

SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW COMMITTEE FROM THE DISABILITY PROMOTION & ADVOCACY ASSOCIATION

The Disability Promotion & Advocacy Association, a registered self-help and voluntary NGO established in 1999 to advocate for rights and promote abilities of persons with disabilities in Vanuatu takes this opportunity to present its submission to the Universal Periodic Review Committee in preparation for Vanuatu's report in May 2009.

1. Convention on the Rights of Persons with Disabilities (CRPD)

The Disability Promotion & Advocacy Association

- i. Congratulates Vanuatu on becoming the first country in Oceania to ratify the Convention on the Rights of Persons with Disabilities on 23 April 2008. Since 2003 Government has supported the participation of a person with disability at the drafting of the Convention until its completion in August 2006;
- ii. Congratulates Government for developing in 2007 its National Disability Policy & Plan of Action 2008-2015 which incorporates provisions of the CRPD and the Biwako Millennium Framework for Action toward the Asian & Pacific Decade of Persons with Disabilities 2003-2012;
- iii. Acknowledges Government for providing non discriminatory provision in the Education Act to enable access to education by children with disabilities in 2002; the appointment of the Special Needs Officer in the Ministry of Education in 2003 plus the collection of statistics within this Ministry since 2004 and its move toward developing the Inclusive Education Policy in 2007;
- iv. Acknowledges Government for setting up the National Disability Committee in 2007;
- v. Congratulates the SHEFA Provincial Government Council for adopting the Disability Convention as its platform for action in June 2008, making its provincial headquarter in Port Vila wheelchair accessible, waiving the departure tax for persons with disabilities anywhere in the province, appointing a Disability Coordination Office and encouraging the other five provinces to follow its lead in promoting rights of persons with disabilities in Vanuatu;
- vi. Acknowledges the SHEFA Provincial Government Council for its adoption of the Convention on the Elimination of All Forms of Discrimination Against Women in May 2004 as it platform for action and appointing a Women's Coordination Officer to advance women in the Province.
- vii. Acknowledges the SANMA & TORBA Provincial Governments for their support to disability organizations.

Recognizing that people with disability continue to be discriminated because of their disability, the Disability Promotion & Advocacy Association made a submission to the Constitutional Review Committee set up by Parliament in 2002 to include disability as ground for non-discrimination and

- viii. Acknowledges the opportunity provided by Parliament to the people of Vanuatu to make submissions to amend the Constitution.

While all these are positive moves by National and Provincial Governments to recognize and support the inclusion of persons with disabilities in national programmes and development plans, the Disability Promotion & Advocacy Association is concerned:

- i. That by October 2008 it could not be ascertained whether the instrument of ratification had been deposited at the United Nations;
- ii. That the National Disability Committee has not been supported with adequate resources to be an effective agency to promote the inclusion of persons with disabilities;
- iii. That the National Disability Policy & Plan of Action 2008-2015 has not been launched by October 2008 to pave the way for development of strategies to implement the Disability Convention and the Biwako Millennium Framework for Action 20003-2012. In 2007 the Ministry of Education reports that out of the 33,268 students enrolled in primary schools, 3,963 or 12 percent had some form of disability. In the secondary school level, 392 (8 percent) out of the 3,963 students had some form of disability. In the senior secondary level, 251 students attending have some form of disability.

The Ministry reports, however, that 450 children did not attend schools because of their disabilities in 2007. Of the major types of disabilities that exist in 2007,

601 were slow learners
205 were deaf or hard of hearing
180 had speech problems
117 were blind or had low vision
66 had physical disabilities

- iv. That the Report of the Constitutional Review Committee has yet to go before Parliament.

The Disability Promotion & Advocacy Association acknowledges the strides made so far by the Government to include persons with disabilities but also recognizes the limitations in financial, technical and human resources to effect the advancement of persons with disabilities.

The Disability Promotion & Advocacy Association therefore takes this opportunity to provide the following recommendations:

1. Encourage Government to complete its deposit of the Instrument of Ratification as soon as possible;
2. Encourage Government to support the National Disability Committee with adequate financial, human and technical resources to implement the provisions of the Disability Convention, CEDAW and the Biwako Millennium Framework for Action toward the Asian & Pacific Decade of Persons with Disabilities 2003-2012;
3. Encourage Government to develop a 5-10 year Strategy to mainstream disability and implement the provisions of the Disability Convention and the Biwako Millennium Framework for Action toward the Asian & Pacific Decade of Persons with Disabilities 2003-2012 by 2009;
4. Encourage Government to complete its Inclusive Education Policy and Strategy by 2009 and that within its Inclusive Education strategy, that teachers are trained as soon as possible to teach children with disabilities and that other specialists such as speech therapists, physiotherapists, psychologists, sign language teachers, Braille teachers are recruited and that all educational facilities plus other public places and transport systems are accessible.

2. Advancement of Women

Vanuatu ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1995. Chapter 2 of the Constitution of the Republic

recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place or origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health:

- (a) life;
- (b) liberty;
- (c) security of the law;
- (d) protection of the law;
- (e) freedom from inhuman treatment and forced labour;
- (f) freedom of expression;
- (h) freedom of assembly and association;
- (i) freedom of movement;
- (j) protection for the privacy of the home and other property and from unjust deprivation of property;
- (k) equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it

makes provision for the special benefit, welfare, protection or advancement of females, children and young persons, members of underprivileged groups or inhabitants of less developed area

In May 2007 Vanuatu reported to the UN CEDAW Committee who subsequently provided their Concluding Comments shortly after. To date no public awareness has been made by Government on the content of the Concluding Comments.

The Disability Promotion & Advocacy Association which has adopted Article 1 of CEDAW on non-discrimination based on sex and recognition of the equality of men and women as two of its fundamental principles views gravely the recent appointment of a man in October 2008 as the Director of the Department of Women's Affairs as contrary to the spirit of section (k) of the Constitution particularly to make provision for the *protection or advancement of females*, Article 4 of CEDAW to *adopt special temporary measures aimed at accelerating de facto equality between men and women* and Government's Gender Equity Policy benchmark of 2007 aimed at *promoting visibility and meaningful participation in decision making*.

The Disability Promotion & Advocacy Association therefore takes this opportunity to provide the following recommendations:

1. Encourage Government to review its decision to appoint a male to the position of the Director of the Department of Women's Affairs.
2. Encourage Government to develop special temporary measures to ensure that women in government can advance within the public sector.
3. Encourage Government to raise awareness on the actions it will take to address the suggestions contained in Concluding Comments provided by the UN CEDAW Committee in 2007.

These recommendations were provided on 3 November 2008 by:

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