



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

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Committee on the Rights of Persons with Disabilities

**Initial report submitted by Vanuatu under article
35 of the Convention, due in 2010***


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Abbreviations

AUSAID	Australian Assistance for International Development
CAT	Convention against Torture, Cruel and Degrading Treatment
CBR	Community-Base Rehabilitation
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DPA	Disability Promotion and Advocacy Association
DPO	Disabled Persons Organization
FDMM	Forum Disability Minister's Meeting
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organization
MDG	Millennium Development Goals
MFEM	Ministry of Finance and Economic Management
MIA	Ministry of Internal Affairs
MOE	Ministry of Education
NCP	National Children's policy
NDPAP	National Disability Policy and Plan of action
NGO	Non-Government Organization
VNSO	Vanuatu National Statistics Office
NZAID	New Zealand Agency for International Development
OPAC	Optional protocol to the Convention on the Rights of the Child on the involvement of children in arm conflict
OPSC	Optional protocol on the Sale of children, child prostitution and child pornography
PIFS	Pacific Islands Forum Secretariat
PRSD	Pacific Regional Strategy on Disability
RRRT	Regional Rights Resource team
SFA	Sanma Frangipani Association
SPC	Secretariat of the Pacific Community
UDHR	Universal Declaration of Human Rights
VSDP	Vanuatu Society for Disable people

Introduction

1. The Vanuatu Government is pleased to present to the United Nation Committee on the Rights of Persons with Disabilities the Vanuatu's Initial Report under the *Convention on the Rights of Persons with Disabilities* Vanuatu ratified without reservation the Convention on the Rights of Persons with Disabilities in its own right on 23 June 2008. In becoming a party to the Convention, the government of Vanuatu affirmed its commitment to improve the situation of persons with disabilities in Vanuatu. When read together with Vanuatu's Common Core Document, this report demonstrates Vanuatu's commitment to respecting the rights of persons with disabilities. The Government devotes significant effort to ensuring that persons with disabilities in Vanuatu are able to enjoy fully, and on an equal basis with others, all human rights and fundamental freedoms in accordance with the Convention. This report demonstrates that the Vanuatu Government, have sought opportunities to ensure that the Convention is implemented effectively in Vanuatu, and that the inherent dignity of persons with disabilities is respected and promoted.

International Conventions

2. The government of Vanuatu ratified without reservation the following International human rights conventions:

- The Convention on the Rights of the Child (CRC) in 1993;
- The optional protocol to the Convention on the rights of the child on the involvement of children in arm conflict. (OPAC) in 2007;
- The optional protocol on the Sale of children, child prostitution and child pornography (OPSC) in 2007;
- The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in 1995;
- The International covenant on civil and political rights (ICCPR) in 2008;
- The Convention Against Torture and other cruel, inhuman or degrading treatment (CAT) in 2011;
- The Vanuatu government is a signatory to the International convention for the protection of all persons from enforced disappearances in 2007.

Preparation and structure of report

3. This report has been prepared in accordance with the Committee's *Guidelines on treaty-specific* document to be submitted by state parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities and the Harmonized Guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty specific targeted documents. This document is to be read together with the common core document. The report sets out progresses made, including the measures that have been taken in a wide range of areas within the different government ministries as well as consultations carried out in all the six Provinces of Vanuatu to identify challenges that hinders the full participation of persons with disabilities in Vanuatu. The report reflects in detail on the progress of implementation under Articles 1 to 33 of the Convention.

