



Convention on the Rights of Persons with Disabilities

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Summary record of the 702nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 12 March 2024, at 3 p.m.

Chair: Ms. Fitoussi (Vice-Chair)

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Ms. Fitoussi (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

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

*Combined second and third periodic reports of Azerbaijan (CRPD/C/AZE/2-3;
CRPD/C/AZE/QPR/2-3)*

1. *At the invitation of the Chair, the delegation of Azerbaijan joined the meeting.*
2. **A representative of Azerbaijan**, introducing his country's combined second and third periodic reports (CRPD/C/AZE/2-3), said that prevention of disability, rehabilitation and social protection of persons with disabilities were provided for in the Constitution and in other relevant laws and regulations. A working group had been established under the Ministry of Labour and Social Protection to ensure the effective implementation of the country's obligations under the Convention. The group's main task was to coordinate the application of plans and strategies for the protection of persons with disabilities.
3. Over the previous five years, the country's rehabilitation infrastructure had been rebuilt to meet modern standards, and significant efforts had been made to expand its coverage: 2 new rehabilitation centres had been established and 10 existing ones had been renovated. A total of 15 rehabilitation centres were currently in operation, providing support to around 90,000 persons with disabilities every year. The State now funded the provision of 57 types of rehabilitation device. Over 500 veterans of recent military action had been provided with rehabilitation services to help them reintegrate into society.
4. Following changes made in 2022 to the procedure for assessing disability, assessments were based on the extent to which a person's body functions were impaired, expressed as a percentage. Steps were being taken to digitalize disability-related services. In that connection, 146 services within the remit of the Ministry of Labour and Social Protection had been digitalized. Furthermore, 56 of those services were now provided proactively, without the need for beneficiaries to submit an application.
5. When drafting the Law on the Rights of Persons with Disabilities, the Government had requested feedback on the draft from the Committee, which had been taken into account in the drafting process. Following the adoption of the Law in 2018, individualized rehabilitation programmes had been established, infrastructure had been made accessible to persons with disabilities and registers of persons with disabilities had been created. The Law had also provided for the replacement of the term "child with disabilities" with the term "person with disabilities", so as to ensure a uniform approach.
6. The new, individualized rehabilitation programmes covered medical, vocational and psychological rehabilitation, the development of social skills, habilitation measures, and the provision of rehabilitation tools and services. The purpose of the programmes was to enhance the ability of persons with disabilities to enter the labour market and live independently. A new electronic platform had been launched to facilitate access to habilitation and rehabilitation services for persons with disabilities.
7. Efforts were being made to consolidate the data on persons with disabilities so that their needs could be met more effectively. New regulations on registers of persons with disabilities had been adopted some three years previously. A number of ministries and State agencies coordinated with each other to collect and register data relating to persons with disabilities, including on the extent, duration and causes of disability and the dates of disability assessments. The data were used to formulate individual rehabilitation programmes and facilitate access to rehabilitation services by streamlining administrative processes.
8. Under new regulations on infrastructure, companies and organizations must ensure that transport, communication services, housing and other infrastructure were adapted for persons with disabilities. The regulations had been drafted by international experts, taking into account the Committee's general comment No. 5 (2017) on the right to live independently and be included in the community. In addition, legislative measures had been taken to improve the accessibility of government websites for persons with disabilities. In

the field of employment, the Government had launched a single electronic platform to facilitate the entry of persons with disabilities into the labour market and the delivery of support programmes.

9. The new criteria for assessing disability were based on recognized international instruments, including the International Classification of Diseases and the European physical and mental disability rating scale for medical purposes. More than 600 different criteria for assessing disability were now in use in Azerbaijan. Around 70,000 persons had benefited from the introduction of the new criteria in that they were supported within the framework of the social model of disability rather than the outdated medical model, with the impact of their condition – as well as its severity – being taken into account.

10. Steps were being taken to remove derogatory language from national laws. In that connection, more than 40 laws had been reviewed and amended. In 2023, about 70 videos had been created and published on social media platforms to raise awareness of disability issues. Disability-related restrictions on adoption had been removed. At the same time, a new social allowance had been established to encourage families to adopt children with disabilities. Under the new system, 12 children with disabilities had been adopted to date.

