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Consejo de Derechos Humanos

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Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Comunicación escrita del Comisionado de Derechos Humanos (Ombudsman) de Azerbaiyán*

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por el Comisionado de Derechos Humanos (Ombudsman) de Azerbaiyán**, que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

* La institución nacional de derechos humanos tiene la acreditación de la categoría “A” ante el Comité Internacional de Coordinación de las Instituciones Nacionales para la Promoción y la Protección de los Derechos Humanos.

** Se reproduce en el anexo tal como se recibió, en el idioma en que se presentó únicamente.

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Anexo

[Inglés únicamente]

Submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)

The activities of the Commissioner for Human Rights of the Republic of Azerbaijan on the protection of the rights of persons with disabilities.

Following the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) by Azerbaijan in 2008 by making a reservation to the Convention, which came into force in the country on 28 January, 2009 and as it is stated in the Article 33.2 of the Convention, Azerbaijan Ombudsman, also as a National Human Rights Institution, accredited with “A” status was assigned to function as an independent monitoring mechanism over the fulfillment of the Convention as its binding international obligation.

Considering the Article 33.2 of the Convention, the Constitutional Law on Ombudsman of the Republic of Azerbaijan it were made also necessary amendments in relation to new functions, as a main legal framework for the Ombudsman’s activities.

Ombudsman and her National Preventive Group regularly conduct planned and *ad-hoc* monitorings in the facilities of Ministry of Labor and Social Protection of the Population, Ministries of Justice, Health and Education; investigate the situation of the persons with disabilities and instruct the responsible persons to better improve their living conditions, solve their social problems and to ensure their right to health, education and etc.

Ombudsman proposed bringing the national legislative framework in comply with the Convention; improving the national legal norms and changing the terms ineligible and degrading the PWDs, adopting new legal norms; making appropriate amendments to the titles and texts of the national laws about adoption of the Optional Protocol to the Convention dated 2 October, 2008 and to the Decision of the Cabinet of Ministers of the Republic of Azerbaijan on celebrating the International Day of Disabled Persons dated 27 November, 1995, including other legislative acts in compliance with the Convention; changing the wording “disabled persons” into the “persons with disabilities”.

Consequently, the Law of the Republic of Azerbaijan on the Rights of the persons with disabilities, National Action Program on the protection of the rights of persons with disabilities, State Program on the Development of inclusive education for persons with disabilities and Regulations on Establishing reasonable accommodation for persons with limited health capacities in projecting of buildings and constructions and others were prepared and recommendations of the competent public institutions, non-governmental organizations submitted to the Government are expected to be adopted in the next future.

Ombudsman made requests to Ministry of Health in relation to medical examination and treatment of persons with disabilities, many out of which were taken into consideration. As a consequence, dozens of people appealed to the Ombudsman were sent to Medical Centers specialized in various diseases for treatment and resort hotels for treatment; persons in need were medically examined, treated and provided with necessary medicines and orthopedic prostheses at free of charge; children, coming from law-income families and suffering from heart diseases were financially supported for being operated at free of charge in country and international facilities. Furthermore, in compliance with the Ombudsman’s recommendation there was established the Commission on the Registration, Identification, Medical Examination and Treatment of Children in need of Cochlear Implantation

Operation by the relevant Decision of Ministry of Health starting from 2016. Within a short period of time 52 persons were requested to the relevant Commission and 4 children with severe hearing impairment have already been operated at expenses of State budget.

Ministry of Labor and Social Protection of the Population was requested regarding the identification of health incapacity of children under age of 18 by Medical Social Expert Commissions (MSECs) and determination of the degree of the disability for the persons older than age of 18; and subsequently, the recommendations related to determining of the criteria for limited health capacities for children and disability; developing the normative-legal framework in relation to Medical-Social Expertise and Rehabilitation; establishing the State Medical Social Expertise and Rehabilitation Service at the Ministry of Labor and Social Protection of the Population; developing the Regulations of the State Medical Social Expertise and Rehabilitation Service; re-organizing quality of service in Medical Consultation Commissions and Medical Social Expert Commissions (MSECs) complying them with international standards; promoting transparency by minimizing civil servant and citizen relations and bringing them into compliance with international standards; establishing e-registration Database for referrals to MSEC to improve the process of issue of medical referrals by Ministry of Health; provision of citizens in health institutions with the relevant printed medical referrals through "Electronic Health Card System of Citizens" (EHCS); establishing the State Medical Social Expertise and Rehabilitation Sub-system at the Common Information System of the Ministry of Labor and Social Protection of Population to increase transparency in the processes of determining the disability and health incapacity of citizens, in extending the application of modern information technologies and in developing the quality of service to people by the noted Service; Regulations on the Criteria for disability and health incapacity as well as on Medical Social Expert Commissions have been taken into consideration.

