**To:** Office of the High Commissioner for Human Rights (OHCHR)

Committee on the Rights of Persons with Disabilities/

Special Rapporteur on the Rights of Persons with Disabilities,

Mr. Gerard Quinn

**From**: Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (HRCA)

*Date: 17/06/2021*

***Ref:*** Inputs to the thematic report on protection of the persons with disabilities in the context of armed conflict

Dear Ms. Gerard Quinn,

As regards to your correspondence dated 12 May 2021, we should note that the Human Rights Commissioner (Ombudsman) of Azerbaijan (hereafter HRCA) continues to focus the issues of social and legal protection of the rights of persons with disabilities (PWDs) under her mandate. The HRCA has taken various actions, in that vein, to eliminate their problems as far as possible under the Constitutional Law on the Ombudsman (CL).

Furthermore, we, herewith, present you the following information on protection of the PWDs in the context of armed conflict.

**Q:#3: *Please identify and provide information the institution/government entity(s) tasked with overseeing the implementation of obligation under the Convention on the Rights of Persons with Disabilities (CRPD) (Article 33 framework).***

1. ***Does that institution/government entity advise or interact with the military and security forces on how to implement Article 11 of the CRPD in the operations?***

In accordance with Article 1.1 of the CL, the position of the Ombudsman is established to restore the human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties to which the Azerbaijan is a party and violated by governmental and municipal bodies and officials of the Republic of Azerbaijan, as well as to prevent violation of human rights in cases envisaged in the CL.

By ratifying the CRPD as the first State in the region, Azerbaijan has undertaken several international obligations, including bringing the national legislation in relation to the status of PWDs into conformity with the requirements of the Convention, as well as became obliged to comply with all its provisions enshrined in Article 11 to ensure the protection and safety of PWDs in risky situations, including armed conflicts, emergencies, and natural disasters.

Under Article 33.2 of the CRPD, the Ombudsman, also as a NHRI carries out its independent mechanism functions for promoting, protecting and monitoring the implementation of the CRPD. According to the bylaw and initiative of the Commissioner, the PWDs Rights Protection Unit was newly established at the Institution and relevant staff was appointed. The Unit regularly deals with the cases of PWDs, analyzes relevant national and international legal frameworks, investigates the situation and incoming complaints related to PWDs rights; and prepares reference documents for the Annual Report, follows up overall recommendations made to responsible state authorities to further improve the existed conditions for this vulnerable category of people.

According to the CL, the Commissioner and National Preventive Group (NPG) members are entitled to access, without hindrance and prior notification, to any places to investigate the conditions of detention of and treatment of PWDs (educational, health, penitentiary and social services facilities); to meet privately or when deemed necessary with participation of an expert or interpreter and interview in private, may provide relevant information; to get acquainted with and obtain copies of the documents confirming the lawfulness of detention and providing information on treatment and conditions of detention of the persons mentioned above; to prepare acts and document the process and the results of the actions undertaken (CL, Arts. 12.2.1; 18-1.2.1).

In addition, it should be noted that Azerbaijan is currently challenging with the issue of mines, which put the lives and health of the population in the formerly occupied areas of Azerbaijan at risk. In addition, the mines that have been buried in large territories by Armenia had resulted in deaths, injuries and disabilities among Azerbaijani servicemen and civilians. Incidentally, the explosive remnants of war (ERW), including anti-personal and anti-vehicle (anti-tank) mines placed near the civilian areas, crossroads, and cemeteries caused the physical disability, by injuring mainly the limbs. So, the contamination of the territories of Azerbaijan with hundreds of thousands of mines and other unexploded explosive devices by the Armenian army during and after the conflict endanger the health of people. Even though Armenia handed over a minefield map of Agdam district as a part of humanitarian action carried out on June 12, 2021, in exchange of extradition of 15 Armenians held in Azerbaijan to Armenia, the latter still refuses to provide all maps of the minefields, which aggravates the situation in the entire region, seriously undermining the peace and coexistence processes. Armenia is bearing responsibility for the blatant violations of its obligations, stemming from the international treaties, including the 1949 Geneva Conventions and the Additional Protocol, thereto, in particular that of related to the protection of non-combatants, civilians and wounded servicemen, and the provision of humane treatment of the protected persons under IHL. The 44 day-war between Armenia and Azerbaijan had ended with the tripartite Statement among Armenia, Azerbaijan and Russia, signed on November 10, 2020, and the liberation of the territories of Azerbaijan subjected to the military occupation of Armenia for nearly 30 years. However, after the cessation of active hostilities, dozens of servicemen and civilians were killed or wounded as a result of mine blasts. Incidentally, since the end of the conflict, more than 140 people have been affected by the explosions of landmines and other ERWs, and 28 of them have been killed as a result of mine explosions, and others were badly injured or became disabled.

One of the most recent incidents is a mine explosion in Kalbajar district of Azerbaijan on June 4, 2021, where three persons, including two journalists - the employees of the Azerbaijan State News Agency and Azerbaijan Television, who were filming in the liberated territories, and a staff member of the state body, were killed and 4 people were seriously wounded as their vehicle hit an anti-tank mine on the road.

It also should be noted that the Ministry of Emergency Situations of Azerbaijan is the state body, which is responsible for the protection and safety of PWDs in risky situations, and taking preventive measures in such situations. During emergencies, the "SMS alert system" is used to inform the public, including PWDs. In addition, international experience is being studied to ensure that PWDs can access to the hotline ”112”.

Thank you for your time for reading and consideration the information provided.