

The Republic of Azerbaijan: Submission to the UN Universal Periodic Review
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Submitted by the “Union of Disabled People Organizations’ (UDPO)” of the Republic of Azerbaijan
Topic: “Social protection of persons with disabilities in Azerbaijan”
(According to point "c" of resolution 5\1 by 18th of June 2007 of Human Rights Council)

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THE BRIEF REVIEW

The social, cultural, economic and political information about the country¹.

The Republic of Azerbaijan was established on 28 May of 1918 but restored its state independence on 18 October of 1991. The country covers 66 regions and one autonomous republic. One part of the country, namely the Nagorno Karabakh (Mountanous Karabakh) and its adjacent 7 regions were occupied by the Armenian armed forces and therefore, those territories are out the jurisdiction of the Republic of Azerbaijan. The population of the country is about 9.235.300. Approximately, half of the population (52.9%) is living in urban, but (47.1%) is residing in rural areas. Men constitute 49.6% of population, while women 50.4%. National minorities contain of 8.4% of the population. The Azeri citizens were deprived of their own homes and became refugees and internally displaced persons (IDPs) which are more than 1.000.000 as a result of the Armenia-Azerbaijan conflict over Nagorno Karabakh and 20% of Azeri territories were occupied. Consequently, about 20 000 people became disabled.

According to separation of powers, the power in Azerbaijan is divided into the legislative, executive and judicial powers. The legislative power is held by Milli Majlis (Parliament). Executive power is carried out by the president, while the judicial power is held by the courts of the Republic of Azerbaijan. Religion is a separate from the power. The constitution of the Azerbaijan Republic was adopted in 1995, while the Law of the Republic of Azerbaijan on “Prevention of disabilities and impaired health of children and rehabilitation and social protection of the persons with disabilities (PWD) and persons with health problems” in 1992. Azerbaijan ratified the UN CRPD and its Optional Protocol on 02 October 2008 and the Convention is in force since 29 January 2009. The Government of Azerbaijan submitted its first report concerned to the related Committee in 2009. Treaties are integral part of the national legislation and when any conflict occurs those documents are prevail over the other norms excepting the national laws that are adopted by referendum or national voting. There is no a separate body dealing with rights of PWD and the Ministry of Labor and Social Protection of Population is empowered to deal with such issues. The Policy of social protection of PWD is financed by this public institution.

¹ The State Statistics Committee www.azstat.org
www.azerbaijan.az

The Institute of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in a capacity of the national human rights institution was established in 2002. After ratification of the CRPD, with joint agreement of all UN entities accredited in Azerbaijan, the UNICEF is directly empowered to deal with issues concerning PWD. UNICEF is operating in the country since 1993. Azerbaijan became a member to the CoE in 2001 and joined to the European Convention on Human Rights (ECHR) in the same year.

Statistics

Currently, according to the official statistics in Azerbaijan:

Number of population	9 235 100
Persons with disabilities	506 127 (total number of population 5.5%)
including:	
Women	202 450 (total number of population 40%)
Children with disabilities (CWD)	61 693 (total number of population 12%)
Labor retired	331 586 (total number of population 65.5%)
Persons who get social allowance	104 043 (total number of population 20.6%)
Minimum wage	93.5 AZN ² (Azeri new Manats)
Public unions of PWD	69
Boarding homes of the elderly and of PWD	7

Report of the Human Rights Council on social protection of persons with disabilities

The report covers the period of 2008-2012. Within that period, significant changes in relation to the social protection of PWD were applied to the national legislation and several legislative norms were adopted.³

1. The understanding of children with limited health opportunities was included into the Law of the Republic of Azerbaijan on “Prevention of disabilities and impaired health of children and rehabilitation and social protection of the persons with disabilities (PWD) and persons with health problems” and concerning this the Cabinet of Ministers adopted a Decision #67 on “identification of indicators on limitations of health opportunities of children” approved on 21 April 2009.
2. The amount of social allowance for disability was increased by the Presidential Order dated 26 December 2011. The amount of Azerbaijani President’s pension given to the disabled persons of war was increased by the President’s Order dated 23 December 2011. Several measures were taken in relation to promoting employment of PWD by the state.
3. The State Program on Implementation of the Employment Strategy of the Republic of Azerbaijan (2011-2015) approved by the President’s Decree dated 15 November 2011, specifies the following measures for employment of PWD:
 - Improvement of a single database on vacancies in purpose of promoting PWD with appropriate jobs;
 - Preparing and implementation of module vocational training programs specialized for PWD;
 - Giving soft loans (credits) for development of entrepreneurship of PWD;
 - Creating industrial fields specialized for PWD in rural areas;