11. Social reforms benefiting around 40 per cent of the population had been carried out over the previous five years. As part of those reforms, a new assistance allowance had been established for persons whose degree of impairment was assessed at between 80 and 100 per cent and for persons caring for a child with a disability.

12. Over the previous three years, new support centres had been established as one-stop shops providing a wide range of social services. To date, over 480 persons in vulnerable situations had received assistance from the centres. The Government's automated disability assessment system had won international awards.

Articles 1–10

13. **Ms. Jacobs** (Country Rapporteur) said that, while the Committee welcomed the State party's efforts to harmonize its laws and policies with the Convention, it was concerned to note that certain legal provisions, such as paragraph VI of article 25 of the Constitution, restricted the rights of persons with disabilities and contained derogatory language. She wished to know what measures would be taken to address that situation. She would be interested to hear about any mechanisms in place to provide redress to persons subjected to disability-related discrimination.

14. **Ms. Fefoame** said that she wished to know whether the National Action Plan on Gender Equality addressed the needs of women with disabilities and the multiple and intersecting forms of discrimination they faced. The Committee would welcome information on any measures taken to ensure the participation of women with disabilities in municipal, regional and national decision-making processes. It would also be grateful for information on steps taken to prevent the abandonment, neglect and institutionalization of children with disabilities and to guarantee their access to inclusive community-based services. The delegation might describe any mechanisms in place to give children with disabilities access to alternative care in family settings.

15. **Ms. Gamio Ríos** said that she would welcome information on any progress made towards establishing a legal prohibition of disability-based discrimination and the multiple forms of discrimination experienced by persons with disabilities, in line with the recommendation made by the Committee in 2014 (CRPD/C/AZE/CO/1, para. 13). She wished to know whether the State party would take steps to ensure that national laws and policies relating to gender equality and social protection addressed the needs of women with disabilities. Lastly, she wondered whether the State party would abolish the list of non-recommended occupations restricting women's access to certain professions and jobs, in line with the recommendation made by the Committee on the Elimination of Discrimination against Women in 2022 (CEDAW/C/AZE/CO/6, para.32 (a)).

16. **Ms. Dondovdorj** said that she wished to know whether the State party had a mechanism for conducting periodic reviews of existing laws to determine whether they were fully compliant with the Convention. If so, she wondered whether the mechanism also had a

mandate to review policies at the development stage to confirm that they would be based on the human rights approach to disability. The Committee would be interested to learn whether any women with disabilities would be appointed as members of the State Committee for Family, Women and Children's Affairs so that the voices of such women could be heard.

17. **Ms. Fernández de Torrijos** said that she would welcome information on any progress made towards prohibiting all forms of corporal punishment of children, including children with disabilities, in line with the recommendation made by the Committee on the Rights of the Child in 2023 ([CRC/C/AZE/CO/5-6](#), para. 25 (a)).

18. **Sir Robert Martin** said that he would be interested to hear about any measures taken to promote the establishment of organizations of persons with disabilities and any financial or other forms of support they received. He wondered whether any organizations run by and for persons with intellectual disabilities existed in Azerbaijan. He would be grateful to learn about any steps taken to combat stigma, prejudice, harmful practices, negative attitudes, bullying, hate crime and discriminatory language directed at persons with disabilities.

19. He was curious to know whether any campaigns to raise awareness of the rights of persons with disabilities were being conducted in Azerbaijan. If so, the delegation might state whether they were in compliance with the Convention and whether organizations of persons with disabilities participated in them. It might also indicate whether police officers, media workers, education professionals, health-care workers, justice officials and civil servants received training in disability issues, in line with the Convention.

20. **Ms. Kayess** said that she wished to know whether the State party's anti-discrimination laws covered all forms of discrimination, including direct and indirect discrimination, denial of reasonable accommodation and the intersectional forms of discrimination experienced by women with disabilities, children with disabilities, lesbian, gay, bisexual, transsexual, intersex and queer persons with disabilities, and refugees and asylum-seekers with disabilities. She wondered whether and how persons with disabilities filed complaints, whether their complaints were investigated and whether they had access to remedies if they experienced discrimination.