4. The key international developments resulting in declarations, statements, conventions and other actions that formed the basis of the recommended strategies and priority areas for action for Vanuatu include the following:

- International Labour Organization Convention 159 on Vocational Rehabilitation and Employment of Disabled Persons (1983);
- Convention on the Rights of the Child (ratified in 1993);
- Convention on the Elimination of all forms of Discrimination Against Women, 1995;

- ESCAP Declaration of the Asian and Pacific Decade of Disabled Persons, 1993-2002 (1992);
 - United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993);
 - Salamanca Statement and Framework for Action on Special Needs Education (1994);
 - Dakar Framework for Action on Education for All (2000);
 - ESCAP resolution to extend the Asian and Pacific Decade of Disabled Persons 2003-2012 (Resolution 58/4) (2002);
 - Pacific Forum Heads of Government endorsement of the BMF and subsequent incorporation in the Pacific Plan (2002); and
 - The Convention on the Rights of Persons with Disabilities, 2008.
5. The report also considers the National Disability Policy and Plan of Action 2008-2015 (NDPPA) and other regional disability commitments including the:
- Pacific Regional Strategy on Disability;
 - Pacific Education Framework and Biwako Millennium Framework For Action.

Consultation with stakeholders

6. The consultation process for this report commenced in February 2013 between government Ministries, non-governmental organizations and private sectors both, in Port Vila and outer islands via in-depth interviews and disability focused group discussions.

7. A national consultation was held with most of the government ministries and non-government organizations and disabled persons' organizations to brief stakeholders on the details on the requirements of the Convention. Technical support was received by the Pacific Islands forum Secretariat (PIFS) and the South Pacific Community-Regional Rights Resource Team (SPCRRRT) in the preparation of this report.

Status of the Optional Protocol

8. The Optional Protocol to the Convention on the rights of persons with Disability has yet to be signed and ratified by Vanuatu. Measures to do so are not currently contained in the National Disability Policy and Plan of Action.

The Vanuatu Context

9. Vanuatu, meaning 'our land', was jointly administered by Great Britain and France for 74 years. It was otherwise known as the Anglo-French Condominium. Formerly known as the New Hebrides, it obtained its independence on 30th July 1980 as a sovereign democratic state.¹ The Y-shaped archipelago of Vanuatu stretches over some 1,300 kilometres in the centre of a quadrangle marked by Fiji (to the East), Australia (West), Solomon Islands (North) and New Caledonia (South). The 83 islands, of which 65 are inhabited, have a total land area of 12, 281 kilometres between latitudes 13°S and 21°S and longitudes 165°E and 170°E.²

10. In 1994, the country reorganized from 11 island councils to six provinces under the Decentralization Act.³ The names of the provinces were derived from the initial letters of their constituents⁴ (total of 17 constituencies). There are two largest towns in Vanuatu, Port Vila, the capital, which is situated on Efate, and Luganville, on the island of Espiritu Santo.

¹ Vanuatu Constitution Art. 1.

² Vanuatu Meteorological Services, 2011.

³ Cap 230.

⁴ Malampa (Malekula, Ambrym, Paama), Penama (Pentecost, Ambae, Maewo), Sanma (Santo/Espiritu Santo, Malo), Shefa (Shepherd Islands, Efate), Tafea (Tanna, Aniwa, Futuna, Erromango, Aneitum) and Torba Torres, Banks.

11. Under the Municipalities Act,⁵ the Minister has the power to declare any area in Vanuatu a municipality. The Minister may also by Order give the municipality a name, define and alter its boundaries and declare the area to cease as municipality.⁶ At present, there are three declared municipalities in Vanuatu, namely: Port Vila, the main capital (Efate), Luganville (Santo) and Lenakel (Tanna).

12. Most of the islands are mountainous and of volcanic origin. The highest point in Vanuatu is Mount Tabwemasana, at 1,879 m (6,158 ft.) above sea level on the island of Espiritu Santo. There are several active volcanoes in Vanuatu, including Yasur on the island of Tanna, one of the world's most accessible volcanoes, as well as several underwater ones (Vanuatu Tourism Office, 2009). It is geographically located along the so called 'ring of fire' geologic and climatic hazards is its norm. Accordingly, Vanuatu is on a constant risk of volcanic eruptions, earthquakes, tsunami and landslides due to its islands volcanic origin.⁷

Demography

13. The first national population census of Vanuatu took place in 1967 followed by another census in 1979.

14. Since 1979, the national census of Vanuatu has been taken place every 10 years. The last national census was conducted in November 2009 showing that Vanuatu has a total population of 234, 023. Statistics of 2009 indicates an increase in the total population since 1999 census, with an average annual population growth of 2.3%, or an increase of 4,733 people per year. (See table 1).

