**Information related to the Day of General Discussion organized by the Committee on the Rights of Persons with Disabilities regarding article 11 of the Convention**

The protection of the health of vulnerable groups of the population, such as persons with disabilities, refugees, internally displaced persons, migrants and war participants, as well as adequate access to medical and sanitary services, gender equality, the right to health, and elimination of stigma and discrimination and the improvement of the existing mechanisms in the field of social welfare are provided to support the integration of the abovementioned group of people into the society.

At the same time, the legislation is being improved. As a result of the global health crisis, and the COVID-19 pandemic, the provision of testing, treatment and immunization services to all segments of the population, including people from vulnerable groups and persons with disabilities, is ensured. According to the Decree No. 48 of the Cabinet of Ministers of the Republic of Azerbaijan, dated January 16, 2021, "Vaccination Strategy for 2021-2022 against the COVID-19 disease in the Republic of Azerbaijan", vaccination measures in the fight against the pandemic are available for all individuals. Taking into account the principle of fair treatment, the vaccination measures are applied to all citizens (prioritizing risk groups), regardless of their income level, place of residence and other characteristics.

The Decision No. 413 of the Cabinet of Ministers of the Republic of Azerbaijan, dated December 30, 2015, on the approval of the "Criteria for determining disability is being amended by The Decision No.187 of the Cabinet of Ministers of the Republic of Azerbaijan on May 13, 2022, on the approval of the "Regulation of the criteria for determining disability and limitations of health opportunities". Based on this decision, from July 1, 2022, the determination of disability is carried out according to the new criteria.

First and foremost, in accordance with Article 4 of the Law "On the Rights of Persons with Disabilities", those persons have all the human and civil rights and freedoms stipulated in the Constitution of the Republic of Azerbaijan and other normative legal acts, international treaties to which the Republic of Azerbaijan is a party.

Discrimination against persons with disabilities is prohibited and prosecuted by law. Specific measures being necessary to accelerate real equality of persons with disabilities or to achieve this aim shall not be considered as a discrimination.

In Article 21 of the Law “On the state of Emergency” it is also stated that *(According to Article 112 of the Constitution, in the event of natural disasters or epidemic, epizootic, severe ecological and other disasters; the commission of acts directed at violating the territorial integrity of the Republic of Azerbaijan, insurrections or coups d’état; mass disorders accompanied by violence; other conflicts threatening the lives and security of nationals, or the normal activities of state bodies)* activities involving and applying limitation of the rights and freedoms of citizens, foreigners and persons without nationality including persons with disabilities taken in the state of emergency are implemented within the limits arising from the acuteness of a situation and in line with the procedure established by the Constitution of the Republic of Azerbaijan, the abovementioned Law, other legislative acts and international agreements to which the Republic of Azerbaijan is a party.

The measures specified in Article 21.1 of this Law must be in accordance with the obligations arising from the international agreements in the field of human rights to which the Republic of Azerbaijan is a party and should not cause to discrimination of individuals and groups of people due to the reasons based on race, nationality, language, sex, origin, property status, service status, beliefs, affiliations to political parties, trade unions and other public associations.

At the same time, Article 22.2 of the same Law states that as a result of the circumstances that became the basis for the implementation of the state of emergency, or due to the application of appropriate measures to eliminate those circumstances or their consequences, victims are provided with residences and compensation for damage, as well as the assistance to get a job and other necessary aid in accordance with the procedure determined by the Cabinet of Ministers. The aforementioned issues are regulated by the Decision No. 32 of the Cabinet of Ministers dated February 22, 2005.

In addition, Articles 11 and 19.1 of the Law "On Martial Law" stipulate that during the martial law period (according to Article 111 of the Constitution, in the event of an actual occupation of some part of the territory of the Republic of Azerbaijan, a declaration of war against it by a foreign country or countries, a real danger of an armed attack against the Republic of Azerbaijan, a blockade of its territory, or in the event of a real threat of such a blockade) measures that involve partial and temporary restriction of the rights and freedoms of nationals of the Republic of Azerbaijan, foreigners and stateless persons including persons with disabilities should be implemented within the limits arising from the severity of the situation and should not contradict the obligations arising from the Constitution of the Republic of Azerbaijan, international agreements to which the Republic of Azerbaijan is a party, the abovementioned Law and other normative legal acts.