21. **Mr. Schefer** said that, in its orders of 22 February and 6 July 2023 concerning case No. 180, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, the International Court of Justice had indicated provisional measures according to which Azerbaijan should ensure "unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions". Azerbaijan had refused to comply, thereby violating its obligations under international law. In view of that violation, he wondered whether the State party could assure the Committee that it would honour its obligations under the Convention, which was binding on all countries that had ratified or acceded to it.

22. **Ms. Thongkuay** said that she wished to know what legislative measures were being taken to guarantee access to social benefits for persons with disabilities and ensure that they would not be forced to reapply for those benefits. She wondered whether the State party had established a mechanism for monitoring compliance with regulations on the accessibility of facilities and buildings and, if so, what the mandate and functions of the mechanism were, how data on non-compliance were collected and what penalties were handed down for non-compliance. The delegation might describe any measures being taken to guarantee equal access for persons with disabilities to transport services, information and communications, including related technology, and all other public facilities and services, in both urban and rural areas. It might also provide information on any measures being implemented to identify and eliminate barriers to accessibility. Lastly, she would be grateful to know whether any plans were in place to establish a legal prohibition on denial of reasonable accommodation.

23. **The Chair** said that she wished to know how the State party ensured that women and girls with disabilities who had experienced violence had access to protection, including prevention programmes, temporary residences and other services for victims of domestic violence. She wondered what mechanisms were in place for collecting information regarding the rights of women and girls with disabilities. She wished to know what the mortality rates for children with disabilities had been in recent years and what measures had been taken to reduce those rates.

The meeting was suspended at 3.45 p.m. and resumed at 4.10 p.m.

24. **A representative of Azerbaijan** said that, following governmental reforms in 2018 as a result of which the new Ministry of Labour and Social Protection had become responsible for disability-related issues, the interactive dialogue with the Committee offered a unique opportunity for Azerbaijan to assess the progress made in realizing the rights of persons with disabilities and identify the remaining shortcomings in that regard.

25. Work was under way to remove derogatory or limiting language from more than 40 pieces of legislation. However, as the highest law in Azerbaijan, the Constitution could only be amended by referendum; the removal of derogatory language from that instrument would therefore be considered when other referendums were planned.

26. **A representative of Azerbaijan** said that a law on gender equality had been adopted in 2006. Each year between 2020 and 2023, the State Committee for Family, Women and Children's Affairs had submitted a report to the parliament on the implementation of that law, with a particular focus on women with disabilities.

27. A national plan of action on gender equality for the period 2025–2026 was being discussed within State agencies prior to adoption and would provide, inter alia, for expanded employment opportunities and professional skills development for women with disabilities.

28. Until recently, the members of the State Committee for Family, Women and Children's Affairs had included one woman with a disability, but she had been promoted to another role in the parliament. The Committee was committed to increasing the diversity of its membership in the future. The citizens' council, which worked under the Committee, comprised representatives of 12 different non-governmental organizations, one of whom was a woman with a disability.

29. **A representative of Azerbaijan** said that a new adoption system had been introduced in collaboration with the United Nations Children's Fund (UNICEF) and other international partners, with a particular focus on the adoption of children with disabilities. A scoring system was used to assess the needs of children with disabilities, and those assessments were then used to evaluate the suitability of applicants. Social allowances, indexed to the minimum wage, were provided for adoptive families of children with disabilities to ensure those children a decent standard of living. New legislation had been passed to facilitate the adoption of abandoned children. In addition, a gatekeeping mechanism had been established to ensure that parents were offered support prior to placing their children in State care and a foster family system had been introduced.

30. **A representative of Azerbaijan** said that, to prevent the institutionalization of children with disabilities, the Government had established a programme for the development of inclusive education, along with special classes in mainstream schools. As a result, just 2,583 children with disabilities were currently enrolled in boarding schools, with 8,000 able to receive education near their homes.