⁵ Cap 126 of 1980.

⁶ Municipality Act, part 2, sect. 2.

⁷ Vanuatu National Assessment Report, 2010.

Table 1: Total population by province, census year, and population density, Vanuatu: 1999-2009

<i>Province</i>	<i>Population in Census Year</i>					<i>Land Area (km²)</i>	<i>Population Density (Number of Persons per km²)</i>				
	<i>1967</i>	<i>1979</i>	<i>1989</i>	<i>1999</i>	<i>2009</i>		<i>1967</i>	<i>1979</i>	<i>1989</i>	<i>1999</i>	<i>2009</i>
VANUATU	77 710	111 251	142 419	186 678	234 023	12 281.25	6.3	9.1	11.6	15.2	19.1
Torba	3 481	4 958	5 985	7 757	9 359	867.33	4	5.7	6.9	8.9	10.8
Sanma	12 785	19 423	25 542	36 084	45 855	4 262.06	3	4.6	6	8.5	10.8
Penama	13 968	18 937	22 281	26 646	30 819	1 203.92	11.6	15.7	18.5	22.1	25.6
Malampa	17 407	23 567	28 174	32 705	36 727	2 808.41	6.2	8.4	10	11.6	13.1
Shefa	17 633	26 860	38 023	54 439	78 723	1 507.36	11.7	17.8	25.2	36.1	52.2
Tafea	12 436	17 506	22 414	29 047	32 540	1 632.17	7.6	10.7	13.7	17.8	19.9

Source: Vanuatu National Statistics Office (VNSO) 2009 Summary 2007.

15. The Ministry of Education (MOE) collects data on the actual disabilities that are in school. Table 2 shows the summary of children in schools with types of disability by provinces in 2007.

Table 2: 2007 Summary of children with types of disability

<i>Province/ Island</i>	<i>Down Syndrome</i>	<i>Hearing Impairment</i>	<i>Learning Disability</i>	<i>Mental Disability</i>	<i>Multiple Disabilities</i>	<i>Other Disability</i>	<i>Physical Disability</i>	<i>Sight Impairment</i>	<i>Social and Emotional problems</i>	<i>Speech Impairment</i>	<i>Total</i>
Malampa	3	49	622	35	15	17	20	41	34	29	865
Penama	4	92	297	17	9	1	8	52	13	21	514
Sanma	3	203	915	105	47	25	28	151	157	8	1 642
Shefa	37	84	810	42	17	10	43	88	69	61	1 261
Tafea	7	117	454	20	14	8	31	40	97	36	824
Torba	6	35	264	35	27	6	19	24	28	21	465
Total	60	580	3 362	254	129	67	149	396	398	176	5 571

Source: Ministry of Education.

Economic Structure

16. Vanuatu has had one of the fastest growing economies among the Pacific island countries in the recent past. From 2003 until 2009 real (constant) Gross Domestic Product (GDP) increased by an average of 5% each year.⁸ The estimated growth rate for 2010 is lower at 2.2% due to a decline in the services sector from decreased tourism related investment and spending and also the completion of major construction and engineering projects.

17. The tourism, telecommunications, airline industries, and to some extent construction, have continued to grow due to various policy initiatives and other contributing external factors.⁹ Accordingly, government policy is to promote agricultural production, provide an environment conducive to private sector led economic growth, and invests in infrastructure particularly in rural areas and to promote tourism as a mainstay of the economy.

