help the implementation of considered measures, 1700 primary health care and parasitological service experts have been involved in laboratory diagnostics, treatment, battle and profilaxy trainings within the frame of “New initiatives for sustainable malaria control and prevention” project. At the same time, sufficient anti-malaria preventive and treatment medicines, equipment, reagents, etc. have been obtained and sent to the cities and regions of the republic.

249. Appropriate activities are being carried out by the Ministry of Health in direction of preventing reasons leading to disabilities, rehabilitation of persons with disabilities, providing equal opportunity for persons with disabilities to take part in public life, and to assist them for leading life according to their individual skills and interests.

## **Article 26 - Habilitation and rehabilitation**

250. This article establishes the measures to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life, through comprehensive habilitation and rehabilitation programmes, in the areas of health, employment, education and social services.

251. States Parties should report on:

(a) General habilitation and rehabilitation programmes for persons with disabilities, in the areas of health, employment, education and social services, including early intervention, peer support, and the availability of these services and programmes in rural areas;

(b) Measures taken to ensure that participation in habilitation and rehabilitation services and programmes is voluntary

(c) The promotion of initial and continuous training for professionals and staff working in habilitation and rehabilitation programmes

(d) Measures taken for the promotion, availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation

(e) Measures taken for the promotion of international cooperation in the exchange of assistive technologies in particular with Third World countries

252. According to the Law of the Republic of Azerbaijan “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health” the activity of medical, vocational and social rehabilitation of persons with disabilities and children with impaired health is carried out individually by decision medical-social expert commissions with participation of relevant executive authorities and representatives of organizations of persons with disabilities and children with impaired health. Individual rehabilitation program determines rehabilitation measures, as well as concrete volume of social assistance forms, types and duration of implementation. In this connection, there are 14 disabled people rehabilitation centres operating in the country. Disabled people of all classes with potential of rehabilitation, receive medical rehabilitation treatment in disabled people rehabilitation centres. Reception of disabled people in disabled people rehabilitation centres is implemented by referral of medical institutions and medical-social expert commissions. Persons with

disabilities are treated by medicals, physiotherapy, mud treatments, therapeutic physical training, water procedures and other methods of treatment in the disabled people rehabilitation centres. Disabled people are provided with prosthesis-orthopaedic information, wheelchair, hearing and other rehabilitation facilities in ambulatory, as well as hospital conditions in prosthesis-orthopaedic rehabilitation centres. At the same time, the Ministry of Labour and Social Protection organize sanatorium located in Saki city of Ukraine for people with prop-movement apparatus disability, once a year

253. “Rule for providing the population with prosthesis-orthopaedic products, hearing aids, wheelchair, vehicles and other rehabilitation means” was approved, according to the Decision of the Ministry of Labour and Social Protection dated on July 28, 1999. These rules regulate the provision by prosthesis-orthopaedic products of population, hearing aids, wheelchairs, vehicles and other rehabilitation means in the Republic of Azerbaijan.

254. The “Rules of providing Second World War veterans with prosthesis-orthopaedics products and providing prosthesis-orthopaedics products, wheelchair and vehicles, technical and other products to the disabled, children with impaired health, persons injured during rescuing or medically assisting other in emergency situations” was approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan, dated July 8, 2002.

255. It is supported to organize examination and treatment of disabled people and children with limited health opportunities in foreign countries. 185 people in 2008, 205 people in 2009, 135 people in 2010 have been sent for medical treatment outside the republic on basis of state finance. At the same time, funds have been paid for treatment inside the country for 144 people in 2008, 42 people in 2009, and 30 people in 2010. Among disabled people with prop-movement apparatus disability 65 people in 2008, 75 people in 2009, 80 people in 2010 have been sent as groups to Sheki city for treatment.

256. Since January 2009, model of moving rehabilitation services started being created by the Ministry of Labour and Social Protection in collaboration with “Social Services Initiative” NGO in pilot regions – Ismayilly and Guba – selected for the first time in our country. This model service, called “Project of Strengthening of Rehabilitation Services”, plays an important role in forming of new policy in ensuring rehabilitation of children with mental and light psychological problems living in rural areas. This project creates an opportunity to serve for more than 700 children aged 3-12. During the implementation of service component of the project 21 children and their families have received different types of rehabilitation and social service. Meanwhile, preparations of appropriate standards for implementation of this project in the entire country have been started, which will support creation of legal framework in this field.

