



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Concluding observations on the combined second and third
periodic reports of Azerbaijan***

* Adopted by the Committee at its thirtieth session (4–22 March 2024).



I. Introduction

1. The Committee considered the combined second and third periodic reports of Azerbaijan¹ at its 702nd and 703rd meetings,² held on 12 and 13 March 2024. It adopted the present concluding observations at its 715th meeting, held on 21 March 2024.
2. The Committee welcomes the combined second and third periodic reports submitted by Azerbaijan, which were prepared following the list of issues prior to reporting prepared by the Committee.³
3. The Committee also welcomes the constructive dialogue held with the high-level delegation of the State party, which covered a wide array of issues and included representatives of relevant government ministries.

II. Positive aspects

4. The Committee welcomes the progress achieved since the consideration, in 2014, of the State party's initial report⁴ in undertaking legislative reforms, in particular the adoption of the following:

(a) New criteria for disability assessment (Decision No. 187) of the Cabinet of Ministers, on 13 May 2022;

(b) Resolution No. 340 of the Cabinet of Ministers on the Regulations of Reasonable Accommodation of the Infrastructure Facilities for use of Persons with Disabilities, in November 2021;

(c) Resolution of the Cabinet of Ministers on the Regulations for establishing a unified electronic register on persons with disabilities and disability, which includes a module on an individual rehabilitation and habilitation programme, making possible the preparation of individual rehabilitation plans by persons with disabilities, in January 2021;

(d) Rules for the Preparation, Approval and Implementation of Individual Rehabilitation Programme and the Rules for the Habilitation of Persons with Disabilities (Decrees No. 519 and No. 521 of the Cabinet of Ministers), in December 2020;

(e) Law on the Rights of Persons with Disabilities (New Law), in May 2018;

(f) Amendments to the Constitution aimed at ensuring its compliance with the provisions of the Convention, in 2016;

The Committee also welcomes the amendments drafted to replace the term “disabled” with “person with disability” and to exclude offensive terms within domestic laws, including the Code of Administrative Offences, the Labour Code, the Land Code, the Family Code, the Civil Code, the Tax Code, the Customs Code, the Code of Urban Planning and Construction, the Migration Code, the Election Code and the Law on the Rights of the Child.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework for the implementation of the Convention, in particular the adoption and/or establishment of the following:

(a) National action plan to combat human trafficking, 2020–2024;

(b) Strategy on children, 2020–2030 and its action plan, 2020–2025, on the implementation of the strategy for children (Presidential Decree No. 2306), in 2020;

(c) National action plan for addressing domestic violence, in 2020, developing a national referral mechanism for preventing and addressing gender-based violence;

¹ CRPD/C/AZE/2-3.

² See CRPD/C/SR.702 and CRPD/C/SR.703.

³ CRPD/C/AZE/QPR/2-3.

⁴ CRPD/C/AZE/1.

(d) State programme on road safety, 2019–2023, approved by Decree of the President No. 852 of 27 December 2018;

(e) Programme for the development of inclusive education for persons with disabilities, 2018–2024.

6. The Committee notes with appreciation the State party's ratification of the Council of Europe Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), concerning the Abolition of the Death Penalty in All Circumstances, in March 2023, and accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of the World Intellectual Property Organization, in September 2018.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee appreciates the process undertaken by the State party to review legislation and change derogatory terminology in relation to persons with disabilities and its efforts to use digital technology concerning disability assessments.⁵ The Committee observes the following with concern, however:

(a) Constitutional provisions that exempt persons with disabilities from enjoying rights and duties and the lack of harmonization of national legislation and policies with the Convention, including the human rights model of disability;⁶

(b) The remaining, continued use, in laws and policies, of derogatory concepts and terminology concerning persons with disabilities that emphasize a person's impairments, perpetuate medical and paternalistic approaches to disability and reinforce stigma against persons with disabilities;

(c) The prevalence of the medical, charitable and paternalistic approaches to disability, exemplified in disability assessments on the basis of medical reports, which reduce persons with disabilities to their impairments and health conditions, and reports of alleged corruption practices at the district and local levels concerning medical histories to be sent to the electronic referral system;

(d) The absence of a national plan of action to implement the Convention.

8. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Harmonize its Constitution, as well as its legal and policy framework on disability, with the provisions of the Convention, by integrating the human rights model of disability into its laws, regulations and policies;**

(b) **Repeal all sections in legislation, policies and regulations that use derogatory concepts and terminology, in particular in relation to persons with intellectual and/or psychosocial disabilities, and ensure the conformity of all legislation, policies and regulations with the human rights model of disability;**

(c) **Ensure that disability assessments through the Subsystem of Medical and Social Expertise and Rehabilitation meet Convention standards, in particular that accessible information about Subsystem assessments is available, that assessments identify the requirements, will and preference of persons with disabilities and are focused on eliminating barriers and that organizations of persons with disabilities are involved in monitoring the Subsystem and all assessment systems;**

⁵ CRPD/C/AZE/2-3, paras. 12–17.

⁶ Ibid., para. 22.

(d) **Adopt a national action plan and programmes with benchmarks, baselines, indicators and budgetary allocations to ensure the implementation of the Convention;**

(e) **Strengthen capacity-building programmes for public policymakers, judges, prosecutors, teachers and medical, health and other professionals working with persons with disabilities on the rights of persons with disabilities and the obligations of the State party under the Convention and closely consult and actively involve organizations of persons with disabilities in the design and implementation of training for public officials.**

9. The Committee observes the following with concern:

(a) The absence of close consultation with and the active involvement of persons with disabilities, including women with disabilities, through their representative organizations, in the development of legislation and policies;

(b) The obstacles faced by organizations of persons with disabilities to securing grants from foreign donors and the low national budget allocations for them that has led to the closure of some organizations;⁷

(c) The restrictions in the registry of civil society organizations, including barriers that organizations of persons with intellectual and/or psychosocial disabilities face in obtaining legal status and in registering.