18. Agriculture makes a considerable contribution to GDP in the export of commodities and the subsistence farming systems (own account production) in most rural communities. The services sector is the largest contributor to overall GDP, constituting public administration, retail trade, hotels and accommodation and finance and investment. It is estimated that tourism-related activities make up 45% of economic activity.¹⁰

19. The Vanuatu National Statistics Office is currently not collecting the information required to derive Gross National Income (GNI) but if foreign direct investment in housing and remittances from seasonal workers are added to GDP the GNI for 2010 would be 66,765 million vatu or 278 thousand vatu per capita.

International Conventions (covering disabilities)

20. As noted, Vanuatu ratified the CRC in 1993. Article 2, paragraph 1, of the CRC clearly provides for non-discrimination on a number of grounds, including disability. The Convention on the Rights of the Child — Article 23 of the CRC calls for States parties to recognize that a child with a psychosocial or physical impairment should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the

⁸ Vanuatu National Statistics Office, 2009.

⁹ Pacific Island Conference Report, 2010.

¹⁰ Vanuatu Reserve Bank Annual Report, 2009.

child's active participation in the community; recognize the right to special care; recognize the special needs of children with disabilities in ensuring effective access to education, training, health-care services, rehabilitation services, preparation for employment and recreation opportunities; and promote the exchange of information in the field of preventive health care and of medical, psychological and functional treatment of children with disabilities.

21. Article 1 of the CRPD, however, goes beyond limiting persons with disabilities as only those with psychosocial or physical disabilities by recognizing that "persons with disabilities include those who have long-term physical, psychosocial, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". This represents a good opportunity for Vanuatu to review and amend its legislative as well as administrative measures that have been based on such restrictive categorizations.

22. Vanuatu is a party to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW), which it ratified on the 13th of April 1995. Although the rights of women with disabilities are not specifically referred to in the 16 core articles of the CEDAW, *General Recommendation 18* does provide for States parties to report on the situation of women with disabilities.¹¹ Vanuatu's Initial, Second and Third Reports on the CEDAW provides some information about the situation of women and girls with disabilities but does not contain sufficient information pertaining to Priority No. 2 of the Biwako Millennium Framework¹² or other information about discrimination against women and girls with disabilities, their access to education and other services.

International Aid

23. The government of Vanuatu received assistance under its bilateral agreement with the various donor partners.

The New Zealand Agency for International Development (NZAID) financially supported the Vanuatu Government in the development of its first national disability policy and national action plan.

24. The Vanuatu government through the development partners supported the role of DPOs The Australian agency for international development (AusAid) continues to support the disable person's organization in these following projects:

- The eye and nose screening implemented in Penama province conducted by the Vanuatu society for disable people (VSDP);
- The capacity building trainings and core funding for Disability promotion advocacy association.

25. The European Union funded the disability Survey which was conducted by the Vanuatu Society for Disable people (*VSDP*) in 2005.

Regional Commitment

26. The Government of Vanuatu was part of the inter-governmental meeting to conclude the UNESCAP Asian and Pacific Decade of Disabled Persons, held in Otsu, Japan, in October 2002, which adopted the Biwako Millennium Framework for Action (BMF). The Government of Vanuatu was part of the 2002 Forum Education Ministers meeting that discussed education for children and youth with disabilities. The meeting also noted and highlighted that access to appropriate education and training is fundamental for persons with disabilities to earn livelihoods and break the cycle of dependence and poverty.

¹¹ United Nations Committee on the Elimination of Discrimination against Women 1991.

¹² Biwako Millennium Framework (BMF): The BMF is a policy document and blueprint for action to achieve an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific by 2012. It builds on the agenda for action which guided the first decade. It outlines a set of principles, strategies, goals, targets, and directives for action, and forms a comprehensive set of guidelines for countries to use in developing policies and planning and implementing programmes for persons with disabilities.

