



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### List of issues in relation to the initial report of Azerbaijan, adopted by the Committee at its tenth session (2-13 September 2013)

##### A. Purpose and general obligations (arts. 1-4)

1. What steps is the State party taking to amend the law and to introduce a new concept of persons with disabilities in line with the human rights model of disability as represented in article 1 of the Convention, resulting in recognition of all persons with disabilities irrespective of the nature of their disability?

##### B. Specific rights (arts. 5 and 8-30)

###### Equality and non-discrimination (article 5)

2. What steps are being taken to include in the Constitution and in laws the explicit prohibition of disability-based discrimination? What measures are available in laws against discrimination to protect against multiple and intersectional discrimination and ensure the effective implementation of these laws, including through effective remedies such as proportionate dissuasive sanctions for perpetrators and redress for victims?

3. Is the Azerbaijani translation of “reasonable accommodation” in line with the definition in the Convention? Does the State party’s legislation against discrimination include the denial of reasonable accommodation as a prohibited ground of discrimination against persons with disabilities?

###### Women with disabilities (article 6)

4. Please explain whether the Law on ensuring gender equality is expressly clear about women and girls with disabilities. If not, what has the State done to ensure that women and girls with disabilities are included in the provisions of this law? (para. 14 of the initial report). What steps is the State party taking towards a twin-track approach to women and girls with disabilities and to systematically collecting data disaggregated not only by gender but also by disability?

5. What steps are being taken to ensure that women and girls with disabilities are consulted on an equal basis with other women and girls? How will the State party ensure that they are enabled to participate in the legislative and political spheres? What endeavours

has the State Committee on Family, Woman and Child Problems undertaken to specifically serve women with disabilities, and what sort of cases has it handled? (para. 15).

**Children with disabilities (article 7)**

6. Please explain whether children with disabilities can obtain extraordinary help in any matters beyond medical related fields? (para. 20).

7. Please specify which “children with impaired health are able to obtain additional, exceptional help. How are they identified, who is independently responsible for diagnosing their status and who makes the final decisions about their services on the basis of their needs? Are there any specific measures or actions regarding which parents do not have a right to appeal to a higher forum or a court? (para. 28).

8. What steps will be taken in order to provide the minimum level of benefit (allowance) for the families of children with disabilities? What steps are being taken to abolish the requirement of a minimum of five years of social insurance?

**Awareness-raising (article 8)**

9. What measures have been taken to provide training, education and awareness-raising of public servants and high-ranking ministry officials on their obligations to implement the Convention, its principles, and the human rights-based approach to disability? What steps has the State party taken to launch and promote awareness-raising campaigns for the general public about persons with disabilities, disabled persons organizations (DPOs), the media, employers, health and educational professionals to foster a positive image of persons with disabilities?

**Accessibility (article 9)**

10. Has the Government adopted an accessibility plan which covers all facets of accessibility including the physical environment, transportation, information and communications, including information and communications technologies and systems, to eliminate all existing barriers within a reasonable time frame in both urban and rural zones across the country? If so, does this plan have adequate budget allocation and intermediate benchmarks to allow for the monitoring of progress, and is the plan anchored in law? Do formal accessibility standards exist?

11. How have persons with disabilities and their representative organizations been involved in the development of accessibility laws, plans and policies – for example, the pedestrian crossings in Baku? Are there plans to extend these physical access services beyond Baku to other parts of Azerbaijan and to consult with DPOs in those regions? (para. 40).

**Situations of risk and humanitarian emergencies (article 11)**

12. Please explain whether evacuation plans and other emergency measures as described in paragraph 74 of the initial report are disability-inclusive.

**Equal recognition before the law (article 12)**

13. Please indicate whether the State party has adopted measures to move away from the substituted decision-making model and towards a supported decision-making model regarding the legal capacity of persons with disabilities? (para. 63).

**Access to justice (article 13)**

14. Can persons with disabilities factually and legally appear and act in courts in Azerbaijan? Is there training for judges, lawyers and court staff, and police on the rights of persons with disabilities in accessing justice, including the obligation to provide reasonable accommodation?

**Liberty and security of the person (article 14)**

15. Please clarify on which grounds “invalids” may be deprived of their liberty under article 53.5 of the Criminal Code and please clarify the criteria that this provision establishes for distinguishing between the “first” and “second” groups (para. 83).