Natural and legal persons enjoy all the rights and freedoms defined by the Constitution and other laws of the Republic of Azerbaijan during the martial law.

According to Article 22 of the Law "On Protection of Population's Health", nationals including persons with disabilities who have suffered in places where martial law declared and areas with unfavorable environmental conditions where they live, have the rights to be provided with medical assistance, sanatorium-resort, rehabilitation treatment, medicines, immunobiological preparations and medical products, as well as to use hygienic and anti-epidemic measures in order to eliminate factors dangerous to life and health at the expense of the state budget.

According to Article 37 of the Law "On Children's Rights", Azerbaijan undertakes to ensure the protection of children including persons with disabilities under the age of 18 in the territory where it is involved in armed conflicts in accordance with international legal norms. Military authorities should use all possibilities to transfer children including persons with disabilities under the age of 18 in the war zone to safe places and protect their life and health.

Article 38 of that Law underlined that the state provides immediate free assistance to children including persons under the age of 18 who have been diagnosed with a disability who have been disadvantaged or harmed as a result of natural disasters, accidents and incidents, and takes urgent measures to relocate them to safe places. When such children lose their parents, they are protected by the state in the manner provided for other children deprived of parental care.

It should be informed that, issues related to the mutual relations of border protection and customs authorities during force majeure and other emergencies have been reflected in the 7th part of the "Rules for the organization and coordination of work at the exit points from the state border of the Republic of Azerbaijan" approved by the Cabinet of Ministers’ Resolution No. 256 dated September 10, 2021. Paragraph 7.4 of these Rules states that the transit of persons with disabilities across the state border is provided in an extraordinary manner, with mutual coordination by the border protection and customs authorities.

Furthermore, the Cabinet of Ministers approved the "Rules for ensuring equality in children's safe access to education, social and other services in cases of emergencies, pandemics and similar special situations" with its Resolution No.8 dated January 13, 2023. This Rules define the measures implemented by state bodies (institutions) in the field of ensuring equality in safe access of children to education, social, medical and psychological services in cases of emergency, pandemics and such special situations.

Paragraph 1.2 of the Rules state that equality in safe access of children to services in special situations must be ensured regardless of children’s, their parents’ or their substitutes’ social and property status, health, race and nationality, language, education, religion, political views and place of residence.

Moreover, it should be noted that favorable conditions for sentenced persons with disabilities have been created, and appropriate repair and reconstruction works have been carried out in penitentiary institutions.

Employees involved in training courses at the Academy of Justice and the Training Center of the Penitentiary Service are taught the topics of planning the activities of employees in emergency situations, preparation of forces and means, and rules of action. At the same time, civil defense and fire safety training was conducted to employees together with the Ministry of Emergency Situations. In addition, actions in emergency situations were explained to sentenced persons who were involved in voluntary fire protection teams in penitentiary establishments.

The Human Rights Commissioner (Ombudsman) of Azerbaijan (hereafter HRCA) continues to dedicatedly focus on the issues of social and legal protection of the rights of persons with disabilities within her mandate. The HRCA takes various actions, in that vein, to eliminate their problems as fully as possible under the Constitutional Law on the Ombudsman (CL).

According to the initiative of the Commissioner, the persons with disabilities Rights Protection Unit was established at the Institution. The Unit regularly deals with the various issues related to persons with disabilities, including analyzing the relevant national and international legal frameworks and investigating incoming complaints related to rights of persons with disabilities. Additionally, the Unit prepares reference documents for the Annual Report, as well as follows up on overall recommendations made to responsible state authorities to further improve the existing situation for this vulnerable category of people.

In this regard, it is important to acknowledge that Article 11 of the CRPD declares that states “shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters”. While humanitarian disasters have been occurring on a yearly basis, the past three years marked a period where the lives of persons with disabilities were at risk in the most precarious of situations that stemmed from a global pandemic, climate events, and armed conflict.

Despite the temporary suspension of applicants’ reception in the Ombudsman Office and its Regional Centers in accordance with the special quarantine regime enacted due to the coronavirus (COVID-19) existing epidemiological situation in Azerbaijan, everyone, including the persons with disabilities, could reach the Commissioner via post, online application, e-mail, fax, social media (Facebook, Twitter), as well as 24/7 operating hotlines. All appeals received by the Commissioner have been approached sensitively, and urgent operational measures have been taken concerning the raised problems.