31. **A representative of Azerbaijan** said that the Social Services Agency, established in 2020, organized mobile and community-based social, psychological and medical rehabilitation services and family support and family education programmes for children with disabilities and their families. In 2022, for example, services had been provided in 25 cities, reaching 2,500 children with disabilities. In addition, day-care centres, including some catering specifically for children with disabilities, had been opened.

32. Of the children reintegrated into their biological families as a result of the provision of family support, children with disabilities had accounted for 6 out of 42 in 2020, 9 out of 89 in 2021, 14 out of 120 in 2022, and 3 out of 197 in 2023. Between 2020 and 2023, three children with disabilities had been adopted, and, between 2022 and 2023, the Agency had enabled nine children with disabilities continue living their biological families.

33. **A representative of Azerbaijan** said that there had previously been restrictions on the exercise of 600 professions; that figure now stood at 204 and the Government was working with international experts to reduce the number of restricted jobs still further. Such restrictions had originally been introduced to protect the health of persons with disabilities,

pregnant women and women with children under 1 year of age, but they were clearly no longer consistent with the country's international obligations.

34. **A representative of Azerbaijan** said that, between 2020 and 2023, the Ministry of Justice had registered 161 organizations working to protect the rights of persons with disabilities. Those organizations had received funding of 3,933,000 manats from State institutions and local organizations and 594,575 manats from foreign financial sources.

35. In line with rules governing psychological services in schools, adopted in April 2020, measures were taken to foster positive attitudes towards disability in schools. In addition, parents and legal guardians received guidance on preparing children with disabilities to lead an independent life.

36. Between 2020 and 2023, 494 new employees of the judicial and penitentiary services and candidates for judgeships had completed compulsory training, which included lectures on the Convention and on the deprivation of liberty of persons requiring accommodations, such as young people, women, persons with disabilities, foreign nationals and older persons. In the same period, 112 judges had completed professional development courses on the Convention, and 53 employees of judicial authorities had completed courses on international law on the rights of persons with disabilities.

37. **A representative of Azerbaijan** said that, in 2023, the mortality rate for newborns with congenital abnormalities had been 21 per cent. The Ministry of Health, with the support of UNICEF, was rolling out nationwide neonatal screening for the early identification of conditions that could lead to disability in children. In that connection, since 2022, all newborns had been screened for five hereditary diseases. In addition, children underwent early screening for visual and hearing impairment. Medical professionals conducted field visits to monitor the health of children and, depending on the outcome, develop early intervention plans. A children's psychoneurological centre provided specialized medical assistance to children with neurodevelopmental conditions. The Ministry of Health worked with local non-governmental organizations to take timely measures in the field of health. A universal and progressive support system for pregnant women and young children had been introduced in 2019, and guidelines on implementing that support had been prepared for health-care personnel. Various training courses had been organized in connection with the neonatal screening programme.

38. **A representative of Azerbaijan** said that a special monitoring commission had recently been established under the Ministry of Labour and Social Protection, inter alia, to review existing legislation and identify whether amendments were required.

39. **A representative of Azerbaijan** said that, under a 2019 resolution of the Cabinet of Ministers, the Ministry of Labour and Social Protection was responsible for monitoring the situation of persons with disabilities. That responsibility was discharged by the special monitoring commission, which reviewed the degree to which such areas as employment, education, health care, housing, public transport and commercial infrastructure were adapted to the needs of persons with disabilities. The commission also monitored the implementation of State policy on opportunities for persons with disabilities and analysed the provision of reasonable accommodation. The commission submitted reports on its findings, which included input from focus groups of non-governmental organizations and persons with disabilities, to the Ministry of Labour and Social Protection and the Cabinet of Ministers, so that necessary measures could be taken. At its establishment in 2020, the commission had had 10 members; it now included representatives of different State and non-governmental organizations, the Ministry of Health, the Ministry of Science and Education, the State Committee for Urban Planning and Architecture, higher education institutions and activists working on disability issues.

