



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations**

**GENEVA**

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Joint Urgent Appeal from by the Working Group on Arbitrary Detention and the Special Rapporteur on the rights of persons with disabilities dated 10 February 2017, has the honor to transmit herewith the information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan regarding the questions raised in the abovementioned joint appeal.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 3 pages



Office of the United Nations  
High Commissioner for Human Rights  
GENEVA



**Question 1.**

Activities of the social service institutions under the Ministry of Labour and Social Protection of Population are regulated with the relevant statutory documents and relevant charters approved at the Board of the Ministry. These charters reflect goals and objectives of these facilities as well as conditions for admission and discharge. It should also be noted that regular monitorings are conducted at the institutions with regard to protection of the rights of the residents.

"Regulations on Placement of disadvantaged persons (families) in the state social service institutions" approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan of Nov.05, 2013 #320, laws of the Republic of Azerbaijan "On social service" and "On prevention of disability and limited health capacities in children, rehabilitation and social protection of people with disabilities and children with limited health capacities".

**Question 2.**

Placement of people with disabilities, including persons with mental and intellectual disabilities in specialized social service institutions is carried out in accordance with the Regulations on placement of disadvantaged persons (families) in the state social service institutions. According to paragraph 2.4.1 of the Regulations persons (families) that don't have independent living skills and capable relatives or legal representatives who can take care of them as well as their relatives, legal representatives (guardians), municipalities, NGOs or other persons with the consent of the mentioned individuals may apply to district (city) branches of the State Social Protection Fund under the Ministry of Labour and Social Protection of Population (application should include information on the absence of close relatives who could take care of them – true and adopted brothers, sisters, husband-wife, true and adopted children, grandchildren). The person's ID, medical certificate with information on the mental health and contagious disease clearance, extract from health assessment act of the medico-social expertise commission certifying disability and certificate from the place of permanent residence with the list of persons registered at the same address should be attached to the application.

The package of documents should also include a court decision which have entered into legal force recognizing the person is legally incompetent as well as abandonment applications of capable relatives or legal representatives who is supposed to take care of them. Within 5 (five) working days following the receipt of the application on placement in social service facility the application is forwarded to a social worker for the consideration and assessment. Within 10 (ten) working days the request is being processed and a relevant report is drafted and forwarded to the State Social Protection Fund under the Ministry of Labour and Social Protection of Population.

The State Social Protection Fund under MLSP within a 5 day period considers the application and takes decision on placement.

**Question 3.**

In accordance with Article 22.1 of the Law of the Republic of Azerbaijan on "Psychiatric Assistance" a basis for placement of a person in residential psychiatric facility is a mental disorder and a medical report of a psychiatrist (or a psychiatrists commission) on examination and treatment at in-patient mental facility, in cases of civil commitment – court decision. In accordance with chapter 36 of the Administrative Procedure Code of the Republic of Azerbaijan for involuntary placement of a person in mental institution family members, guardian or trustee of the person as well as a director of the mental health facility may apply to a court either at the place of the person's residence or at the location of the facility. Legal grounds for the person's involuntary placement in the mental health facility should be specified in the application. In case the application is initiated by the senior staff of the mental institution it should include a substantiated opinion of psychiatrists' commission.

Application for involuntary placement of a person in residential psychiatric facility should be considered by a judge within 5 days after the commencement of the case. The person concerned may participate in the court sessions should his mental health permit. The judge takes a decision on either granting or refusing the application. If the decision is taken in favor of involuntary placement, the person may be discharged from the facility with the court decision refusing to prolong the period of hospitalization.

However psychoneurological social care facility # 3 is not a residential psychiatric facility. It's a social care institution intended for delivering social care to persons over 18 years of age having disability as a result of either severe or chronic mental sickness. Admission to the institution is carried out in line with the 2<sup>nd</sup> procedure.

#### Question 4.

Persons with disabilities over the age of 18 are admitted to the institution. The persons with disabilities admitted to the facility may leave it in the following cases:

- A change in health status of the person with disability that may prevent care in the facility. When this occurs these persons are discharged from the institution and are placed in health-care facility.
- When close relatives of the person with disability apply in written for his/her discharge.

In both the cases a social worker of the facility should prepare a relevant report. The report is forwarded by the senior staff of the facility to the State Social Protection Fund under the Ministry of Labour and Social Protection of Population for inquiry and relevant decision. SSPF decides on either permanent or temporary discharge from the institution or rejection of the application.

#### Question 5.

████████████████████ was diagnosed with schizophrenia in ██████ at Ganja psychiatric hospital. Based on the applications of ██████ dated ██████ and her brother ██████ on the placement of his sister in the psychoneurological social care facility # 3 as well as reference of the psychoneurologic dispensary dated ██████ she was

admitted to the institution on [REDACTED] with the referral of the Ministry of Labour and Social Protection of Population.

According to the extract No. [REDACTED] dated [REDACTED] of the Republican Psychiatric Hospital No. 1 of outpatient, stationary patient's medical card [REDACTED] was diagnosed with mental retardation at moronity rate. Based on the application of [REDACTED] mother [REDACTED] dated [REDACTED] related to [REDACTED] placement in neuropsychiatric social service institution No. 3 and extract from the medical card of the Republican Psychiatric Hospital No. 1 [REDACTED] in [REDACTED] was admitted to the enterprise with the referral from the Ministry of Labour and Social Protection of Population.

#### Question 6.

As a result of inquiry conducted by the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan it was determined that the allegations related on the case of [REDACTED] and [REDACTED] of forced placement in the enterprise were unfounded. Reportedly the children of her brother and sister who live close to the enterprise frequently visit her. At the insistence of [REDACTED] her brother took her for stay several times, she was taken back to the facility a short time later. According to her brother's testimony, during her stay at home [REDACTED] had displayed rough treatment to individuals at home and neighbours, used offensive words and attempted physical violence towards them. Therefore, her brother and other relatives have refused to take her home.

[REDACTED] mother [REDACTED] visits her daughter at the enterprise from time to time. On [REDACTED] took [REDACTED] for home stay and after 2 days brought her back and informed that it was impossible to keep her at home. At home she brawled with relatives and neighbours, threaten with cutting her wrists and jumping from a multistore building. [REDACTED] pressed for her stay at the enterprise.

#### Question 7 and 8.

According to the Law of the Republic of Azerbaijan on "Social service" to ensure social protection of disadvantaged people and their families it's been almost 5 years since the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan launched a numerous projects in the regions with a high number of disadvantaged persons of other categories to ensure their coverage with the relevant social services. Expanding of social service institutions' network in the regions and providing of social services to other categories of disadvantaged persons were identified as priority directions "Azerbaijan 2020: vision of the future" Development Concept approved by the Decree of the President of the Republic of Azerbaijan dated December 29, 2012. To this end in years to come full and equal participation of persons with disabilities in society and implementation of project aimed at ensuring their social inclusions and their covering more cities and regions are designed.

On March 29, 2006 "State programme for the placement of children living in state-owned child institutions in families (deinstitutionalization) and alternative care in the Republic of Azerbaijan (2006-2015)" was adopted. Over the past period within the implementation of this State Program 78 children residing in state social service institutions for children with disabilities were given to the families for permanent stay. As a continuation of this work in the coming years the relevant program is expected to be adopted for the protection of the rights of persons with disabilities.