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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL,
ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING
THE RIGHT TO DEVELOPMENT**

**Information presented by the the Commissioner for Human Rights (Ombudsman) of the
Republic of Azerbaijan¹**

Note by the Secretariat

The Secretariat of the Human Rights Council has received the following communication², which is reproduced below in accordance with Human Rights Council resolution 5/1, Rule 7(b), which states that “Participation of national human rights institutions shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005”.

¹ The submitting National Human Rights Institution has “A status” accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

² Reproduced in the annex as received, in the language of submission only.

ANNEX

The situation on human rights protection of persons with disabilities in the Republic of Azerbaijan

The distinguishing feature of the Commissioner's work is its focus on protection of all human rights without distinction, i.e. civil, political, economic, social and cultural rights, as well as promotion and protection of human rights for all social strata. Special attention in the work of the Office is paid to the most vulnerable groups of population - women, children, the elderly, families with low income, and those living below the poverty line, as well as persons with disabilities.

There are several directions in which the Commissioner for Human Rights of the Republic of Azerbaijan works for human rights protection of persons with disabilities.

Establishing specialised adviser on disability

By the 04 May 2005 Order of the Commissioner a group of specialised advisers from the staff of the Ombudsman Office has been created. A Specialised Adviser on Issues of Disability has been appointed within this group. The duties of the Adviser on Disability cover study of existing legal norms (both national and international) pertaining to human rights protection of persons with disabilities, analysis of situation in the country in this field, preparation of proposals and plans of actions and taking measures for improving their status.

Encouraging the government to ratify and adopt new standard setting documents and monitoring their implementation

In order to strengthen promotion and protection of human rights without any discrimination to the persons with disabilities the Commissioner put forward a proposal to sign and ratify the Convention on Human Rights of Persons with Disabilities and its Optional Protocol adopted by the UN General Assembly on 13 December 2006 and open for signature of state parties on 30 March 2007. The Commissioner's proposal was accepted by the Parliament, and Azerbaijan signed the Convention on 9 January 2008.

By the Presidential Decree of 28 December 2006 the National Action Plan (NAP) on Protection of Human Rights in the Republic of Azerbaijan was adopted, and the majority of the proposals made by the Commissioner were included in NAP. Thus the third section of the NAP focuses on actions for strengthening of human rights protection of different strata of society (including the disabled), whereas the fifth section of the NAP dedicated to educational activities in the field of human rights envisages in its Article 38 that teachers, lecturers and instructors should be trained on human rights for different groups of population covering persons with special needs.

To ensure efficient implementation of the National Action Plan a Working Group was established by the special decree, and the Commissioner will run this Working Group and take the lead in independent monitoring, evaluation and coordination of joint efforts of the state bodies and actors of the civil society for implementation of the NAP. The Working Group and its five sub-groups (corresponding to five areas of focus established by the NAP) have already conducted public hearings in nine regions covering all rural districts of the country. The aims of these hearings were to raise public awareness and discuss the essence of the NAP, its objects and purposes, the main directions of activities as well as perspectives of collaboration and consolidation of all stakeholders for implementation of the Plan. The regional public hearings involved active participation of the members of the Working Group, members of parliament elected from the corresponding regions, representatives of local executive bodies, courts and law-enforcement agencies, municipalities and representatives of the local minority communities, NGOs and mass media.

Making motions to the relevant state bodies based on the analysis of the complaints received from persons with disabilities

The Commissioner's Office systematically analyses the complaints received from persons with disabilities and their family members, also undertake regular visits to the centres for the disabled people, where they get acquainted with their problems and needs. Based on these complaints and visits several areas of main concern have been highlighted in the Ombudsman's annual reports, and motions were made to the respective state bodies.

Thus, an appeal have been made to the Office of Mayor of Baku city and other bodies regarding the necessity of laying ramps on streets, as well as at the entrance to the Ombudsman Office, crossings and subways, buying new buses with lifting mechanisms for the disabled people. Proposals were submitted to the Baku Metro Administration on taking measures to allow for people with wheelchairs to access the underground stations. Successful negotiations have been made with the Ministry of Communication and Information Technologies, as well as to the Ministry of Transport for establishing special phones booths and ramps to make phones accessible for persons using wheelchairs. It has been proposed to the National Television and

Radio Council to produce films with subtitles for the convenience of people with hearing difficulties. Requests have also been made to the Ministry of Internal Affairs to buy new sound traffic lights, as well as to the Baku Metro Administration to emboss the security line at the platforms for enhancement of the security for the blind people. It has been proposed to the government to make allotments of accommodation to the disabled taking into consideration the nature of their disabilities. Proposals have been made to the Ministry of Health to increase the amount of annual aid, drugs and insulin the governments is supplying to persons suffering from diabetes, as well as of inclusion of the new drug into the list of medicines provided free of charge. It should be noted that all of these requests and appeals have received a positive response and most of the proposals were adopted by the respective bodies, however there is still a lot of room for improvement in this field.