257. According to the Article 21 of the Law, vocational education and retraining of persons with disabilities is carried out in education institutions, including education centres of state employment services, enterprises and organizations (specialized or general) together with the agencies assisting these persons and their public organizations, in accordance to individual rehabilitation program and state program on their rehabilitation. State employment service guarantees a service for determination of work ability of disabled people, professional training, and study of new profession and employment opportunities. Children with blindness and weak view are provided with Braillewriter, books, audio books, visual aids, special type-recorders, lenses, hand-sticks and deaf children are provided with hearing equipment and other deaf-surdotechnical equipment, and special schools and recording studios are created, special libraries are organized for those children.

258. Financial support during vocational training and professional development of disabled people is implemented in an order determined by legislation of Azerbaijan Republic.

259. 1479 disabled citizens have applied to the Employment Agencies in 2007, 2008, 2009 and during 9 month of 2010, of which 858 people, including 720 people have been provided with jobs by quota, 51 people have been involved in paid public works, and 180 people have been sent to vocational training courses.

260. During the mentioned period, 137 disabled citizens have been referred to temporary jobs through “Labour Markets”, 199 disabled citizens have been provided with appropriate jobs through “Trade Fair” operating in Baku, Ganja, Mingechevir and Sumgait cities.

261. Capacity building and rehabilitation programs are implemented on voluntary basis.

262. According to the Article 48 (Improvement of specialization, knowledge and skills of health specialist) of the Law of the Republic of Azerbaijan “On protection of health of the population” specialists of health institutions have to get relevant certificates from re-training and staff development institutions after examinations in relevant program while choosing or changing their specialization and once in no more than five years of working in the same specialization.

263. Close cooperation is established with “Otto-Bok” German firm since 1990 for improvement of services provided to disabled people and other citizens who need prothesis-orthoepadic service, and for increasing efficiency of disabled people rehabilitation in this area. At the moment, Prothesis-orthoepadic Rehabilitation Centre, offering a highly skilled service to the population, have been built by a project and close support of “Otto-Bok” firm. This centre offers to the population prothesis-orthoepadic service in the level of modern requirements and works on basis of “Otto-Bok” technology. There exist business relationships between “Otto-Bok” and Prothesis-Orthopedic Rehabilitation Centre for purchasing semi-finished products for preparation of prothesis-orthopedic products.

## **Article 27 - Work and employment**

264. This article recognizes the right of persons with disabilities to work and to gain a living by participation in a labour market and work environment that is open, inclusive and accessible, including for those who acquire a disability during the course of employment.

265. States Parties should report on:

(a) The legislative measures taken to ensure protection against discrimination in all stages of employment and in any form of employment and to recognize the right of persons with disabilities to work on a basis of equality with others, in particular the right to equal pay for equal work;

(b) The impact of targeted employment programmes and policies in place to achieve full and productive employment among persons with disabilities according to paragraphs 1 (a to g) of the Convention;

(c) The impact of measures to facilitate re-employment of persons with disabilities, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises according to paragraph 1 (e) of the Convention;

(d) Availability of technical and financial assistance for the provision of reasonable accommodations, including the promotion of the establishment of cooperatives and start ups in order to encourage entrepreneurialism;

- (e) Affirmative and effective action measures for the employment of persons with disabilities in the regular labour market;
- (f) Positive and effective action measures for the prevention of harassment of persons with disabilities in workplace;
- (g) Accessibility of persons with disabilities to open employment and vocational training services, including those for the promotion of self employment;
- (h) Information on existing significant differences in employment between men and women with disability and whether there are policies and legislation to cater for these differences in order to promote the advancement of women with disabilities;
- (i) Identification of the most vulnerable groups among persons with disabilities (including by providing examples) and policies and legislation in place for their inclusion in the labour market;
- (j) Measures taken for the promotion of the trade union rights of persons with disabilities;
- (k) Measures taken to assure the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks;
- (l) Provide information on the work of persons with disabilities in the informal economy in the State Party, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure their access to basic services and social protection;
- (m) Describe the legal safeguards in place to protect workers with disabilities from unfair dismissal, and forced or compulsory labour according to article 27, paragraph 2;
- (n) Measures taken to ensure persons with disabilities who have technical and vocational skills are empowered with the support needed for their entry and re-entry to the labour market according to paragraph 1 (k);
- (o) Measures taken to ensure students with disabilities the same access to the general labour market;
- (p) Measures taken to ensure various forms of work, such as work on location, telecommuting (off-site/at home) and subcontracting, and work opportunities offered by new communication technologies.