10. **Recalling the recommendations emanating from the universal periodic review process⁸ and the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party:**

(a) **Set up formal mechanisms to ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, including organizations of women and girls with disabilities, on a regular basis, in public decision-making processes, such as the review of legislation and development of public policies at the national, district and municipal levels;**

(b) **Remove legal provisions limiting access to international and private funds by civil society organizations and ensure that the agency for State support of non-governmental organizations includes organizations of persons with disabilities in its remit and as beneficiaries of international cooperation;**

(c) **Recognize the legal status and the registration of organizations of persons with intellectual and/or psychosocial disabilities, regardless of the legal capacity of their members, and provide them with financial and technical support to undertake advocacy for the implementation of the Convention.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned that:

(a) The new Law on the Rights of Persons with Disabilities lacks an explicit prohibition of discrimination on the basis of disability across all sectors and areas of life, including by recognizing the denial of reasonable accommodation as a form of prohibited discrimination;

(b) The legal and policy frameworks do not contain measures to address multiple and intersectional discrimination faced by older persons with disabilities, persons with disabilities living in rural areas, persons with disabilities belonging to ethnic, religious and linguistic minority groups, internally displaced persons with disabilities, refugees,

⁷ A/HRC/WG.6/44/AZE/3, para. 31.

⁸ See A/HRC/55/15.

asylum-seekers and persons in refugee-like situations with disabilities and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities in the State party;

(c) Information and access to remedies and redress in cases of discrimination is limited, including among persons with disabilities in residential institutions.

12. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee reiterates the recommendations and concerns contained in its concluding observations on the initial report of the State party⁹ and recommends that the State party:

(a) Adopt comprehensive anti-discrimination legislation that explicitly prohibits disability-based and other discrimination against persons with disabilities, including direct and indirect discrimination, in public and private spheres and ensure that it covers areas such as education, employment, goods and services;

(b) Recognize the obligation to provide persons with disabilities with reasonable accommodation in all areas of life, in the public and private sectors, and the denial of reasonable accommodation as a form of discrimination;

(c) Address intersectional discrimination against persons with disabilities belonging to ethnic, religious and linguistic minority groups, older persons with disabilities, persons with disabilities living in rural areas, internally displaced persons with disabilities, refugees, asylum-seekers and those in refugee-like situations with disabilities and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities;

(d) Ensure appropriate and effective legal remedies and sanctions in relation to intersectional discrimination in civil, administrative and criminal proceedings.

Women with disabilities (art. 6)

13. The Committee is concerned that:

(a) Gender-based violence and access to services, education and economic empowerment for women and girls with disabilities are not sufficiently addressed either in the laws and policies relating to equality, such as the national activity plan on the enhancement of the efficiency of human rights, or in the laws and policies relating to persons with disabilities, such as the new Law on the Rights of Persons with Disabilities;

(b) Laws and policies relating to gender equality, such as the national action plan on the prevention of and combating domestic violence in Azerbaijan, 2019–2023, the Law on Gender Equality of 2006 and the Law on the Prevention of Domestic Violence of 2010, have not sufficiently addressed issues affecting women and girls with disabilities;

14. Recalling its general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Mainstream the rights of women and girls with disabilities into disability policies and programmes and into gender equality legislation and policies, in particular the national activity plan on the enhancement of the efficiency of human rights, the Law on the Rights of Persons with Disabilities and policies to combat gender-based violence, while ensuring consultation with and the active involvement of women and girls with disabilities in the design and implementation of gender- and disability-related policies and programmes;

(b) Strengthen gender-responsive budget allocations for the design, implementation and evaluation of programmes and measures to empower and ensure the inclusion of women and girls with disabilities in all areas of life, combat gender-based stereotypes and promote the involvement and equal participation of women and girls with disabilities in all public decision-making processes.

⁹ CRPD/C/AZE/CO/1, para. 13.

Children with disabilities (art. 7)

15. The Committee observes the following with concern:

(a) The limited access of children with disabilities to support and services in their communities, affecting mainly children living in rural areas;

(b) The lack of information about mechanisms available for children with disabilities to express their views freely on all matters affecting them.

16. **Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities,¹⁰ the Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy with budget allocations, time-bound targets and programmes to ensure the inclusion of children with disabilities in all areas of life, including equal access to education, health, sports, culture, leisure activities, habilitation and rehabilitation and in-home and community support appropriate to their age, sex, gender and regardless of the level of support required;**

(b) **Adopt guidelines to ensure that children with disabilities can freely express their views on all matters affecting them and that their views are given due weight in accordance with their age and maturity, on an equal basis with other children, as well as age and disability-appropriate measures to support them in this regard.**

Awareness-raising (art. 8)

17. The Committee is concerned about prevailing negative stereotypes and attitudes towards persons with disabilities in society and insufficient awareness-raising among members of the public, including journalists, who rarely address issues experienced by persons with disabilities in media.