27. As a Pacific Islands Forum member, the Vanuatu Government was one of the Pacific countries to participate in the Thirty-Fourth Pacific Islands Forum Leaders' Meeting, held in Auckland New Zealand in 2003. The Government of Vanuatu was the initial broker for the inclusion of disability in the Pacific Islands Leaders Agenda. In their 2003 meeting communiqué Forum Leaders acknowledged that an immediate priority for Pacific Governments should be to address policy that would dismantle barriers and improve access and coordination for people with disabilities. They also encouraged regional and international organizations to continue coordinated research that would assist policy development and enhance awareness in Pacific communities.

28. The Vanuatu Government has recognized and witnessed that in the last two decades, the approach to disability has moved from a 'charity' or welfare approach, to a human rights based approach issue. Pacific Islands Forum Leaders in 2003 also endorsed the Biwako Millennium Framework as providing a set of goals for Pacific countries to work towards over the next 10 years.

29. The Vanuatu Government also took part at the Pacific Island leaders Forum that adopted the Pacific Plan for Strengthening Regional Cooperation and Integration in 2005. The overall emphasis of the Pacific Plan is to create stronger and deeper links between the sovereign countries of the region. Disability progress and development is reflected in Initiative 12.5 of the Plan.

30. Vanuatu was part of the 2009 Pacific Islands Forum Leaders' Meeting held in Cairns Australia that reiterated support for people with disabilities and reaffirmed the need for more attention to be directed to the most disadvantaged group who are among the poorest and most vulnerable. They acknowledged that people with disability face many barriers to full and inclusive participation in society. Leaders further noted that the Regional Disability Strategy should focus attention on the need to address issues facing persons with disabilities in the Pacific, to build greater awareness on the importance of allowing access to greater and more equitable opportunities to enhance their quality of life and full enjoyment of all inalienable human rights.

31. Since the government of Vanuatu ratified the Convention on the Rights of Persons with disabilities (CRPD), it declared its intention to be part of the treaty that provides a universal standard for the human rights of persons with disabilities. The CRPD promotes a shift in understanding that recognises the limitations created by disability not as a problem of a person but as a problem of barriers created by society. The CRPD can provide specific guidance and a framework for national action even for countries that have not yet ratified.

32. In addition the government of Vanuatu was part of the Forum Disability Ministers Meeting (FDMM) in October 2009 held in the Cook Islands at which they adopted the Pacific Regional Strategy on Disability (PRSD). A report of this meeting was fully endorsed by the 2010 Pacific Islands Forum Leaders meeting held in Vanuatu.

33. The purposes of the Pacific Regional Strategy on Disability 2010-2015 are to:

- support Pacific Island Forum member countries to protect and promote the rights of persons with disabilities;
- provide a framework for the coordination of development partners, governments and civil society in building a disability inclusive Pacific; and
- strengthen commitment of all stakeholders towards implementation of the Convention on the Rights of Persons with Disabilities and other human rights instruments which/that relate to disability.

34. The Pacific Regional Strategy on Disability (PRSD) provides a strong rationale for regionalism by identifying specific areas where a cooperative regional approach will support national action. With the conclusion of the 'Biwako Millennium Framework for Action' (BMF, covering Asia and the Pacific) in 2012, the PRSD builds on work to date and takes a Pacific-specific approach. The Convention on the Rights of Persons with Disabilities (CRPD) is the foundation for the PRSD; the Strategy should support those countries that have signed and/or ratified, as well as supporting the use of the CRPD as a tool for inclusive development for those countries that have not yet signed.

35. Vanuatu government also participated in two (2) Pacific Island Ministers meeting in 2009 Cook Islands and the recent one in October 2012 in Port Moresby, Papua New Guinea. The meeting allowed Ministers responsible for disability to discuss and approve various areas of concern with regards to disability in the Pacific region.