Considering the importance of promotion the training of professionals and staff working with persons with disabilities, Ombudsman regularly organizes various legal awareness events for the Union of Disabled Peoples' Organizations, encompassing about 40 non-governmental organizations as well as other specialized non-governmental organizations, deputies, state bodies, international organizations and mass media with purpose of coordination of the activities of disabled people organizations, also to represent and protect their common interests. Moreover, the Ombudsman and staff members as experts, delivered different presentations in the events at national and international levels; Also, Ombudsman launched round tables and conferences devoted to the "Role of public institutions and non-governmental organizations in the protection of the rights of persons with disabilities"; "Development perspectives of the protection of the rights of persons with disabilities"; "Existed problems of persons with disabilities and the Ways of their solution"; "Role of coordination and monitoring mechanisms in protection of the rights of persons with disabilities"; "Labor rights of persons with disabilities: challenges and perspectives"; "Support to ensuring the rights of persons with disabilities"; "Coordination of perspectives of the rights of persons with disabilities"; "Equal rights and equal opportunities for persons with disabilities"; "Integration of such category of persons to the society: challenges and perspectives"; "Convention on the Rights of Persons with Disabilities: dignity and justice for all"; "Legal status of disabled persons: existed problems and duties ahead"; "Rehabilitation and social protection of persons with disabilities: challenges and perspectives"; "Status of implementation of the Convention on the Rights of the Persons with Disabilities by Azerbaijan", which followed by distribution of different printing materials to the participants, also the recommendations and suggestions were sent to the appropriate state bodies;

Alike, Ombudsman and staff published several scientific-analytical articles about the protection of the rights of persons with disabilities and elimination of discrimination against them;

First State Report of Azerbaijan about the fulfillment of its international obligations in 2011 as well as the first parallel Report of Ombudsman were submitted to the UN Committee on the Rights of Persons with Disabilities in 2013 accordingly.

Considering the significance of the participation of persons with disabilities in decision-making processes, Ombudsman closely cooperates with disabled persons organizations; and also include persons' with disabilities into the composition of Council of Experts, also to the Working Group on Business and human rights, operating in the Ombudsman Office as well as Ombudsman requested the Ministry of Labor and Social Protection of the Population to establish public observation units in central, local and self-governing organizations and take necessary measures for the participation of persons with disabilities in a new composition of the Public Council in the noted Ministry, established to ensure the participation of civil society institutions in the process of adoption of legal norms about rights of persons with disabilities and to organize the public control over activities of the Ministry according to the Law of the Republic of Azerbaijan on Public Participation; as a consequence of 7 out of 15 members of the Public Union were selected among the persons with disabilities; to the point, Specialized Adviser of the Ombudsman for the persons with disabilities has also selected to the new composition of the Public Union at the Ministry of labor and Social Protection of the Population.

Taking into consideration all the above mentioned and the fact that following the Millennium Development Goals (MDGs), the United Nations accepted the Sustainable Development Goals (SDGs) for the years 2015-2030, which states the importance of elimination any kind of discrimination against the vulnerable groups of the population, which includes also the persons with disabilities, the participation of various categories of persons in decision making processes. Under the Development Concept 2020-Azerbaijan: Look into future, the Ombudsman Institute as a national human rights institution has proposed the special program on ensuring the rights of persons with disabilities. Therefore, we recommend the national human rights institutions to propose their States to adopt such kind of program on protection of the rights of persons with disabilities in their countries.
