



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### Eleventh session

#### Summary record of the 125th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 1 April 2014, at 3 p.m.

*Chairperson:* Ms. Cisternas Reyes

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*The meeting was called to order at 3 p.m.*

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

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

1. *At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.*
2. **Mr. Muslumov** (Azerbaijan) said that persons with disabilities made up approximately 5.5 per cent of the Azerbaijani population and that approximately 12,000 had been left with disabilities as a result of the Nagorny Karabakh conflict. One of the priorities of the State's social policy was to provide social protection to persons with disabilities and create the necessary conditions for them to participate in all areas of life, as was clearly indicated in the strategy paper "Azerbaijan 2020: the vision to the future". To that end, Azerbaijan was making efforts to improve its legislative framework and practical implementation mechanisms. It had thus established a working group bringing together public bodies and non-governmental organizations (NGOs) to coordinate public action in the area of disability, including at the legislative level.
3. In order to address the shortcomings of the 1992 legislation on persons with disabilities, a bill had been drafted and was currently being discussed in consultations with the public and NGOs. The bill covered all the obligations under the Convention, including national policy, rehabilitation of persons with disabilities, employment and social services. In addition to the bill, a national action plan on the protection of the rights of persons with disabilities for the period 2014–2018 had been adopted. Given that women with disabilities required special attention, the national action plan on the protection of human rights and freedoms, adopted in 2011, provided for measures to support job creation and the introduction of vocational training for women with disabilities. All of the approximately 63,000 children with reduced mobility in the country had access to free specialized health care and education at all levels, as well as social assistance and rehabilitation services in the 14 specialized centres in the country. Over the previous five years, more than 13,000 children had received care in those centres and 25,000 had received home help from social workers. Activities for the prevention of discrimination against persons with disabilities and public awareness-raising included the broadcasting of television and radio programmes and the organization of special events, for example on the International Day of Persons with Disabilities. The public authorities attached particular importance to making public and private buildings accessible. Accordingly, public institutions such as the Heydar Aliyev Centre and the ADA University (Azerbaijan Diplomatic Academy) were fully accessible to persons with disabilities, as were the service centres of the State Agency for Public Service and Social Innovations (ASAN), which were equipped with access paths, Braille signage and wheelchairs. Furthermore, the court buildings constructed in 2011 were fitted with elevators, access ramps and doors adapted for persons with disabilities. Work on adapting pedestrian crossings, a number of stations and buses and taxis was in hand. In addition, information centres had been opened in three regions to facilitate the use of information technology by persons with disabilities.
4. As part of the State Programme for Poverty Reduction and Sustainable Development 2008–2015, the Ministry of Justice had set up 16 regional legal counselling centres to provide assistance with legal procedures to persons with disabilities. Inclusive education had been introduced in Azerbaijan 10 years previously, when the State party had developed a legislative framework to enable all children with special needs to receive schooling, and vocational training including in the home. With regard to health care, persons left with disabilities as a result of the Nagorny Karabakh conflict, children with reduced mobility

and persons with disabilities resulting from the Chernobyl nuclear accident all received free medication. With respect to employment, companies that did not comply with quotas for the employment of persons with disabilities had to pay a fine equal to three times the average salary for the entire period during which the quota was not met. The various initiatives to promote the employment of persons with disabilities centred on vocational training and measures to promote entrepreneurship, for instance by granting loans, which had made it possible to create roughly one hundred jobs in 2013. In order to ensure a decent standard of living for persons with disabilities, monthly pensions and disability benefits for persons with disabilities had been increased significantly between 2006 and 2013. In March 2014, they had risen by an average of 36 per cent. Activities to promote the participation of persons with disabilities in cultural life included the organization of creative workshops and competitions as well as free sporting events. The Ministry of Labour and Social Protection had undertaken a major project to re-evaluate the criteria for defining disability and improve the functioning of the sociomedical expert commissions.

5. **Mr. Mwesigwa** (Country Rapporteur) congratulated the State party on its bill on the rights of persons with disabilities and asked whether a human rights-based approach to disability would be reflected in all legislation, as some laws still in force provided for a medical approach to disability. He also wished to know whether it was planned to take specific account of women and children with disabilities in that bill, to restrict placement of children with disabilities in institutions and to develop inclusive education. Noting that, according to the initial report, children with disabilities were often defined as “children with impaired health”, he asked what measures were being taken to change attitudes and overcome prejudices. He also requested additional information on accessibility of courthouses and transport. He asked the delegation to comment on reports of corruption in the allocation and enjoyment of benefits for persons with disabilities and on allegations that employment quotas for persons with disabilities were not observed.