18. **The Committee recommends that the State party:**

(a) **Adopt a national plan to raise awareness about the rights and dignity of persons with disabilities, combat disability stigma and prevent, investigate and prosecute harassment and hate crimes against persons with disabilities, ensuring close consultation with and the active involvement of persons with disabilities, through their representative organizations;**

(b) **Ensure that initiatives of the State Committee for Family, Women and Children Affairs aimed at enforcing the inclusion of persons with disabilities and equality address disadvantage and avoid charity and rehabilitation approaches;**

(c) **Conduct periodic training for the medical staff, the police, the media and the courts in relation to the rights of persons with disabilities set out in the Convention.**

Accessibility (art. 9)

19. The Committee remains concerned about the following:

(a) The fact that many existing buildings and structures are not in compliance with construction and accessibility standards, although the accessibility of social infrastructure facilities and vehicles is clearly enshrined in the law;

(b) The limited information about the accessibility of public transportation at the municipal level and in rural areas and that, to date, low-floor buses equipped with special equipment for the transportation of persons with disabilities have been launched only in the central districts of Baku;

(c) The number of employees of bodies and organizations that provide services to persons with disabilities who have received instructions or training;

¹⁰ See www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations.

(d) The non-implementation of the decree issued by the Baku Transport Agency allocating 5 per cent of parking spaces for vehicles of persons with disabilities and the absence of special signs for them, either on the ground or along the road;

(e) The limited information about progress in developing information in accessible formats, including in Braille, Easy Read and sign language.

20. **Recalling its general comment No. 2 (2014) on accessibility the Committee reiterates its previous recommendations¹¹ and recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Develop a comprehensive accessibility plan, in accordance with article 9 of the Convention, that sets benchmarks for the removal of existing barriers and promote universal design for all buildings;**

(b) **Enforce legislation concerning accessibility, including in the Urban Planning Construction Code, through sanctions for lack of compliance, and expedite the adoption of the rules for creating necessary living and working conditions for people with disabilities in designing of buildings and facilities, ensuring that it addresses all areas of accessibility;**

(c) **Ensure public and private budgetary allocations with the goals of purchasing low-floor buses with accessibility equipment and of improving the necessary adaptation of taxis, metros and trains, servicing municipalities and rural areas across the country;**

(d) **Provide stakeholders in the public and private sectors, at the national, regional and municipal levels, with periodic training on accessibility and universal design and involve organizations of persons with disabilities in the design and provision of that training;**

(e) **Raise awareness about accessibility measures among the public and ensure the implementation of the allocation of parking spaces for vehicles of persons with disabilities, including by developing specific signs, both on the ground and along the road;**

(f) **Ensure that printed and electronic information and communication, as well as information and communications technology and services that are provided or are open to the public, are fully accessible to persons with disabilities and provide Braille, Easy Read and professional sign language interpreters.**

Right to life (art. 10)

21. The Committee is concerned about the impact of non-communicable diseases on the mortality rate of persons with disabilities and the lack of information about the deaths of persons with disabilities still residing in institutions.

22. **The Committee recommends that the State party:**

(a) **Ensure that health programmes to address non-communicable diseases include persons with disabilities, on an equal basis with others, and that early identification and information about prevention and treatment are available for persons with disabilities in accessible formats;**

(b) **Prevent the arbitrary deprivation of life of persons with disabilities still living in institutions, including by periodically monitoring the registries of deaths in institutions, setting up early warning mechanisms in institutions and ensuring the investigation of deaths, prosecutions and, where appropriate, the conviction of perpetrators.**

¹¹ CRPD/C/AZE/CO/1, para. 23.

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee notes the following with concern:

(a) The lack of appropriate security measures and evacuation plans that are responsive to persons with disabilities;

(b) The detrimental impact of the coronavirus disease (COVID-19) pandemic on the general population and on persons with disabilities, in particular on women with disabilities, including on the mental health, well-being and reduced income of persons with disabilities;

(c) The extensive presence of landmines in the State party's territory, in connection with armed conflict;¹²

(d) The lack of information and training for persons with disabilities and personnel working with them about risk preparedness on risk management and protection.

24. **Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action and the Committee's guidelines on deinstitutionalization, including in emergencies,¹³ the Committee recommends that the State party ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, including by:**

(a) **Adopting a comprehensive strategy to ensure the safety and protection of all persons with disabilities in situations of risk and emergencies, including measures to prevent risks, address vulnerability, provide accessible early warning mechanisms, information and evacuation plans responsive to persons with disabilities in the low-mobility population group;**

(b) **Ensuring close consultation with and the active involvement of persons with disabilities, through their representative organizations, in the development of post-pandemic recovery plans and those to address the long-term effects and ensuring that they address inequalities and the impact faced by persons with disabilities, in particular women and girls with disabilities, in urban and rural areas. The State party should ensure that the situation of persons with disabilities is addressed in its preparedness plans;**

(c) **Expediting the process to ratify or accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, ensuring that anti-personnel mines are removed as soon as possible and developing systems that protect the rights of persons with disabilities who have been affected by landmines;**

(d) **Providing persons with disabilities and their personal assistants with comprehensive information on preparedness and disaster risk reduction and ensuring training about disability inclusion for public officials and other stakeholders intervening in disaster risk reduction and management.**

25. The Committee notes with concern the risks faced, in the context of armed conflict, by persons with disabilities, including women and children with disabilities, internally displaced persons with disabilities and those with disabilities in refugee-like situations.

26. **The Committee recommends that the State party:**

(a) **Protect persons with disabilities affected by armed conflict, including women and children with disabilities, internally displaced persons with disabilities, those with disabilities in refugee-like situations and those of ethnic Armenian origin, ensuring humanitarian access to them and the delivery of humanitarian assistance, including access to food, water and medical assistance;**

¹² [HRI/CORE/AZE/2023](#), paras. 76–79 and 86.