266. Legislation of Azerbaijan Republic "On Employment" determines state legal, economical and organizational principles in area of support to employment, as well as state guarantees in areas of citizens' employment protection and social protection of unemployed people. According to the Article 6.2.1. of the Law one of the main directions of the state policy on employment is providing equal opportunities for all citizens to guarantee the right for choosing their labour and employment freely, regardless of their race, nation, religion, language, gender, marital status, social origin, place of residence, status of property, conviction, membership to political party, labour union and other public associations.

267. On the basis of the 1st part of the 16th Article of Labour Code of Azerbaijan Republic, assumption of any discrimination upon business qualities of an employee, professional contribution, factors not related to work results, as well as the rights restriction is prohibited

268. To provide employment of citizens with special needs and difficulties in finding job, the Article 9 of the Law “On Employment” determines additional guarantees by the state for citizens with special needs and difficulties in finding job (youth under 20 years of age, parents with one or more children under the age of maturity, women taking care of children with impaired health, persons with less than 2 years to retirement age, persons with disabilities, citizens released from detention facilities, IDPs, war veterans and families of martyrs) by creating additional workplaces and specialized enterprises, organizations (including, enterprise and organizations for labour of persons with disabilities) as well as by organizing trainings with special program and other activities.

269. “Rule of quota application for citizens who specially need social protection and have difficulty in admission to a job” and “List of quota-free enterprises” have been approved by the Decree number 213 of the Cabinet of Ministers of Azerbaijan Republic dated November 23, 2005.

270. According to the paragraph 1.2, the quota is determined as following, to no more than 5% of the number of employees, depending on the status of the labour market of the area.

(a) 3 percent (not less than one workplace) of average annual list number in enterprises with the number of employees between 25-50; in this case, one of those workplaces to be considered for disabled people or persons with limited health opportunities up to 18 years old;

(b) 4 percent of average annual list number in enterprises with the number of employees between 50-100 (2 percent of average annual list number to be considered for disabled people or persons with limited health opportunities up to 18 years old);

(c) 5 percent of average annual list number in enterprises with the number of employees more than 100 (2.5 percent of average annual list number to be considered for disabled people or persons with limited health opportunities up to 18 years old).

271. A number of measures on employment development of people with special need of social protection have been reflected in “State Program of Employment Strategy Implementation of Azerbaijan Republic (2007-20010)”. Relevant activities were carried out for providing integration of persons with disabilities to the society, for creating conditions for the purpose of raising their employment, development of psychological and vocation oriented tests for provision of efficient employment of the disabled, determining workplaces in accordance to quotas set by the legislation and motivating employers for implementation of these quotas and improvement of legislation in this direction. At present, works are continued on the project of Action Plan of 2011-2015 Program.

272. At the same time, works are carried out on preparation of Legislative project of Azerbaijan Republic “About Compulsory Insurance of Unemployment” on the basis of international experience to strengthen social protection of employment searchers and unemployed citizens.

273. In November 2006, “Country Program for Provision of Decent Work in the framework of cooperation with International Labour Organization (2006-2009)” has been signed by tripartite delegation of Azerbaijan Republic and ILO delegation in Geneva. Preparation of special training programs is considered regarding international experience in employment of disabled people and decent employment issues in the frame of Country Program.

274. As continuation of the measures, on basis of trilateral cooperation, the project of Country Program of Provision of Decent Work has been prepared with the support of Azerbaijan Trade Union Confederation and National Confederation of Entrepreneurs

(Employers) Organizations of Azerbaijan Republic and submitted to the International Labour Organization.

275. On the basis of Legislation of Azerbaijan Republic “About State Assistance to Small Business” (Program of assistance to small business) involvement of lower strata of population, as well as unemployed, refugees and internally displaced persons, invalids, martyrs’ families, pensioners, women and young people in small business is considered.

276. On the basis of Labour Code Articles number 311, 312, 313 of Azerbaijan Republic, either employees, or employers are financially, disciplinary, administratively and criminally responsible for violation of laws defined by Labour Code of Azerbaijan Republic and other normative-legal acts of labour legislation, as defined in legislation.

277. Establishment of Regional Vocational Education Centers under Employment services with application of modern technology and providing the centers with means for education of the disabled, establishment of special workshops for repairing technical means of the disabled as well as establishment of special information technology centers for the disabled and persons with visual impairment is considered in the Articles 4.1.56-4.1.58 of the Action Plan of the “State Program for Socio-economical Development of the Regions of the Republic of Azerbaijan in 2009-2013”.