*Articles 1–10*

6. **Mr. McCallum** asked whether measures had been taken to enforce the prohibition of discrimination against persons with disabilities in all areas, including employment, and whether effective control mechanisms had been set up.

7. **Mr. Ríos Espinosa**, noting that Azerbaijan still used outdated terminology to refer to disability, most strikingly expressions such as “invalids” or “persons with reduced mobility”, encouraged the State party to use the terminology of the Convention and to harmonize its domestic law with the principles of the Convention in order to bring the human rights-based approach to disability into more general use.

8. **Mr. Tatić** requested information on the legal remedies available to persons claiming to be victims of disability-based discrimination and on the number of court decisions handed down in that respect. He asked whether a monitoring mechanism had been set up to ensure application of accessibility standards and whether sanctions were imposed in cases of failure to comply with the obligations under article 9 of the Convention.

9. **Ms. Degener** asked whether the State party planned to develop a strategy or national action plan based on the human rights model of disability in cooperation with Azerbaijani organizations of persons with disabilities. She also asked for information about measures taken to tackle multiple discrimination against women with disabilities in the State party and to empower women with disabilities, and about the fact that approximately 55 per cent of children with disabilities were in specialized residential institutions.

10. **Ms. Quan-Chang** enquired about measures planned to give effect to article 4, paragraph 3, of the Convention and measures taken under article 8.

11. **Mr. Kim Hyung Shik**, noting that not all persons with disabilities needed social assistance and protection, asked for clarification of the definition of “persons with disabilities” used in the legislation on the prevention of disabilities.

12. **Ms. Mulligan** asked what barriers needed to be overcome in order to facilitate the participation and inclusion of persons with disabilities. She also enquired about the training of middle and high-ranking officials on the content of the Convention. Updated information was required on the adoption of legislative provisions to improve access to the built environment, including the courts, for persons with disabilities, and on how persons with disabilities and their representative organizations were being involved in the process.

13. **Ms. Peláez Narváez** asked what measures were taken to ensure that law enforcement agencies and judicial bodies adopted a human rights-based approach to disability.

14. **Ms. Pavey** asked what the State party was doing to inform members of the public about their rights and to involve civil society in the conduct of public affairs.

15. **Mr. Buntan** asked whether the bill on the rights of persons with disabilities defined disability on the basis of a human rights model and whether amendments could still be made to the bill in order to strengthen the focus on those rights. He also wished to know whether persons with disabilities could actively participate in the drafting of the new law through their representative organizations. With regard to access of persons with disabilities to information and knowledge, he asked whether the State party had adopted accessibility standards and, if so, what progress had been made in their implementation.

*The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.*

16. **Mr. Muslumov** (Azerbaijan) said that the bill on the rights of persons with disabilities responded to the need for Azerbaijan to approach disability from a social rather than a medical perspective as in the past. The bill had already been reviewed from a terminological point of view and was to undergo further amendments following consultations with NGOs and civil society. The State party would be grateful if the Committee could examine the bill to confirm that it was in full compliance with the Convention. The Parliament of Azerbaijan would be more readily disposed to adopt the bill if it had been endorsed by the Committee. Through its adoption, the Azerbaijan was aiming to raise awareness of the fact that persons with disabilities were citizens like any others. In accordance with established practice, the Ministry of Justice would be invited by presidential decree to harmonize all domestic law with the new piece of legislation.

17. Being aware of the persistent problems in respect of accessibility of facilities to persons with disabilities, the Government was taking measures to adapt the cities and public transport to different forms of disability and was prepared to release the necessary funds for that purpose. With regard to corruption in the area of welfare provision, the system for the administration of benefits would be fully computerized by the end of the year so that applications would be submitted via the Internet and payments would be made directly to the beneficiary’s bank account.

18. Azerbaijan had undertaken to create jobs for women with disabilities, bearing in mind that it was already possible for them to work in a carpet factory in the north of the country and in a company in Baku set up specifically to offer them employment. With regard to public awareness-raising of the situation and rights of persons with disabilities, every month a programme on persons with disabilities was broadcast on public television. Furthermore, every week the Minister of Labour and Social Protection of the Population received visits from persons with disabilities who talked about the difficulties they faced, such as being prevented from marrying.