² National currency

³ www.e-qanun.az

- Preparing vocational and psychological tests for PWD.
4. 20 Manat of allowance was determined to be paid to one of the parents of a child with health problems involved in a home education by the Decision #258 of the Cabinet of Ministers “On Determination of the Amount of the Allowance for the Parents and other Legal Representatives of the Children Studying in Special Education Institutions for Their Transportation to and from the Special Education Institutions, Health Care and Rehabilitation Centers” dated 19 November 2008.
 5. The President signed a Decree on “Establishing presidential pension for 20 January Martyrs' (Shahids) families” dated 19 January 2011.
 6. The Law of the Azerbaijan Republic on Social Service dated 30 December 2011 was adopted in relation to carrying out social service to persons in need, to PWD, in particular.
 7. The President signed Decree on “The Establishment of the State Agency for Public Services and Social Innovations under the Azerbaijani President and Measures on Improvement of Services to Citizens by State Bodies” dated 13 July 2012 and established to manage service centers ASAN was created. This will help to simplification of services and increasing its quality.
 8. Azerbaijan ratified the CRPD and its OP on 2 October of 2008.

Report on situation of PWD

The current situation

During the reporting period significant improvements have been tracked towards solution of problems of PWD. Such improvements are mainly related to the legislation. The country carries out the process of bringing the domestic laws into compliance with the CRPD⁴ after its ratification. The main legislative base for social protection of PWD is the Law on “Prevention of disabilities and impaired health of children and rehabilitation and social protection of the persons with disabilities (PWD) and persons with health problems” of 1992.

By this date, 24 changes were made to this Law. At present, works on revising the Law and its compliance with the Convention concerned are underway. Therefore, the Working group at the Ministry of Labor and Social Protection of Population⁵ was established which includes the representatives of public unions of PWD. This Working group systematically held meetings. The Commission for preparing action plan for 2012-2015 years was created. The Statute of the Medical-Social Expert Commission, dealing with determining a disability, needs to be changed.

The social policy Committee of the Milli Mejlis hold discussions on new draft Laws with participation of specialized NGOs. The Law of the Azerbaijan Republic on “Social Service” dated 30 December was adopted.

The preparing of policy concerning PWD in Azerbaijan, mainly carried out by the Ministry of Labor and Social Protection of Population. Simultaneously, other public institutions such as Ministry of Youth and Sport, Ministry of Education, Ministry of Culture and Tourism, Ministry of Public Health, and Ministry of Communication and Information Technologies also dealing with these issues.

The Ombudsman Office also closely deals with promoting rights of PWD. The Ombudsman has a great role in ratification of the CRPD, compliance national legislation and in cooperation with civil society. The activities by the UNICEF⁶ and Heydar Aliyev Foundation⁷ should also be underlined. They did tremendous works for awareness raising, organization of local and international events, supporting of innovative projects and their realization.

⁴ www.un.org/disabilities

⁵ www.mlsp.gov.az

⁶ <http://www.unicef.org/azerbaijan>

⁷ <http://www.heydar-aliyev-foundation.org>

Though such improvements, the current social protection policy of the state does not meet full enjoyment by PWD. These persons cannot yet use their rights to educate, work, access to health and etc. the average pension is 126.1 manat, while the average of amount of social allowance is 44.17 manat. The average of monthly salary by the country is 364.12 manat, but minimum wage is 93.5 manat, while minimum limit of living adequate is 108 manat.

According to the statistics, in Azerbaijan is living 61000 children with health problems⁸. Only 12 000 of children who are considered applicable to be educated are involved in education. In total, 298 children are involved in inclusive education. 20 000 PWD were employed.

PWD are provided free of charge with rehabilitation and orthopedic supplies by the state. However, this does not meet needs.

Amendments to the legislation don't affect widely the PWD. The problem between the Law and its implementation is still remaining.

There are some reasons for this:

- Lack of coordination of activities among public institutions;
- Not treating the issue in complex;
- Weakness of control mechanism, public control, in particular.