278. According to the 2nd part of the Article 78 of the Labour Code of Azerbaijan Republic, employer prefers to provide work for persons who have gained labour disability or occupational disease in that facility when the speciality (profession) or professional contribution of applicants is equal.

279. According to the Article 29 of the Law of the Republic of Azerbaijan “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health” the disabled persons who got these disabilities during labour or on duty and children with impaired health under 18 years of age having the same level of specialization have right to be employed during the reduction of number of employees or staff of that enterprise, office and organization. Non-service time of disabled people of I and II group, injured and mutilated during their duties and for this reason lost their work ability, or children with impaired health up to 18 years old is included in their general or continuous service years.

280. According to the Article 7 of the Law of Azerbaijan Republic “On Employment” citizens have right to choose independently type of activity, profession, occupation or workplace. Except special occasions determined by legislation (during the decision entered into force by court, military service, military and emergency state) forced involvement of citizens in labour is not allowed.

281. Disabled people are involved by Employment Service authorities in vocational training courses prior to their physical abilities to ease integration of technically and professionally skilled disabled people to labour market. During report period 180 of disabled applicants to Employment Service authorities have been involved in vocational training courses (computer designer, computer user, fitter of products made of aluminium and plastic, sewer, binder, etc.). In addition, upon the request of Azerbaijan Blind Society 15 persons with disabled view have been involved in 2 months “Computer User” vocational training course through Braille program in November of current year.

282. According to the Article 30 of the Law of the Republic of Azerbaijan “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health” the relevant city (district) executive authorities provide necessary conditions for persons with disabilities and for persons with impaired health under 18 years of age by granting them with non-residence rooms, as well as by assisting them for obtaining raw-material and sale of the products.

## Article 28 - Adequate standard of living and social protection

283. This article recognizes the right of persons with disabilities to an adequate standard of living and to social protection.

284. States Parties should report on:

(a) Measures taken to ensure availability and access by persons with disabilities to clean water, adequate food, clothing and housing and provide examples;

(b) Measures taken to ensure access by persons with disabilities to services, devices and other appropriate assistance at affordable prices, including the availability of programmes that cover disability related extra financial costs;

(c) Measures taken to ensure access by persons with disabilities, in particular women and girls and older persons with disability, to social protection programmes and poverty reduction programmes;

(d) Measures towards public housing programmes and retirement benefits and programmes for persons with disabilities;

(e) Measures taken to recognize the connection between poverty and disability.

285. Progressive steps are being made towards continuity of achievements in direction of improvement of well-being state of population in the country; more reduction of poverty level is specially focused. Thus, as a result of amendments to the Constitution, ensuring decent living conditions of citizens of Azerbaijan Republic is determined as the highest priority objective of the state.

286. According to the Article 28 of the Constitution, everyone has the right to social security. Everyone has the right to have the social security for illness, disability, loss of family head, loss of ability, unemployment and other conditions determined by legislation, after reaching a certain age determined by legislation. The government creates opportunities for the development of charity activity, voluntary social insurance and other types of social security.

287. In “State Program for Poverty reduction and sustainable development in the Republic of Azerbaijan in 2008-2015”, were determined the social protection of disabled, children with limited health care resources, provision of new places of residence of the disabled people in order to improve their living conditions, preparation of proposals on perfection of the mechanism to improve their living conditions.

288. One of the main principles of 4th article of Law of Azerbaijan Republic “On Targeted Social Assistance” is principle of equality, in other words, social assistance is determined for all families with low-income. While determination of social assistance citizens of Azerbaijan Republic, foreigners permanently living in the republic and persons with no citizenship are taken in account regardless their national origin and ethnicity, race, religion, limited or capable health opportunities in their families.