36. In 2012 Vanuatu participated in the high-level intergovernmental meeting to conclude the UNESCAP Asian and Pacific Decade of Disabled Persons 2003-2012, held in Incheon, South Korea, in October-November 2012, which adopted the Incheon Strategy for the new Decade of Persons with disabilities 2013-2022. The countries in the Asia and the Pacific Region will ensure the period of this decade we have to *make the right real*. The Incheon Strategy is composed of 10 interrelated goals, 27 targets and 62 indicators. The time frame for achieving the goals and targets is the Asian and Pacific Decade of Persons with Disabilities, 2013 to 2022. Goals describe the desired end results. Targets are aimed to be achieved within a given time frame. Indicators measure progress towards the targets and verify that the targets have been achieved. There are two types of indicators: core indicators and supplementary indicators.¹³ All indicators should be disaggregated by sex wherever possible.

37. The government of Vanuatu through the Ministry of Justice and Community Services (MJCS) through the current CBR program will translate the specific areas of the Incheon Strategy into the National plan of which could be easily implemented.

Multilateral Linkages

38. Vanuatu has entered into a wide range of bilateral and multilateral treaties and has become a member of a number of regional and international organisations. Vanuatu is a member of the Asian Development Bank (ADB), the Food and Agriculture Organisation (FAO) of the United Nations, the International Civil Aviation Organisation (ICAO), the World Health Organisation (WHO) the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and the International Maritime Organisation (IMO). It is also a member of regional organisations including the Melanesian Spearhead Group (MSG), Pacific Islands Forum Secretariat (PIFS) and the Secretariat of the Pacific Community (SPC).

Part A. Articles 1-4

Measures taken to harmonize domestic law and policy with the Convention

39. The constitution of the Republic of Vanuatu recognizes, 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 of 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 defense, safety, public order, welfare and health-life; liberty; security of the person; protection of the law; freedom from inhuman treatment and forced labour; freedom of conscience and worship; freedom of expression; freedom of assembly and association; freedom of movement; protection for the privacy of the home and other property and from unjust deprivation of property; 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 under-privileged groups or inhabitants of less developed areas.¹⁴

¹³ Core indicators facilitate intercountry sharing of progress in the course of the new Decade; these are indicators for which data can be generated with some effort. Supplementary indicators may facilitate progress tracking among countries with similar social and economic development conditions and for which data may be less easy to collect.

¹⁴ s5 (1) Constitution of the Republic of Vanuatu.

40. Whereas the current constitution does not explicitly include disability as a form of disability as grounds for discrimination, the category of underprivileged group in Vanuatu Constitution Chapter (2) (5) (k) is inclusive of disability. In this regard the constitution also provides for the protection and equal rights for persons with disabilities.

41. Vanuatu does not have a specific legislation on disability at the moment. It is envisaged that the Convention on the Right of Persons with Disabilities will be used as a model to guide the development of a disability specific legislation for Vanuatu. The National Disability policy and plan of Action 2008-2015 defines discrimination on the basis of disability as any distinction, exclusion or restriction made on the basis of sex, age, race, place of origin, geographic location (urban/rural), culture, language, physical, intellectual or physiological disability, industrial activity, political beliefs or activities, religious beliefs or activities, sexual preference, pregnancy, status as parent or care/family responsibilities or by personal association with anyone who has any of these characteristics which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by people with disabilities, irrespective of their marital status, on a basis of equality with other men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial or reasonable accommodation. It also defines persons with disabilities as those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

42. Vanuatu has specific pieces of legislations that made specific reference to persons with disabilities. The Education Act 21 of 2001 specifically provides for non-discrimination on the grounds of disability and access to education by all children with disability. The Correctional Service Act No.10 of 2006 mandates a correctional center manager to ensure that the special needs of the persons with disability are provided for.

43. The Vanuatu Family Protection Act 2008 aims at reducing domestic violence at all levels of Vanuatu societies and promoting a harmonious family relationships and provides an avenue whereby a third party can seek legal remedy to assist person with disabilities in situation of domestic violence.

44. The Mental Hospital Cap 38 provides for the reception and detention of persons of "unsound mind" in the mental hospital of Port Vila, the only hospital in the country that has these facilities (Vanuatu 1965).