**Freedom from torture (article 15)**

16. Please inform the Committee about which kinds of medical experimentation are illegal and which are considered legal (para. 136).

**Freedom from exploitation, violence and abuse (article 16)**

17. Please explain whether the “Complex Program for Fight against Daily Violence in a Democratic Society” 2007 has been expanded to embrace the situation of women and girls with disabilities in Azerbaijan (para. 102).

**Protecting the integrity of the person (article 17)**

18. Please explain what steps are being taken to explicitly incorporate into the law protection of women and girls with disabilities against forced sterilization, forced abortion, forced contraception and all other forced medication and procedures which are not authorized by individual consent, and to recognize as illegal any treatment which is administered by the consent of a third party, including a guardian.

**Liberty of movement and nationality (article 18)**

19. Please provide information on the measures to ensure birth registration of newborns with disabilities, including in rural areas. Are there specific provisions for data collection on children with disabilities? (para. 114).

**Living independently and being included in the community (article 19)**

20. Please explain what you mean by “Medical-Social Expertise”? How is it constituted? What criteria are used to justify the fact that some persons are deemed unable to live an independent life? What happens to persons with disabilities whom the “Medical Social Expertise” deems incapable of living independently? Is there a possibility of appeal of their decision? What are the options available for people with disabilities deemed incapable of living independently alone? (para. 118).

21. Please provide data on how many persons with disabilities live in institutional facilities. What is the size of these institutions? What is the level of income in comparison with others living outside these institutions?

**Personal mobility (article 20)**

22. Please provide information on efforts or related endeavours to provide affordable assistive devices to persons with disabilities.

**Freedom of expression and opinion, and access to information (article 21)**

23. Please provide information on the mechanisms put in place to guarantee freedom of expression to all persons with disabilities and clarify whether access to public information is facilitated in accessible formats.

**Respect for home and the family (article 23)**

24. Please explain why persons with disabilities in groups 1 and 2 are not allowed to adopt children or act as guardians.

**Education (article 24)**

25. What steps are being taken to recognize and incorporate into the law the obligation to provide inclusive education to children with disabilities and the need to implement this widely (covering the regions and rural areas)? (para. 158).

26. What steps has the Government taken to ensure the accessibility, training, and availability of materials in regular schools to make them inclusive of children with disabilities, and to encourage the teaching of sign language and deaf culture, including by reinforcing the level of professional training of sign language teachers?

**Health (article 25)**

27. Please elaborate on the measures put in place to provide HIV/AIDS and sexual and reproductive health education and information to children and adults with disabilities in accessible formats and sign language made available across the country (para. 198).

**Work and employment (article 27)**

28. Please explain whether the State party plans to introduce disability as a prohibited ground of discrimination in article 6.2.1 of the Law on Employment (para. 216). What sorts of measures are being taken in terms of accessibility and the provision of reasonable accommodation in workplaces?

**Adequate standard of living and social protection (article 28)**

29. What measures are being taken to bring the amount of social benefit in line with minimum wages and minimum standard of living, including for children with disabilities?

30. What other social benefit schemes are planned for the parents of children with disabilities with regard to covering disability-related needs as well as providing assistance and training to strengthen support for families to care for disabled children in the home?

**Participation in political and public life (article 29)**

31. Does the State party plan to repeal or amend the provision which allows for the deprivation of voting rights when a court has declared a person legally incapable? (para. 248).

**Statistics and data collection (article 31)**

32. Please describe how persons with disabilities were identified and included in censuses prior to 2013. In addition, please provide information on how the State party plans to conduct censuses in the future which fully respect the purpose and content of the Convention.

**International cooperation (article 32)**

33. Please provide information on international cooperation projects specifically designed to ensure participation of persons with disabilities in disability-inclusive development in Azerbaijan.

**National implementation and monitoring (article 33)**

34. Please provide information on the Working Group established under the Ministry of Labour and Social Protection of Population to, inter alia, “ensure the implementation of the provisions of the Convention” – what are some of the achievements of the working group? (para. 277).

35. Please provide information, including gender perspectives, on how civil society, in particular persons with disabilities and their representative organizations, is involved in the monitoring process and the preparation of the Azerbaijan Annual Report on Human Rights.

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