¹³ [CRPD/C/5](#).

(b) **Ensure close consultation with and the active involvement of women with disabilities in peacebuilding and reconstruction efforts, in line with the recommendations of the Committee on the Elimination of Discrimination against Women related to the meaningful and inclusive participation of women at all stages of peace and reconstruction processes;**¹⁴

(c) **Implement the provisional measures issued by the International Court of Justice on 17 November 2023 in the case concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* to ensure the safe return to the Nagorno-Karabakh region of Armenian refugees with disabilities that had to flee in the context of armed conflict and the safe unimpeded and expeditious movement of persons with disabilities who wish to depart from the Nagorno-Karabakh region in a safe, unimpeded and expeditious manner.**

Equal recognition before the law (art. 12)

27. The Committee observes the following with concern:

(a) The provisions in the Civil Code authorizing the deprivation of legal capacity and guardianship on the basis of impairment (arts. 28 (8) and 33 (4)), affecting in particular persons with intellectual and/or psychosocial disabilities, and at the least 828 decisions of guardianship taken by courts in 2023;

(b) The prevalence of substitute decision-making through measures purported to provide persons with disabilities with support, such as patronage in the Civil Code (art. 39) and in the Guidelines on the Regulations of Notary Actions in the Republic of Azerbaijan (sect. 22);

(c) The absence of measures to ensure the right of persons with disabilities to own or inherit property, control their own financial affairs and access bank loans and mortgages.

28. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee reiterates its previous recommendations¹⁵ and recommends that the State party:**

(a) **Recognize the full legal capacity of persons with disabilities, on an equal basis with others, review with the aim to repeal provisions in the Civil Code and regulations that authorize the restriction of legal capacity of persons with intellectual and/or psychosocial disabilities and to introduce a mechanism to restore legal capacity for persons with disabilities under guardianship and provide information in accessible formats about restoration of legal capacity;**

(b) **Introduce legislation, in close consultation and with and with the active involvement of persons with disabilities, through their representative organizations, providing supported decision-making that recognizes the autonomy, will and preference of persons with disabilities, ensures that informal and formal support arrangements are available and accessible and includes advance planning for support and decision-making and the right to refuse and modify a support relationship;**

(c) **Ensure the rights of persons with disabilities to own or inherit property, to control their own financial affairs and banking procedures and to have equal access to bank loans, mortgages and other forms of financial credit and banking procedures, in both the public and private sectors, and their right not to be arbitrarily deprived of their property.**

Access to justice (art. 13)

29. The Committee notes the following with concern:

(a) The use of the medical model in determining the beneficiaries of an advocate at the expense of the State in civil, administrative and criminal court proceedings;

¹⁴ CEDAW/C/AZE/CO/6, para. 14.

¹⁵ CRPD/C/AZE/CO/1, para. 27.

(b) The provisions in the Code of Criminal Procedure (arts. 95 (2) (1) and 264 (2)) denying persons with intellectual and/or psychosocial disabilities participation in criminal proceedings as witnesses;

(c) The low number of prosecuted cases of gender-based violence, including sexual violence, due to the lack of measures to protect the security of women who are survivors of violence, gender stereotypes and accessibility barriers;

(d) That financial support is not available to specific organizations representing women and girls in divorce cases regarding issues of the division of property and child custody.

30. Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities, target 16.3 of the Sustainable Development Goals and the recommendations contained in the concluding observations of the Committee on the Elimination of Discrimination against Women,¹⁶ the Committee recommends that the State party:

(a) **Ensure that the human rights model, as opposed to the medical model, is used in determining the eligibility of persons with disabilities to receive a State paid advocate in civil, administrative and criminal proceedings;**

(b) **Repeal provisions in the Code of Criminal Procedure that deprive persons with intellectual and/or psychosocial disabilities from testifying as witnesses in criminal proceedings;**

(c) **Develop gender-responsive, procedural and age-appropriate accommodations for women and children with disabilities in cases related to gender-based violence, including sexual violence, and address stereotypes and physical barriers preventing access to justice by women and girls and boys with disabilities;**

(d) **Ensure financial grants for organizations providing legal services for women and girls with disabilities in all spheres of law, including the civil, administrative, family, labour and criminal spheres of law.**

Liberty and security of person (art. 14)

31. The Committee remains concerned about the following:

(a) Provisions in the Law on Protection of Health of the Population allowing for the hospitalization or institutionalization, control and isolation of “persons suffering from mental disorder or illness” and “individuals who have committed socially dangerous acts”;

(b) Involuntary hospitalization of persons with disabilities resulting from the deviation of defendants with disabilities from criminal proceedings;

(c) The lack of measures to provide mental health services in communities.

32. Recalling its guidelines on the right to liberty and security of persons with disabilities,¹⁷ the Committee reiterates its previous recommendations¹⁸ and recommends that the State party:

(a) **Explicitly prohibit forced institutionalization and involuntary hospitalization on the basis of impairment, recognize them as prohibited forms of discrimination and release persons with disabilities who are deprived of their liberty on the basis of their impairment;**

(b) **Amend and/or repeal legislation that denies persons with disabilities the full protection guaranteed to anyone who is deprived of her or his liberty by arrest or detention, including by involuntary hospitalization, to take proceedings before a court and to be afforded the specific procedural guarantees required in such proceedings;**

¹⁶ CEDAW/C/AZE/CO/6, paras. 12 and 24.

¹⁷ A/72/55, annex.

¹⁸ CRPD/C/AZE/CO/1, para. 29.