Additionally, numerous complaints in relation to provision of the veterans of Nagorno-Karabakh war with premises, cars, wheelchairs and aid were satisfied after the Commissioner's intervention and motions to the respective state bodies.

A number of proposals have been made to improve social protection of the persons with disabilities. It has been proposed to the government to gradually increase the amount of aid for child care, pensions and social aid envisaged in the State Budget to meet the real social needs of the persons with disabilities, to increase the amount of payments made to the families of children with disabilities who receive special education, to introduce a system of loans in order to organise new facilities and labour places at the penitentiaries and organisations for the disabled. It has also been proposed to the government to offer education fee waivers to the university and college students suffering from hereditary blood diseases considering their expenses on medical treatment. It is noteworthy that many of these proposals have been adopted in the State Budget for 2008, and some amendments have been made to the Law "On Social Aid" accordingly.

Collaboration with different actors and raising public awareness

Protection of the rights of persons with disabilities requires joint actions of all actors of the society. Thus, collaboration becomes a very important part of work in this direction. Within the framework of the NAP the Ombudsman Office co-operates with different state bodies mentioned earlier, as well as with the Union of NGOs of Persons with Disabilities (UNPD).

Within the framework of a joint project with the UNICEF conference titled "Equal opportunities and equal rights" and dedicated to the problems of protection of rights of children with disabilities was held on 31 January 2008.

On 5 May 2008 the commissioner held a conference on the topic of “Integration of persons with disabilities with the society: problems and prospects” dedicated to the 15th year of celebration of 5 May European Day of Protection of Persons with Disabilities. This conference was aimed at defining methodology of more efficient promotion of human rights of persons with disabilities, as well as at joining and coordinating efforts for their integration with the society.

These events were attended by high level representatives of state bodies including members of Parliament, Ministers and Deputy Ministers, Heads and Deputy Heads of executive bodies, as well as of international organisations, NGOs and other actors of the civil society and mass media. During these conferences proposals and recommendations of the participants on improvement of human rights protection of the disabled persons were summarised and addressed to the respective authorities.

For successful integration of the disabled with the society it is extremely important to lift the barriers created in people’s minds, and raise public awareness on problems of persons with disabilities. The Commissioner put forward the proposal to hold a ten day action of blood donation to support children suffering from haemophilia, thalassaemia, leukaemia and other blood diseases. The Commissioner personally and the staff members of the Office participated in this action themselves as donors. The results of this action were covered at the press conference attended by the representatives of the Ministry of Health, Ministry of Labour and Social Protection of the Population, Azerbaijan Institute of Scientific Research for Thalassaemia and Transfusiology, Azerbaijan Society of the Red Crescent, Republican Association of the Persons Suffering from Haemophilia, Thalassaemia Association, Scientific-Practical Centre of the Republican Clinical Hospital, as well as of mass media.

Along with achievements in protection of human rights of persons with disabilities, there is still a lot of room for improvement in this field in the course of implementation of the Convention of the Rights of Persons with Disabilities.

It should be born in mind that the disabled do not constitute a homogenous group. According to the information provided by the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan, as of 1 January 2008 there are a total of 430 891 persons registered and receiving allowances as persons with disabilities in the country. 213 394 (49%) of them are women, and 55066 (12%) are children. According to the information received from the State Committee for Protection of Refugees and Internally Displaced Persons approximately 50 000 people were injured and became disabled as a result of Armenian aggression against Azerbaijan. Unfortunately, there is no certain statistical information on how many persons among the

disabled are the elderly, refugees or IDPs. However, people from these particularly vulnerable groups have special needs that have to be addressed for the purposes of more efficient protection.

The Commissioner believes that a more detailed statistical data disaggregated by age, sex and status should be collected for definition of priorities in protection of human rights of persons with disabilities. The Commissioner presented a proposal to the State Statistics Committee to gather disaggregated data during next census of population in Azerbaijan for organization of addressed social aid and care.

The Commissioner would also like to draw attention to the fact that as a result of Armenian aggression Azerbaijan is suffering one of the biggest proportions of displacement in the world. That out of 8 500 000 population around 1 000 000 are refugees and IDPs with many among the latter suffering from disabilities. The Commissioner strongly believes that solution of this problem requires attention and support of the international community. The Commissioner would like to call on all states and international organisations to join and strengthen efforts to facilitate peaceful solution of the Nagorno-Karabakh problem, which is the key for efficient and sustainable provision of the rights of persons with disabilities.