19. **Ms. Hajiyeva** (Azerbaijan) said that, under the programme of alternative care launched in 2006, the number of children with reduced mobility placed in institutions full-time had fallen to 1,025. Pursuant to the general plan for inclusive education adopted in 2009, a school in the city of Barda had set up a rehabilitation centre to cater for children with disabilities. Although it was too early to evaluate the results of deinstitutionalization and inclusive education, a report prepared with the assistance of the United Nations Children's Fund (UNICEF) had shown that Azerbaijan was on the right track and had helped define specific objectives. Accordingly, a new inclusive education programme had been developed, again with the support of UNICEF, and had been endorsed by the relevant public bodies. The programme was part of the country's vision 2020 development programme and included provisions on increasing the school enrolment of children with disabilities. With respect to adoption, persons with disabilities were prohibited from adopting children by a 2001 decision (for persons with a category 1 or 2 disability) and by article 120 of the Family Code on the grounds of child protection and the best interests of the child.

20. **Mr. Musayev** (Azerbaijan), responding to the comments by Mr. Ríos Espinosa, said that the new bill on the rights of persons with disabilities had been prepared in the hope that the Committee would share its views and recommendations on the subject and that the bill could be amended accordingly prior to its adoption. Given the lack of statistics disaggregated by population group, the number of cases of violations of the rights to housing and benefits of persons with disabilities was not known. Five administrative courts, to which all citizens could have recourse, had been set up at the regional level. Azerbaijan was working to equip and adapt all court buildings to make them accessible to persons with disabilities. Since 2011, courts that met international accessibility standards had been opened in the capital and the major cities, and some 30 more were to be established in the rest of the country with the assistance of the World Bank. More than 80 NGOs were working to defend the rights of persons with disabilities in Azerbaijan.

21. **Mr. Muslumov** (Azerbaijan), responding to Mr. McCallum's question about discrimination in the area of employment, said that recruitment procedures had changed. As of the previous four months, the medical committees no longer decided whether a person was unable, partially able or fully able to work and simply determined the benefits to which they were entitled.

#### *Articles 11–20*

22. **Mr. McCallum** expressed his interest in the bill on the rights of persons with disabilities and asked whether it would facilitate the transition to a system of supported decision-making.

23. **Mr. Ríos Espinosa** said that the accessibility of the justice system was not just a matter of access in the purely physical sense but also included adapting police and judicial procedures to all types of disabilities. An integrated approach involving a review not only of the bill in question but of the various legal codes would facilitate the overall harmonization of procedures and prevent decisions being made on a case-by-case basis. Such harmonization should be accompanied by ad hoc training of all actors in the judicial system. Referring to paragraph 79 of the State party's written replies, he asked whether an individual could be held in a psychiatric institution on the basis of having a psychosocial disability.

24. **Mr. Tatić** commended the State party on giving priority to the evacuation of persons with disabilities in situations of risk and humanitarian emergencies. He asked what support services were provided to refugees and internally displaced persons, whether members of the armed forces and other relief personnel received special training and whether organizations of persons with disabilities were involved in designing and

dispensing such training. He also asked whether access to information would be guaranteed for persons with a sensory or intellectual disability, for example through augmentative formats of communication. He requested further details on the content of the support services provided. In particular, he wished to know whether provision was made for persons with disabilities to receive personal assistance.

25. **Ms. Degener**, referring to the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Committee on the Rights of the Child, asked whether the State party planned to take measures to prevent the involuntary hospitalization of persons with disabilities and discrimination against children with disabilities. She also wished to know whether persons with disabilities could be placed in detention on account of their disability. She had difficulty understanding why persons with disabilities could not adopt children and in what way their disability could be harmful to the child.

26. **Ms. Peláez Narváez** asked whether the State party had repealed the law authorizing babies born with a disability to be placed in State care, as recommended by the Committee on the Rights of the Child. She requested statistics on child mortality, malnutrition and abuse and sexual exploitation of children with disabilities. She also wished to know whether the State party had conducted forced sterilizations.

27. **Mr. Kim Hyung Shik** noted that, according to the statements made by the State party, recognition of the legal capacity of a person with a mental disability depended on evidence of a “substantial recovery”. He wondered what constituted “substantial recovery” and how it could be evaluated. Furthermore, noting that the State party followed a substituted decision-making model, he wished to know who appointed the guardian. He asked how many persons with disabilities were currently living in residential institutions, how many had moved from an institution to independent living, whether they were provided with personal assistance and, if so, on the basis of what criteria. He asked what percentage of young persons with disabilities received vocational training that resulted in employment.

28. **Ms. Mulligan** asked how the State party understood the difference between substituted and supported decision-making.

29. **Mr. Mwesigwa** asked whether parents in the State party could be deprived of custody of their children if they acquired a disability. He stressed the importance of a paradigm shift to make persons with disabilities active participants in political and economic life, and said that consulting persons with disabilities and involving them in decision-making could secure substantial savings for the public authorities, in terms of human and financial resources as well as time and effort.

*The meeting rose at 6 p.m.*