(c) Reform its mental health services and develop voluntary community-based support for persons with disabilities, in particular mental health support, outside of psychiatric settings, in line with the human rights model of disability.

33. The Committee notes with concern that the process to draft an additional protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention) may include repressive measures against persons with disabilities, on the basis of their perceived dangerousness, and not in accordance with their will and preference.

34. The Committee recommends that the State party recognize the Committee's joint open letter with the Special Rapporteur on the rights of persons with disabilities, of June 2021¹⁹ and in its future participation in any process for an additional protocol or recommendations to the Oviedo Convention, aim to move away from coercive measures and build up a non-coercive framework on mental health, as required under the Convention on the Rights of Persons with Disabilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

35. The Committee is concerned about the following:

(a) Reports of ill-treatment against persons with disabilities in psychiatric institutions, including the use of chemical restraints and electroshock methods as forms of "treatment";

(b) Lack of information about measures to redress persons with disabilities who are survivors of torture and ill-treatment in the context of institutionalization;

(c) The underreporting and lack of information about the prosecution and conviction of perpetrators of cases of ill-treatment against persons with disabilities living in institutions.

36. Recalling its guidelines on deinstitutionalization, including in emergency situations, the Committee recommends that the State party:

(a) Prohibit and end the use of physical and chemical restraints, seclusion and other restrictive practices in all residential institutions, including in penitentiaries, psychoneurological social services and psychiatric facilities;

(b) Establish accessible mechanisms to provide persons with disabilities who are still living in institutions with redress, including compensation and rehabilitation, and age- and gender-appropriate support and counselling;

(c) Strengthen accessible, confidential complaint mechanisms for persons with disabilities who are still in institutions, provide persons with disabilities with information in accessible formats about complaint mechanisms and ensure the involvement of organizations of persons with disabilities in the independent monitoring of institutions;

(d) Vigorously investigate suspected perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities and impose appropriate sanctions.

Freedom from exploitation, violence and abuse (art. 16)

37. The Committee observes the following with concern:

¹⁹ See

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FHRBodies%2FCRPD%2FOpen_letter_Add_Prot_Ovi_Conv.docx&wdOrigin=BROWSELINK.

(a) The information before the Committee about prevailing forms of violence against persons with disabilities, including gender-based violence, trafficking in persons and physical, sexual psychological and economic violence;

(b) That the definition of rape in the Criminal Code is still based on the use of force or threat by the perpetrator, rather than lack of consent, that there is an absence of legislation specifically criminalizing marital rape and that there is the practice of the “corroboration rule”, whereby the testimony of a witness is required in addition to a victim’s testimony in cases of rape, which leads to additional obstacles for women and girls with disabilities to access to justice in cases of sexual violence;

(c) The absence of disaggregated data about cases of violence against persons with disabilities, including in the family, the workplace, schools and institutions;

(d) The lack of information about complaint mechanisms concerning cases of violence against persons with disabilities and on how persons with disabilities are informed about mechanisms to report violence;

(e) Reports before the Committee about the lack of accessible support for persons with disabilities who are victims of violence, in particular affecting access to referral and support for women and girls with disabilities in cases of violence, including gender-based violence.

38. **Recalling its statement of 24 November 2021 on the elimination of gender-based violence against women and girls with disabilities²⁰ and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Expedite the adoption of amendments to the Law on the Prevention of Domestic Violence, with the aim to include the specific requirements of women and girls with disabilities, including those who are internally displaced persons and in refugee-like situations, and ensure that the action plan on combating domestic violence, 2025–2029, provides for appropriate support for women and girls with disabilities subjected to gender-based violence;**

(b) **Incorporate in its legislation a definition of rape based on lack of consent that covers any non-consensual sexual act and takes into account all aggravating circumstances, in line with international human rights standards, criminalize marital rape and adopt legal procedural guidelines for the repeal of the “corroboration rule” in rape cases, including in relation to women with disabilities;**

(c) **Ensure that data collection systems inform policies to prevent violence, exploitation and abuse against persons with disabilities and that such data are disaggregated by age, sex, gender, disability, ethnicity, migrant status, refugee status and the relationship between the victim and the perpetrator;**

(d) **Ensure that persons with disabilities, including women and girls with disabilities, have information in accessible formats about how to prevent, recognize and report cases of violence and about available complaint mechanisms and remedies, including compensation and rehabilitation;**

(e) **Ensure that persons with disabilities, including women and girls with disabilities, have access to support available for victims of violence, including shelters, and that support measures address the diversity of persons with disabilities and their particular requirements.**

Protecting the integrity of the person (art. 17)

39. The Committee is concerned about the lack of information concerning measures to address the impact of harmful practices, including child marriage, forced sterilization and forced abortion, on persons with disabilities, in particular on persons with intellectual and/or psychosocial disabilities.

²⁰ See https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf.

40. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Ensure the prompt enactment of legislation to prohibit child marriage and include persons with disabilities in awareness-raising initiatives, including public campaigns to prevent child marriage;**

(b) **Review with the aim to repeal legislation, including mental health legislation, that allows for the sterilization of persons with disabilities, in particular of persons with intellectual and/or psychosocial disabilities, on the basis of third-party consent.**

Liberty of movement and nationality (art. 18)

41. The Committee is concerned about the following:

(a) The gaps in the legislation governing asylum procedures, in particular the absence of procedural accommodation for persons with disabilities, including women and girls with disabilities and children with disabilities, throughout the status determination processes;

(b) The lack of measures to ensure that migrants, refugees, asylum-seekers and persons with disabilities in refugee-like situations have access to services in the community;

(c) The lack of measures to examine asylum requests by persons with disabilities on the grounds of armed conflict, generalized violence or internal disturbances and when their expulsion could lead to violation of their rights to life, freedom from torture and security of the person;

(d) The absence of a legal framework to prevent and address the risk of statelessness among persons with disabilities.