Hence, of such reasons physical questions remain unsolved. According to the outcome of monitoring conducted by the the monitoring conducted by the Union of Disabled Peoples Organizations⁹ the positive changes in the process of understanding of a disability is higher than in elimination of physical obstacles. Thus, negative stereotypes towards the disability are decreased and gradually there is a transition from "medical" to the "social" model. Unfortunately, this cannot be considered a successful reasonable accommodation for the individuals with disabilities. This may be concerned about other categories of people. The Centers for using ICT in Baku and rural areas were created by support of the Ministry of Communication and Information Technologies and Heydar Aliyev Foundation. Although using subtitles in TV channels, there are not yet surdo interpreter.

Unfortunately, compliance of the environment remains severely unresolved problem. The members of the government bodies also admit that despite fact that it was reflected in the Constitution and other normative legal acts. After ratification of the CRPD, especially the ramps are fixed in some streets, public buildings and in underground passages. Nevertheless these works are doing without a single system and incompliance with standards. So, they have no successful results. Transport system, public transport, in particular is also an issue of concern. Within last years, buses with ramps, also the so-called "London" taxes with ramps are brought to the country. However, after a short period of time, these facilities of buses became useless. Moreover, it is not possible to use metro and railways.

Although subjecting a quota system in the employment, these rules are not conformed. It should be noted that public bodies are not subjected to a quota system. At the same time, declaring penalties for non-implementation of a quota system don't also prevent this due to lack of control and responsibility. Another reason for non-implementation of the quota system is certificates given during determining of a disability. In those certificates, individuals with disabilities are declared as persons "incapable of working" and employers take that into consideration.

Recommendations and suggestions:

1. Regulation of the coordinated activity among public authorities and application of complex approach;
2. Strengthening the control mechanism, including public control and its effect;

⁸ The children with disabilities are still called as "children with limited health capabilities".

⁹ www.udpo.az

3. Creating the monitoring mechanism stated in article 33 of the CRPD. Although the Ombudsman Office is instructed to deal with this issue, the problem is still not fully solved.
4. Making the integration of PWD into the society at the state policy level.
5. Reducing distinct difference between the norms and their implementation. Studying implementation mechanism before adopting of any legal act. Application of separation of responsibilities by legislative and executive bodies;
6. Extending of presence of PWD and their public unions in the decision making as well as in controlling processes. Practices of the Ministry of Labor and Social Protection of Population, Ministry of Youth and Sport and Ombudsman Offices' may be noted as best practices. Creating such commissions in other related government organizations;
7. Entering the article about "Inclusive education" to the Law on Education. This would provoke wide realization of such an inclusive education;
8. It is necessary to eliminate understanding of the disability, stereotypes, strengthening and stimulating awareness raising towards eliminating of the disability. It is advisable abolishing of dues for fitting of awareness raising materials and advertisements;
9. Including public institutions to the list of bodies subjected to a quota system and stiffing of the quota system would ensure employment of the PWD;
10. Subjecting of the employers to tax deductions would encourage them to employ PWD;
11. Giving loans bearing no interest to PWD who are entrepreneur or are interested in entrepreneurship would cause promoting employment and decreasing of dependence;
12. It would advisable to include compulsory norm about levels of loss of working capacity of PWD by levels and indicating which conditions are useful for such persons in certificates given by the Medical Social Expert Commissions;
13. in purpose of charity, exempting disabled wheelchairs and other rehabilitation facilities brought to Azerbaijan from customs' dues;
14. Including of the repairing and reasonably accommodating of facilities, wheelchairs, and of rehabilitation and creating workshops for their production into the state program and empowering of the appropriate NGO to deal with such questions would be more effective. Here is included reduction of the cost of the products that are needed for this, ensuring of employment, saving time and other features.
15. It is necessary preparing a separate state program on reasonable accommodation of the environment and infrastructure for PWD.
16. Creating not only medical but also other service centers in common rehabilitation establishments and eliminating the disability and extending that network would be support to healthy living, education and employment;
17. Application of amendments and additions of the provisions to the law on Addressed Social Allowance, about PWD, including social protection of children. During determining of the addressed social allowance to the families not taking into consideration the child allowances that they have been already receiving;
18. Determining the amount of social allowances for a disability equal to (amount of the social allowance for the PWD for illness 1st group-60.5 manat, ii group-44.0 manat, while iii group is -38.5 manat is determined) the minimum of living (per capita is 108 manat) due to less amount of social allowance than amount of minimum of living.
19. It is recommended to make the following amendment to the Law on Pensions: "labor pensions for disability shall be determined to persons who has a length of service of security regardless of the duration";
20. Determining social allowances to one of the family members taking care of child dependents with health problems or of persons who are in need of assistance of others or to other persons.