289. State Programs are approved each year by the decision of the Cabinet of Ministers of Azerbaijan Republic for financing of activities related to social security of disabled people. The main objective of the program consists of social protection and as a result, ensuring of active integration into society through dynamic development gained in result of successfully implemented socio-economic reforms in country, based on continuous progress, complex solution of medical-social rehabilitation of population class which needs special care – disabled people and children with limited health opportunities. This program covers tasks arising from related decisions, orders and responsibilities of Azerbaijani Government, Legislation of Azerbaijan Republic “On prevention of disabilities and



impaired health of children and rehabilitation and social protection of the disabled and children with impaired health” and the Convention on the rights of Persons with Disabilities. According to the program, financing of technical-rehabilitation and supply of transportation means of disabled people, organization of their resort treatment, specialized boarding homes for disabled people and reservation expenses of rehabilitation centres is implemented within annually allocated from state budget, and financing of other activities is implemented by means of mandatory state social insurance, as per below directions:

(a) Protection of health and financial aid for medical rehabilitation treatment of disabled people, supply of medicals, creating rehabilitation conditions in foreign countries, development of existing rehabilitation system;

(b) Organization of informational supply related to disability problems, establishment of relationship with international organizations, organization of seminars and conferences, determination of talented disabled people, organization of their leisure time, creation of conditions for participation in international competitions through involvement of disabled people in physical and sport activity;

(c) Assistance to disabled people in special events held in significant days, focusing the attention of society to their problems, technical assistance to children with limited health opportunities in their education.

290. As mentioned above, patronage on it can be determined by person’s request which unable carry out independently of their own rights and defend, unable to implement their own duties according to the state of health, capacity of natural person, this case would not result in the restriction of his rights.

291. Special care was expressed for disabled in the Law of the Republic of Azerbaijan on “Labour pensions”. In this law, labour pension for disability is especially differentiated, important provisions reflected on the protection of the disabled. These provisions first of all, are related to the terms of the determination of labour pension for disability.

292. According to the Article 11 of Law “On Labour pensions”, labour pension for disability is determined related to the restriction of work ability in accordance with mental or physical shortcomings as a result of insuring illness or injury. Labour pension of disability is determined to disabled or limited health insured with condition not less than 5 years experience in general insurance, 4 month of insurance experience for each full year of able-bodied age period.

293. With the relevant provisions of law, insurance experience is included in period of care to the disabled Group I and limited health care children under the age of 18, unemployment disabled Group I and II as a result of injured mutilated while carrying out labour obligations, and for this reason, as well as a result of occupational disease or period of retiring for limited health care persons under the age of 18, right before the old-age pension.

294. In addition, the amount of the basic part of I group labour pension for disability is determined 120 % of amount of the basic part of old-age labour pension. (200 % to I group of disabled and limited health care persons under the age of 18). Also, in law, some amendments are designed to basic part of labour pension in respect of persons with disabilities. Thus, in accordance with Article 19 of the Law, some amendments are calculated for persons dependents of the unable-bodies family members, unemployed I and II disabled or with health limited persons under the age of 18, 5% of the basic part of old-age labour pension for each member of the family without work ability, 10% of the basic part of old-age labour pension for the care of I group disabled persons and limited health care persons under the age of 18, 100% of the basic part of old-age labour pension for I group of war invalids (140% for I group of the Great Patriotic War invalids), 70% of the

basic part of old-age labour pension for II group of war invalids (110% for II group of the Great Patriotic War invalids), 150% of the basic part of old-age labour pension for III group of war invalids (90% for III group of the Great Patriotic War invalids).

295. Benefits shall be appointed for persons with disabilities and children with impaired health under the age of 18 by the Law of the Republic of Azerbaijan “On Social benefits”.

296. Financial support has been appointed to 1071 disabled people in 2008, 1037 people in 2009, and 552 people during the current year of 2010, according to the decision of the relevant commission of the MoLSPP in order to help solution of the social problems.

297. According to the information of the MoLSPP, 442 out of 127634 families, receiving Targeted Social Assistance till October 01, 2010, are war invalids’ families, 15048 families of the disabled by other reasons. 24807 families out of 577445 members, receiving assistance, are disabled and children with impaired health under the age of 18.

298. Since 1997, 2418 flats has been built in Baku and other cities and regions of the republic by the order of the Ministry of Labour and Social Protection of Population as well as 1052 flats were built by the executive powers of rayons (cities). These flats were given to the families of persons with disabilities and war veterans, thus 3470 persons were provided with flats. 75 multi-storied building, 287 individual houses were built and given to persons in this category. Since 2000, 287 individual houses were built for Karabagh war invalids.

299. In the framework of implementation of the “State Program on Social economic development of the regions of the Republic of Azerbaijan” during 2009-2010 totally 857 automobiles were granted free of charge to the disabled persons of Second World War, Karabakh war, events of 20<sup>th</sup> January 1990 and Chernobyl disaster.