42. **The Committee recommends that the State party:**

(a) **Mainstream the rights of persons with disabilities into refugee legislation, ensuring gender-sensitive and age-appropriate procedural accommodations, information about asylum procedures in accessible formats and housing and accommodation throughout status determination processes;**

(b) **Develop a comprehensive policy that is inclusive of migrants, asylum-seekers and refugees with disabilities and those in refugee-like situations, aimed at ensuring access to the support required to live independently and in the community, inclusive education, health, work and employment;**

(c) **Recognize in its legislation situations of armed conflict, generalized violence or internal disturbances as additional grounds for requests and the provision of refugee status and protection for persons with disabilities, when their expulsion could lead to a violation of their rights to life, freedom from torture and security of the person;**

(d) **Adopt legal measures in line with international applicable standards to prevent statelessness among persons with disabilities.**

Living independently and being included in the community (art. 19)

43. The Committee notes the following with concern:

(a) The provisions in the Law on the Rights of the Child providing for institutionalization based on impairment, including of children with psychosocial and/or intellectual disabilities, and the prevalence of segregated settings, such as orphanages, boarding schools and community-based rehabilitation centres;²¹

(b) The lack of a range of support for persons with disabilities, including in-home support services;

²¹ CRPD/C/AZE/2-3, para. 73.

(c) The uneven access for persons with disabilities to services in their communities, in particular affecting persons with disabilities living in rural areas.

44. **Recalling its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergency situations, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Recognize in its legislation the rights of persons with disabilities to live independently and be included in the community and adopt mechanisms to guarantee freedom of choice concerning place of residence and where and with whom to live, including by removing guardianship and enabling housing in the community;**

(b) **End all forms of institutionalization of persons with disabilities, devise and implement a deinstitutionalization strategy for all persons with disabilities that includes information for persons with disabilities in accessible formats, including Braille, Easy Read and sign language, support for living outside congregated settings, redress for survivors of institutionalization, including individual and collective redress, reparations and guarantees of non-repetition;**

(c) **Promote the social inclusion of children and adults with disabilities, including by providing appropriate individualized support, such as personal assistance, peer support networks and personalized budgets;**

(d) **Secure barrier-free access to public facilities and services in the community, on an equal basis with others, including to education, health care, public transportation and other cultural, sport and leisure amenities for children with disabilities, vocational training and employment opportunities.**

Personal mobility (art. 20)

45. The Committee notes with concern the absence of information about access to high-quality mobility aids and devices for persons with disabilities and training on mobility skills, in particular in rural areas.

46. **The Committee recommends that the State party:**

(a) **Ensure that persons with disabilities have access to high-quality mobility aid, devices and assistive technology and forms of live assistance and intermediaries at an affordable cost;**

(b) **Implement monitoring and evaluation mechanisms to assess the effectiveness of initiatives in improving accessibility and personal mobility for persons with disabilities;**

(c) **Increase public investment in support, such as affordable assistive devices and accessible public transportation, to further promote personal mobility and the independence of persons with disabilities.**

Freedom of expression and opinion and access to information (art. 21)

47. The Committee notes the following with concern:

(a) That Easy Read and augmentative and alternative communication have yet to be developed in the State party;

(b) That sign language is yet to be accepted as official language in the State party;

(c) The absence of information about measures taken by private service providers to develop applications and other digital tools in accessible formats;

(d) Information before the Committee about restrictions in freedom of expression affecting persons with views dissenting from the official position, including concerning living conditions, discrimination, religion and the Nagorno-Karabakh conflict.

48. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Strengthen its efforts to develop and implement a wide range of accessible communication formats and technology, including sign language, Braille, augmentative and alternative communication, tactile communication and Easy Read. The State party should allocate sufficient funding for the development, promotion and use of these formats;**

(b) **Recognize sign language as an official language and develop professional training for sign language interpreters and schoolteachers, in close consultation with and with the active involvement of organizations of persons with hearing impairments;**

(c) **Ensure that private service entities provide information in accessible formats;**

(d) **Ensure the participation of persons with disabilities in the civic space, ensuring the peaceful, open and free participation of persons with disabilities and other civil society organizations.**

Respect for privacy (art. 22)

49. The Committee is concerned about the lack of information concerning the protection of personal data and records about persons with disabilities, including in health-related situations.

50. **The Committee recommends that the State party:**

(a) **Protect the rights of persons with disabilities to respect for their privacy, family life, correspondence, honour and reputation, on an equal basis with others, regardless of disability, sex, gender, age or place of residence;**

(b) **Introduce the duty for public and private actors to safeguard personal data, digitalized databases and records of persons with disabilities from unlawful and arbitrary interference, including in health records and rehabilitation-related information;**

(c) **Ensure the implementation of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and ratify the Protocol thereto amending the Convention.**

Respect for home and the family (art. 23)

51. The Committee notes the information before it about the decree No. 1599 on some issues related to the prevention of children's deprivation of parental care and strengthening the protection of their rights, adopted in February 2022, and the competencies of the Ministry of Labour and Social Protection of Population, in this area. The Committee observes the following with concern:

(a) That guardianship deprives persons with intellectual and/or psychosocial disabilities of the ability to enter into marriage and of the exercise of their parental rights;

(b) The secondary legislation that retains disability and guardianship among the criteria for prohibiting adoption and the lack of information about applications and the consideration of persons with disabilities as adoptive or foster parents;

(c) The lack of information and support provided to parents with disabilities to carry out their parental responsibilities and the fact that they are told that, because of their condition, they should not have children;

(d) The separation from parents and the abandonment of children with disabilities in residential institutions.