During the monitoring of penitentiaries, social care, and psychiatric facilities, conducted by the HRCA as a National Preventive Mechanism, the issues of access for this category of people to the created conditions, nutrition, access to health and social services, educational measures, and distribution of the relevant educational print materials, as well as demonstration of those educational materials on the public boards were checked on the spot. If this was not the case, urgent measures for the provision of public awareness were recommended. The HRCA also recommended the introduction of conditional release for prisoners with disabilities, considering the situation regarding COVID-19 infection and urged the Ministry of Justice to submit documents related to such prisoners to the court.

In accordance with the Statement of the UN Special Rapporteur on the Rights of Persons with Disabilities during the pandemic, the Ombudsman called on state and local government bodies, officials and other institutions, enterprises, organizations, and business entities to strengthen measures in the protection of the rights of persons with disabilities in connection with the coronavirus outbreak. The Ombudsman urged the relevant units to provide persons with disabilities from low-income families, and who were incapacitated and live alone with personal protective equipment for infection control on a regular basis, involve persons with disabilities, suffering from various diseases in a mobile examination, treatment, and rehabilitation and offered urgent relevant discounts to persons with disabilities on payment of utilities. The Commissioner considered it necessary for banks to extend the validity of expired cards for pensions, social benefits, and benefits for clients with disabilities for a special quarantine period as part of corporate social responsibility.

The HRCA focused on the issues related to the accessibility of persons with disabilities persons with disabilities to all kinds of information, including TV programs, sign language, online programs, and informative booklets on COVID-19 infection, including preventive measures.

The Ombudsman urged business entities to take into account the importance of the principles of proportionality, necessity and non-discrimination, increase attention and support for employees with disabilities, when implementing social protection measures for vulnerable groups, including persons with disabilities.

To ensure that persons with disabilities, including refugees, displaced people with disabilities and war participants are integrated into society and to improve the equal implementation of medical and social rights, they are covered with services of medical, hygiene and sanitary-epidemiological institutions. In this regard, to facilitate the access to health services, medical facilities are equipped with special devices (handrails, ramps, wheelchairs). Additionally, it is planned to equip new medical institutions with specially adapted sanitation facilities for persons with disabilities.

It should be noted that during the period of the armed conflict, all appeals received by the Commissioner, especially from persons with disabilities were treated very sensitively, urgent operational measures were taken on the issues raised.

During the Second Karabakh War, amidst the shelling and destruction resulting from Armenian military aggression affecting Azerbaijan’s populated centers, the issues related to the safety and security of persons with disabilities were also of utmost importance, persons with disabilities remained the most vulnerable social community under wartime conditions, necessitating the Ombudsman’s enhanced operations to ensure the persons with disabilities community’s protection from any forms of risks or threats.

To improve the quality of treatment in the HRC that provides modern rehabilitation services, appropriate conditions have been created in the therapeutic gym, and sports equipment have been adapted for people with disabilities to eliminate mobility restrictions. Moreover, specialized psychological support services are provided in the center.

The Ministry of Health in cooperation with the State Agency for Compulsory Medical Insurance, the Ministry of Labor and Social Protection of the Population and the Ministry of Emergency Situations provides community-based mental health services for war veterans, family members of deceased servicemen, and civilians affected by war. During the Patriotic war, community-based psychological assistance centers were created and operated in 12 regions. These services were provided by psychiatrists and psychologists and included counseling, psychotherapy, crisis intervention and management of people with post-traumatic stress disorder and other war-related mental disorders.

In order to protect the rights of people under inpatient psychiatric treatment and improve the quality of medical services, individual assistance plans for improving the living conditions of psychiatric inpatients, as well as psycho-social rehabilitation programs for people receiving long-term treatment, have been created. It should be noted that protocols for de-escalating acute situations and registration of physical restraints are being developed. Moreover, to protect the rights of people with mental health conditions and prohibit cruel behavior towards them, the staff of psychiatric facilities receives regular training. Furthermore, the complaints of each patient and their family members are thoroughly investigated by the relevant departments of the Ministry of Health.