## **Article 29 - Participation in political and public life**

300. This article guarantees political rights to persons with disabilities.

301. States Parties should report on:

(a) Legislation and measures to guarantee to persons with disabilities, in particular persons with mental or intellectual disability, political rights, including, if it is the case, existing limitations and actions taken to overcome them;

(b) Measures taken to ensure the right to vote of all persons with disabilities, on their own or to be assisted by a person of their choice;

(c) Measures taken to ensure the full accessibility of the voting procedures, facilities and materials;

(d) Indicators measuring the full enjoyment of the right to participate in political and public life of persons with disabilities;

(e) Support provided, if any, to persons with disabilities for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level.

302. According to Article 56 of the Constitution of the Republic of Azerbaijan citizens have the rights to elect and be elected to state bodies, as well as to participate in the referendum. With the decision of the Court, recognized incapable persons do not have the right to participate in elections, as well as in referendum.

303. According to the Election Code, Election (referendum) commissions and their members, other officials to vote for their activities, in organization and conduction of election (referendum), have to provide all possibilities for creation of special conditions as required, for the participation of disabled or voters with other physical disabilities. Each voter votes personally and alone. Voting for other persons' place shall not be allowed to vote. Ballot paper is filled in the room or booth which no one is allowed to enter except the voter and it is equipped with special equipments for confidential ballot. Voters with disabilities, unable to write and fill the ballot paper independently, can call help to the room the Precinct Election Commission members and observers. This person's last name and initial will be displayed in the list of voters on receiving the ballot paper together with the signature of the voter.

304. Disabled and children with impaired health and persons representing them have the right to establish public organizations, as well as various funds by the legislation, to protect their rights and interests, mutual assistance and service, according to the Article 50 of the Law "On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health".

305. Government provides of persons with disabilities to comply with the rights of the public organizations and legal interests and guarantees the creation of conditions to perform their authorized duties according to the legislation, provides comprehensive assistance to them. Except for cases envisaged by legislation the state bodies and officials shall not be allowed for interference the activities of public organizations of disabled and children with impaired health.

306. Press, radio and television prepare special programs about the life of disabled and children with impaired health. Government provides technical and financial assistance for the publication of the press associations of persons with disabilities.

307. Local authorities of public organizations of disabled persons and children with impaired health, as well as labour groups of their enterprises (associations), institutions and organizations can provide proposals for executive bodies about the social protection issues of disabled and children with impaired health. These organizations are exempted from payment of rental fee for buildings of the mass-cultural, sport clubs, cultural houses, libraries, etc.

308. It should be noted that, 118 non-governmental organizations are dealing with the protection of the rights of the disabled.

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

309. This article recognizes the right of persons with disabilities to take part in cultural life, develop and utilize their creative, artistic and intellectual potential, recognition and support of their specific cultural and linguistic identity, and to participate in recreational, leisure and sporting activities on an equal basis with others.

310. States Parties should report on:

(a) Measures taken to recognize and promote the right of persons with disabilities to take part on an equal basis with others in cultural life, including opportunities to develop and utilize their creative, artistic and intellectual potential;

(b) Measures taken to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities, taking into account children with

disabilities, including through the conditional use of public procurement and public funding;

(c) Measures taken to ensure that intellectual property laws do not become a barrier for persons with disabilities in accessing cultural materials, including participation in relevant international efforts;

(d) Measures taken to promote deaf culture;

(e) Measures taken to support the participation of persons with disabilities in sports, including elimination of discriminatory and differentiated treatment of persons with disabilities in the awarding of prizes and medals;

(f) Measures taken to ensure that children with disabilities have access on an equal basis with all other children to participation in play, recreation, leisure and sporting facilities, including those made within the school system.

311. Activities are carried out regularly to provide integration of persons with disabilities and children with impaired health to the society, equalize them with healthy persons and to reveal their talents and abilities, in accordance to the Law of the Republic of Azerbaijan “On prevention of disabilities and impaired health of children and rehabilitation and social protection of the disabled and children with impaired health”. The activities include countrywide events of art, applied art, music and creativity. This event became a tradition and is of great importance for enriching of moral worlds of disabled and children with impaired health children as well as increasing the confidence, in general, their integration to society.

312. Among in this measures, in 2008, up to 800 disabilities and children with impaired health participated in II National competition of table games for disabled. In 2009, up to 1100 creative works of 251 disabled people and children with impaired health with talent and ability in painting and applied art are demonstrated in VII National Exhibition-contest of disabled.

313. At the end of the above mentioned activities, disabled persons and children with impaired health are granted with diplomas and monetary prizes. Special awards established to the children with impaired health less than 18 years of age.