40. **A representative of Azerbaijan** said that the monthly benefits to which persons with disabilities were entitled had been increased nearly fourfold. Other disability-related benefits, including those for the families of children with disabilities, had also been increased. Persons with disabilities benefited from lower tax rates, and amendments to the Labour Code had been made with a view to helping them find or remain in employment. In some cases, for example, a worker with a disability or with responsibility for a child with a disability could not be dismissed. Students with disabilities could attend State universities at no charge.

41. As Azerbaijan was an ethnically, religiously and linguistically diverse country – an Armenian church, for instance, stood in the centre of Baku – the authorities shared the Committee members’ concerns about the freedom of movement of persons with disabilities in and their right of return to Nagorno-Karabakh. Assurances had been given to the International Court of Justice in that connection. Although he was not in a position to expound on the international court cases to which his country was a party, the right of return to Nagorno-Karabakh was clearly a sensitive matter on which the Azerbaijani authorities worked closely with their international partners, the Office of the United Nations High Commissioner for Refugees in particular. None of the representatives of the many United Nations agencies who had visited Nagorno-Karabakh in 2023 had found evidence of any violations of the right of return of persons with disabilities or any mistreatment of fleeing Armenians.

42. **A representative of Azerbaijan** said that the Ministry of Labour and Social Protection, in cooperation with other stakeholders, was heavily involved in awareness-raising. In recent years, for example, the Ministry had prepared more than 200 press releases on the rights of persons with disabilities and produced dozens of infographics, television programmes, video clips and other material meant for a wider audience. Two books on the rights of persons with disabilities had been published since 2021, and success stories involving such persons were posted on official websites and to the Ministry’s social media accounts. Posters promoting the rights of persons with disabilities had been displayed by the Baku Metro, which had an average of 800,000 users a day.

43. **A representative of Azerbaijan** said that the delegation would attempt to provide answers in writing to the questions that could not be answered during the dialogue.

Articles 11–20

44. **Ms. Jacobs**, speaking in follow-up to a previous question on article 9, said that she wondered whether any measures – the entry into service of low-floor buses, for example – were being taken to make transport in the State party more accessible to persons with disabilities. Turning to article 11, she would like to know how the emergency warning system worked, what procedures were followed to ensure that the rights of persons with disabilities were protected during evacuations and whether such persons had been consulted on the development of those procedures. Lastly, she wondered what was being done to clear the large areas of the State party that were contaminated by landmines and to support the victims of landmines.

45. **Ms. Fefoame** said that she wished to know what measures were being taken to amend the Law on the Prevention of Domestic Violence to define domestic violence and take into account the special protection needs of disadvantaged and marginalized groups of women, including women with disabilities, migrant women and internally displaced women, as the Committee on the Elimination of Discrimination against Women had recommended in 2022 (CEDAW/C/AZE/CO/6, para. 24 (b)). She also wished to know what efforts were made to safeguard the rights of persons with disabilities, in particular women and children, at all stages of migration proceedings.

46. **Ms. Gamio Ríos** said that she would welcome information on the action taken to solve the problems caused by laws that allowed the institutionalization of persons with psychosocial or intellectual disabilities, including children, on the basis of their disabilities. She would also appreciate an indication of the steps that were taken to prevent the sexual exploitation or early marriage of women and girls with disabilities. It would be helpful to learn, too, what had been done within the framework of the deinstitutionalization and alternative care programme that had been in place from 2006 to 2015.

47. **Mr. Kabue**, speaking in follow-up to previous questions, said that he wondered whether the State party had made any plans to move away from its troubling approach to disability, which was clearly informed by a medical perspective. He also wondered whether action had been taken in follow-up to the recommendations made by organizations of and for persons with disabilities regarding the establishment of accessibility regulations. Turning to article 12, he wished to know what plans had been made to amend the provision of the Civil Code that made it possible to deprive people of the right to exercise their legal capacity.

Lastly, in relation to article 19, he wondered what measures were taken – the provision of personal assistance, for example – to enable persons with disabilities to live independently and be included in their communities.