52. **The Committee recommends that the State party:**

- (a) **Recognize the equal rights of persons with disabilities in relation to marriage, family and parenthood;**
- (b) **Repeal legislation that restricts the right to adopt children on the basis of disability, in particular paragraph 7 of the List of Diseases Prohibiting Adoption, Guardianship and Custody (resolution No. 141) of the Cabinet of Ministers;**
- (c) **Ensure support and provide information for parents with disabilities to raise their children in a family setting, including those living in rural areas;**
- (d) **Respect the right of children with disabilities to family life, on an equal basis with others, including by repealing legislation and practices allowing for the separation of children from their parents on the basis of disability and by developing support for children with disabilities and their families in their communities, including information centres and tools to develop parental skills, counselling and in-home support.**

Education (art. 24)

53. The Committee notes the following with concern:

- (a) The limited understanding of inclusive education and the prevalence of segregated educational settings, such as boarding schools, rehabilitation centres, special educational institutions and special classes, and “integrated inclusive schools”;²²
- (b) The limited accessibility of teaching materials and methodologies, as well as the barriers in the physical environment and to access to information, the lack of teachers trained in sign language and the fact that sign language training is not required for schoolteachers;
- (c) The social isolation of children with disabilities, including autistic children, preventing them from attending mainstream inclusive schools and emphasizing the homeschooling model for them;
- (d) The lack of reasonable accommodation and of individualized support for children with disabilities in schools.

54. **Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.4, 4.5 and 4.a, including indicator 4.a.1, of the Sustainable Development Goals, the Committee recommends that, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, the State party:**

- (a) **Ensure that, in the amendments to the Law on the education of persons with disabilities (special education),²³ inclusive, high-quality education for persons with disabilities is recognized, repeal regulations providing for special education and ensure that children with disabilities are enrolled in regular inclusive education settings. The State party should establish monitoring mechanisms concerning inclusive education;**
- (b) **Strengthen measures to prepare teaching material in accessible formats, including in kindergarten facilities, implement inclusive teaching methodologies and tools, ensure the accessibility of textbooks and that information is available in digital formats for children with disabilities. The State party should ensure the use of sign language by teachers in schools, update recruiting mechanisms for teachers and reinforce programmes, such as the pre-service teacher training course on inclusive education;**
- (c) **Prevent the stigmatization of children with disabilities and their isolation at home due to disability and ensure that all children with disabilities have access to high-quality, inclusive education in regular education settings, on an equal basis with others;**

²² Ibid., para. 217.

²³ Ibid., para. 216 (a).

(d) **Recognize reasonable accommodation and individualized support at all levels of education and strengthen training for members of the psychological-medical-pedagogical commissions²⁴ to work in line with the human rights model of disability and ensure the early identification of support requirements and provision of reasonable accommodation.**

Health (art. 25)

55. The Committee is concerned about the following:

(a) The inconsistent access to and low quality of health services, including sexual and reproductive health services, due to the lack of availability of health services and prevailing gender and disability stereotypes;

(b) The lack of mental health services at the community level and the prevalence of psychiatric services being delivered in close settings, including sanatoriums;

(c) The lack of access by persons with disabilities to health services in the private health system.

56. **Recalling targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Ensure universal health-care coverage for persons with disabilities in rural and urban areas, access to sexual and reproductive health services and rights, including maternal and child health services, and accessible equipment, including gynaecological equipment, and that specialized health services are provided, on an equal basis with others;**

(b) **Provide training for health-care professionals on gender equality and the human rights model of disability;**

(c) **Adopt the community-based support model as the basis for programmes for the provision of mental health care and dismantle sanatoriums and other facilities for the purpose of mental health treatment;**

(d) **Adopt measures to ensure equal access to health and non-discrimination in the provision of disability-related health-care services in the national health-care schemes, ensuring that private service providers facilitate access to health services.**

Habilitation and rehabilitation (art. 26)

57. The Committee is concerned that the State party's main strategy on rehabilitation is focused on rehabilitation centres perpetuating the medical approach to disability. It is also concerned about the lack of information about access by persons with disabilities in rural areas, including children, older persons and women with disabilities, to habilitation and rehabilitation.

58. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Reframe its rehabilitation programmes with the aim of promoting community-based inclusive development and support for the participation of persons with disabilities in the community;**

(b) **Develop a national strategy for habilitation and rehabilitation that is targeted at persons with disabilities in rural areas, including women with disabilities, older persons with disabilities and children with disabilities, ensure budgetary allocations for habilitation and rehabilitation and the quality standards of programmes, including by conducting monitoring and evaluations on regular basis.**

²⁴ Ibid., para. 216 (b).

Work and employment (art. 27)

59. The Committee notes the following with concern:

(a) The prevailing discrimination with respect to work and employment, including prejudices among employers in the hiring of persons with disabilities and the lack of accessibility to the workplace, and the high unemployment rates among persons with disabilities;

(b) The information before the Committee about the limited implementation of quotas for persons with disabilities in work and employment;

(c) The delay in adopting legislation to recognize reasonable accommodation for persons with disabilities in work and employment;²⁵

(d) The lack of information about the participation of women with disabilities in initiatives to foster work and employment among persons with disabilities;²⁶

(e) That occupations in certain industries remain prohibited for women, including women with disabilities.

60. Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Ensure access to employment in the open labour market and in all sectors of the economy for persons with disabilities, address prejudices among employers in the private and public sectors, including in the framework of its strategy on business and human rights, and set up goals and strategies to achieve full accessibility to employment and in the workplace;

(b) Strengthen the implementation of the quota system and introduce other affirmative measures to ensure access for persons with disabilities to work and employment;

(c) Enforce legislation prohibiting discrimination in employment and occupation, expedite the adoption of legislation recognizing reasonable accommodation and raise awareness about reasonable accommodation at work;

(d) Address discrimination against women with disabilities in work and employment and include them in programmes for job creation, self-employment and entrepreneurship;

(e) Ensure access for women with disabilities to all professions and jobs and implement the recommendations of the Committee on the Elimination of Discrimination against Women in this regard.²⁷

Adequate standard of living and social protection (art. 28)

61. The Committee observes the following with concern:

(a) The absence of disaggregated information concerning the coverage of social protection allowances;

(b) The fact that financial assistance for persons with disabilities does not cover all persons with disabilities.

62. The Committee recommends that the State party:

(a) Collect information about living conditions and access to social protection among persons with disabilities, disaggregated by factors including sex, age, gender,

²⁵ Ibid., para. 242.

²⁶ Ibid., paras. 219–221.

²⁷ CEDAW/C/AZE/CO/6, para. 32 (a).

ethnicity, place of residence, urban or rural location and migrant, refugee and asylum-seeking status;

(b) **Ensure that all persons with disabilities have access to financial assistance for the coverage of disability-related expenses and disseminate information in accessible formats among persons with disabilities, notably on entitlements and benefits and about eligibility criteria.**

Participation in political and public life (art. 29)

63. The Committee notes with concern that:

(a) The Constitution (arts. 25 (VI) and 56 (II)) restricts the right to participate in elections and referendums for persons recognized by a court decision as lacking legal capacity;²⁸

(b) There is no requirement to provide the public or the election commissions with information about candidates with disabilities during elections;²⁹

(c) There are public reports about restrictive electoral environments limiting the full participation of persons with disabilities in public affairs, including due to limitations in the right of association and expression, the lack of plural electoral participation and the absence of political alternatives during presidential elections.

64. **The Committee recommends that the State party:**

(a) **Repeal constitutional provisions concerning the deprivation of legal capacity and the exclusion of persons with intellectual and/or psychosocial disabilities from participation in elections and referendums and provide them with information in accessible formats, including Easy Read, about their right to participate in political and public life, their right to vote and the right to the free expression of their will as electors;**

(b) **Ensure the provision of information in accessible formats on candidates with disabilities during elections to the election commissions;**

(c) **Allow persons with disabilities to participate in the political and electoral process and their involvement in public affairs.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

65. The Committee is concerned that the State party's census does not include questions on persons with disabilities facing multiple and intersectional discrimination.

66. **The Committee recommends that the State party use the Washington Group on Disability Statistics short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, promote inclusivity and improve disability data collection systems, with data disaggregated by age, sex, gender, ethnicity, urban or rural location and migrant, refugee or asylum-seeking situation.**

International cooperation (art. 32)

67. The Committee notes the following with concern:

(a) The lack of participation of persons with disabilities in developing international cooperation strategies and programmes;

(b) The limited inclusion of disability in international cooperation agreements.

²⁸ [HRI/CORE/AZE/2023](#), para. 105.

²⁹ [CRPD/C/AZE/2-3](#), para. 246.

68. **The Committee recommends that the State party:**

(a) **Introduce mechanisms to ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, including organizations of women and girls with disabilities, in the planning, implementation, monitoring and evaluation of activities of international cooperation agreements and the process towards the implementation and the monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals;**

(b) **Mainstream disability, including the rights of women and children with disabilities, into international cooperation programmes.**

National implementation and monitoring (art. 33)

69. The Committee is concerned about the following:

(a) The lack of sectoral focal points for the implementation of the Convention;

(b) The absence of an independent entity for monitoring the implementation of the Convention that is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) The absence of mechanisms to ensure the involvement of persons with disabilities and their representative organizations in monitoring the implementation of the Convention.

70. **Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities,³⁰ the Committee recommends that the State party:**

(a) **Designate focal points within Government, including across all branches and levels of Government, with the authority to implement the Convention;**

(b) **Designate an independent framework for monitoring the implementation of the Convention, including the participation of the Commissioner for Human Rights (Ombudsman), in line with the Paris Principles, to ensure that it can undertake transparent and independent monitoring and receive A status accreditation by the Global Alliance of National Human Rights Institutions Subcommittee on Accreditation;**

(c) **Ensure the participation of all persons with disabilities, including those in rural areas, and the diversity of their representative organizations in monitoring the implementation of the Convention.**

IV. Follow-up

Dissemination of information

71. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 8 (a), on the harmonization of legislation in conformity with the human rights model of disability, 10 and 70 (b) and (c), on close consultation with and the active involvement of persons with disabilities in decision-making, including in independent monitoring, and 54, on inclusive education, including sign language.

72. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the parliament, officials in relevant ministries and local authorities

³⁰ CRPD/C/1/Rev.1, annex.

and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

73. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

74. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

75. The State party has opted to report under the simplified reporting procedure for its periodic reports. Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 28 February 2031, the date by which the State party's combined fourth to sixth periodic reports are due. The replies of the State party to that list of issues will constitute its combined fourth to sixth periodic reports.