314. During the organization of activities, participants are provided with hotel environment, food, and transportation.

315. In competitions, the jury consisted of well-known figures of musicians and artists to determine the winners.

316. Coverage of organized events by TV channels and other mass media and broadcasting individual performances of the winners in various TV channels is provided.

317. Certain activities have been have been carried out for integration of disabled women to the society. Beauty contest of women with disabilities was organized in Baku and 2 winner of the competition were sent to the “World Beauty Contest of the Women with Disabilities”, held in Ankara, Turkey in 2009. One of the representatives of our republic has been awarded 3rd place, in that contest, and the other was awarded as “Miss Model”.

318. Also, the compensating spiritual needs of children with impaired health have been the focus of attention. Participation of children with impaired health is ensured in the celebrations of Novruz, the New Year holidays, June 1 “International Child Protection Day”, conditions has been created for periodic watching children’s plays.

319. On the 3 of December 2007, an exhibition of young disabled artists and photographers was held in Child Art Gallery together with “Lotos” training center for

understanding persons. The exhibition was associated with December the 3rd, the day for International day for protection of the disabled, considered in the “State Program for Youth of Azerbaijan”. Photographs and paintings of nearly 50 disabled people were demonstrated in the exhibition. At the end, all participants were granted with symbolic gifts and certificates.

320. On May 15, 2009, the “Mirror of reality-4” photo and video exhibition was held together with “An Independent Life” Development and Support Centre. Children and young people from the rehabilitation center in Baku made a presentation about the activities, in the exhibition.

321. According to the Law of the Republic of Azerbaijan “On physical training and sports”, physical training and sports services are provided free for the disabled and children with impaired health in physical training-sports organizations of state and municipal authorities.

322. Participation of persons with disabilities in country and worldwide competitions is provided by the single calendar of the Ministry of Youth and Sports of the Republic of Azerbaijan.

323. At the end of each year, awards are determined by the results of participations in paralympics, deflimpiya, a special Olympic Games, World and European championships and other international competitions equal to them.

324. In 2008, Beijing, Paralympics Games, 18 disabled athletes represented the Republic of Azerbaijan and 10 medals were gained.

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

325. This article regulates the process of collection of data by the State Party.

326. States Parties should report on:

(a) Measures taken to collect disaggregated appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention respecting human rights and fundamental freedoms, ethics, legal safeguards, data protection, confidentiality and privacy;

(b) The dissemination of these statistics and measures to ensure their accessibility by persons with disabilities;

(c) Measures taken to ensure the full participation of persons with disabilities in the process of data collection and research.

327. Information is collected about health, education, employment, social status of the disabled persons and children with impaired health registering in the relevant structures of the Ministry of Labour and Social Protection of Population. Confidentiality of this information is guaranteed.

328. A single database is created about the disabled for the purpose of carrying out active work in areas of health care and social development of the persons with disabilities and to collect the complete information about them. Currently, information is collected about nearly 50 thousand persons with disabilities.

## Article 32 - International cooperation

329. This article recognizes the importance of the State's international cooperation in support of national efforts towards the realization of the purpose and objectives of the Convention.

330. States Parties as donor countries or beneficiaries of international cooperation should report on:

(a) Measures taken to guarantee that international cooperation be inclusive and accessible by persons with disabilities;

(b) Measures taken to guarantee that donor funds are properly used by recipient States (including by providing examples, numbers and percentages of successful targeted funding);

(c) Programmes and projects which specifically target persons with disabilities and the percentage of the total budget allocated to them;

(d) Affirmative-action measures taken towards the inclusion of the most vulnerable groups among persons with disability, such as women, children, etc.;

(e) Degree of participation of persons with disabilities in the design, development and evaluation of programmes and projects;

(f) Degree of mainstreamed action towards persons with disabilities in the general programmes and projects developed;

(g) Actions toward facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(h) Whether policies and programmes targeting the Millennium Development Goals (MDGs) take into account the rights of persons with disabilities;

(i) On the development, progress, and effectiveness of programmes for the exchange of technical know-how and expertise for the assistance of persons with disabilities.

331. Azerbaijan representative office of the United Nations Children's Fund (UNICEF) is carrying out active work in direction of provision of technical support and capacity improvement of agencies participating in promotion, application, and preparation of report and monitoring process of Convention on the Rights of Persons with Disabilities.