48. **Mr. Schefer** said that, as the European Court of Human Rights had found that Azerbaijan had violated article 3, on the prohibition of torture, of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) on several occasions since 2002, it would be helpful to know what the State party did to support the persons who had been subjected to torture or inhuman or degrading treatment by its officials. In that connection, he wondered whether the delegation had any information on persons with disabilities who had been subjected to torture or other cruel, inhuman or degrading treatment or punishment.

49. **Sir Robert Martin** said that he would like to know whether the State party had any plans to ensure that persons with disabilities could exercise their right to equal recognition before the law and, if so, what the time frame for the realization of those plans was. He would also like to know whether there was any training on supported decision-making for persons with disabilities, their families and relevant professionals, in particular those working in the judicial system.

50. He wondered whether a person who had been deprived of the right to exercise his or her legal capacity could apply to have it restored, including with assistance from others. In addition, he would welcome information on the steps that were being taken to replace guardianship and other systems based on substitute decision-making with supported decision-making mechanisms.

51. It would be helpful to learn whether a deinstitutionalization budget had been drawn up and whether there was a proper strategy for deinstitutionalizing people with psychosocial disabilities and people with intellectual disabilities. It would be useful to know what support was given to persons with disabilities to enable them to decide where, how and with whom they wished to live.

52. **Mr. Makni**, speaking in follow-up to a previous question, asked what the Ministry of Labour and Social Protection, which had overall responsibility for the State party's efforts to implement the Convention, did to coordinate with other relevant institutions and whether those institutions – other government ministries, for instance – had disability rights focal points.

53. **Mr. Kouassi** said that he would appreciate statistical data on the outreach efforts made by the State party to protect persons with disabilities from exploitation and ill-treatment. It would be interesting to know, too, to what extent organizations of and for persons with disabilities had been involved in those efforts and what mechanisms were in place to enable such persons to report exploitation or ill-treatment. He would welcome data, broken down by age and sex, on persons with disabilities who had been victims of exploitation, ill-treatment or trafficking in persons.

54. **Ms. Thongkuay**, speaking in follow-up to a previous question, said that she wished to know whether legislative plans had been made to facilitate matters for persons with disabilities who were forced to reapply for benefits. In connection with article 15, she wondered whether the draft national plan on preventing and combating domestic violence that was mentioned in the State party's combined periodic reports had ever been adopted and, if so, what the outcome of the plan had been, whether it would be renewed and whether women with disabilities and their representative organizations had been consulted on the plan's development.

55. **Ms. Kim Mi Yeon** (Country Rapporteur) said that she wondered what measures had been taken to address the rights and needs of refugees with disabilities in the State party and to ensure that its laws on refugee status or asylum were compatible with the Convention, in particular in respect of the procedural protection of persons with disabilities. She also wondered what the Government intended to do to prevent persons with disabilities from being deprived of liberty on the basis of their disability, what measures it took to ensure that they could live independently in their communities, what it was doing to enable children with psychosocial or intellectual disabilities to live with their families and how persons with the

severest disabilities managed outside the working hours of the personal assistants appointed for them by State bodies. Lastly, she asked what measures would be taken to further improve accessibility and mobility for persons with disabilities.

56. **Ms. Dondovdorj** asked whether any plans had been made to ensure that women with disabilities were involved in the work of the State Committee for Family, Women and Children's Affairs and that persons with disabilities, those living in institutions in particular, had access to the courts.

57. **The Chair** said that she wished to know what mechanisms were in place to assist persons with disabilities in humanitarian emergencies and situations of risk, in what way such persons had been involved in the development of those mechanisms and what resources had been set aside for their operation. She also wondered what training employees of the Ministry for Emergency Situations had received in connection with the provision of assistance to persons with disabilities in such situations. Like other Committee members, she would welcome information on the accessibility of the justice system to persons with disabilities, including those in places of detention.

58. **Mr. Al-Azzeh** said that he would like to know when the State party intended to remove the derogatory terms used for persons with disabilities in its laws; what steps it would take to put in place a system of supported decision-making; and why opponents of the Government had sometimes been forced into psychiatric hospitals, a practice that could not but increase the stigma around mental health treatment.

The meeting rose at 5.25 p.m.