332. Implementation of the United Nations Convention on the Rights of Persons with Disabilities is of great importance to cooperation with international organizations. Cooperation established within the framework of The European Coordination Forum (CAHPAH) for Council of Europe's "Supporting the rights of people with disabilities and full participation in society: in 2006-2015, Action Plan of the Council of Europe to improve the living standards of persons with disabilities is useful in for learning best practices.

333. Within the framework of the project of "Development of social protection" Ministry of Labour and Social Protection of Population cooperates with the World Bank in implementation of component for defining evaluation criteria of disability. The purpose of the component is the revision of rules to determine the degree of disability, to improve work of Medical-Social Expertise Commission of the Ministry of Labour and Social Protection of Population and to improve medical rehabilitation of the disabled.

334. The aim of the component of development of Modular training programs within the “Development of Social Protection” project is teaching required vocational skills of the labour market to the persons with disabilities, together with persons with other categories of the population.

335. Ministry of Labour and Social Protection of Population cooperates with the Federal Republic of Germany, the Republic of Austria, the Republic of Turkey, the Republic of Korea, Ukraine, Russian Federation and relevant agencies of other countries in the field of rehabilitation of the disabled persons.

336. For protection of the rights of children with disabilities in boarding schools under it, the Ministry of Labour and Social Protection of Population established active cooperation with other organizations functioning in the relevant field. Knowledge and skills of specialists is being improved in the trainings conducted in the field of rehabilitation of children with impaired health and social work. The trainings are carried out in the framework of implementation of projects of the Ministry together with the Embassy of Germany, “United Aid for Azerbaijan” organization (UAFA), Norwegian organization, Open Society Institute Mental Health Initiative office in Azerbaijan.

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

337. This article regulates the national application and follow-up of the Convention.

338. The States Parties should report on:

(a) Measures taken to designate one or more focal points within the Government for matters relating to the implementation of the Convention, giving due consideration to the establishment or designation of a coordination mechanism within the Government to facilitate related action in different sectors and at different levels;

(b) The establishment of a framework, including one or more independent mechanisms, as appropriate and measures taken to promote, protect and monitor implementation of the Convention, taking into account the principles relating to the status and function of national institutions for the protection and promotion of human rights;

(c) Measures taken to involve civil society, in particular persons with disabilities and their representative organizations, including gender perspectives, in the monitoring process and the preparation of the report;

(d) On the integration of disability issues on the agenda of all governmental agencies to assure that various departments are equally aware of disability rights and can work towards their promotion;

(e) On the operations of Government departments and their programs and functions relating to persons with disabilities;

(f) On budget allocations for the purpose of national implementation and monitoring.

339. The Working Group was established under the Ministry of Labour and Social Protection of Population, consisting relevant government agencies and representatives of non-governmental organizations of persons with disabilities, for coordination of the implementation of the provisions of the Convention. The main purpose of the Working Group is to ensure the implementation and appropriate reflection of provisions on the protection of the rights of the disabled in action plans and development strategies of institutions represented by the members of the Group and to ensure the implementation of provisions of the Convention.

340. Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan carries out an independent control related to the implementation of the Convention.

341. Ministry of Labour and Social Protection of Population and other relevant government agencies carry out joint projects, cooperate actively with local and international non-governmental organizations for the rehabilitation of disabled and children with impaired health, their social security and integration to the society.

342. In implementing the Convention the total amount of AZN 55733087 was spent in 2009 and AZN 82048390 in 2010 to cover the costs of the activities aiming at social protection of the persons with disabilities. AZN 6147000 was spent in 2009 and AZN 5170000 in 2010 to supply the disabled with technical rehabilitation and transportation means, AZN 8417120 in 2009 and AZN 8527290 in 2010 to maintain specialized boarding houses and rehabilitation centers, AZN 950000 in 2009 and AZN 950000 in 2010 to provide referral of the persons with disabilities to health resorts, AZN 37084176 in 2009 and AZN 65383100 in 2010 to implement the actions to improve living conditions of the persons with disabilities, AZN 524000 in 2009 and AZN 603000 in 2010 on the protection of health status and medical rehabilitation of the persons with disabilities, AZN 672000 in 2009 and AZN 715000 in 2010 to improve knowledge of the persons with disabilities about disability, to implement the actions ensuring their creativity and leisure, sports and physical training, AZN 800000 in 2009 and AZN 700000 in 2010 to ensure material and technical support to the persons with disabilities, and AZN 1138791 was spent in 2009 on the construction of regional rehabilitation centers for the persons with disabilities.

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