45. The Vanuatu national disability policy and plan of action strategic objective 8 calls on the Vanuatu government to enact a Disability Act which defines 'persons with disability' and 'discrimination' as per the UN Disability Convention. It should be noted that the Government did make an attempt to draft a disability act in April 1999 through the State Law Office following Vanuatu's signing of the *Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region*. In July 2013, the Disability Desk Officer and the Legal Drafting Unit of the State Law Office started discussions for a draft disability legislation. This initiative is undertaken through the development of a policy paper which the Council of Minister have Approval for its drafting instructions.

46. These discussion process has resulted in an agreement with the Pacific Islands Forum Secretariat and the UNESCAP and the Government of Vanuatu. The CRPD compliance legislative review is scheduled to happen in October of 2015 which may progress to drafting and enactment of Vanuatu disability legislation in 2016.

47. The government of Vanuatu has shown its commitment towards the promotion of the full realization of the rights under the convention by establishing a disability focal point under the Ministry of Justice & Community Services. The Disability Officer is mandated to coordinate government programs and activities for persons with disabilities. The Disability Officer also provides professional advice and assistance to Government and NGOs on issues relating to persons with disabilities. The Vanuatu government has also included a budget in the recurrent government budget since 2009, a monetary allocation of 4 million Vatu. The monetary allocation caters for Non-Government Organizations (NGOs) and Civil Society Organizations (CSOs) that carry out programs for persons with disabilities and

other vulnerable groups. The government in 2006 established a national disability committee which is responsible for oversee the implementation of the policy and ensuring that provision of the CRPD are mainstream in government and Civil society initiatives that deals with persons with disabilities.

48. The government is progressively taking necessary and appropriate modification and adjustments to ensure that persons with disabilities enjoy and exercise their rights on equal basis with others their human rights and fundamental freedoms. For example Disability representative is being included in the National Disability Committee, provincial disability committee, National youth Committee, and other involvement of persons with disabilities.

49. The Vanuatu National Disability Policy and Plan of Action 2008-2015 integrated the general principles and obligation of the convention under article 3 and 4 into a nine policy directives including national coordination, self-help and rehabilitation, women with disabilities, training and employment, access to build environment and public transport, poverty alleviation, early detection and interventions, access to information and communication and regional cooperation. The government has identified 6 (six) guiding principles to ensure the effective realization and promotion of the rights under the convention. These principles include:

- habilitation and rehabilitation;
- women with disabilities;
- education;
- training and employment; and
- accessibility for persons living with disabilities.

These rights are progressively implemented and aim to work in collaboration with the civil society organization to implement all other rights, such as article 29 which address participation of People with Disabilities (PWD) in political and public life.

50. The Vanuatu government through the Ministry of Education endorsed an Inclusive Education Policy and Strategic Plan 2010-2020 that sets the framework towards an education system that is inclusive of all children and that creates an environment which recognizes that ALL children can learn. The policy is inclusiveness of all children including children with disability. In 2001, the Ministry of Health included in its health policy a statement on non-discrimination on the grounds of disability.

51. The Vanuatu under the decentralization Act adopted the CRPD into the provincial governments plans and budgets. The national government allocates a total of 200, 000 Vatu (2,000 USD) for disability programs within the 6 provinces namely: (Tafea, Shefa, Malampa, Torba, Penama and Malampa) provinces of Vanuatu annually.

52. The Vanuatu government through the Department of Women's Affairs established Provincial Women's desk officer in the six provinces. Disability issues are mainstreamed into the provincial women's desk officer's terms of reference. The provincial women's desk officers are responsible for the coordination and implementation of CRPD in the province.

53. The government in collaboration with the provincial governments established provincial disability committee in three provinces namely Tafea, Shefa and Malampa Provinces.

54. The SHEFA Provincial Government is the only administrative body at the provincial level that has adopted the CRPD as its platform for action to promote persons with disabilities. Some of the administrative measures it took to effect such commitments included:

- the waiving of airport fees for persons with disabilities in May 2008;
- building a ramp to provide physical access to the provincial headquarter in Port Vila;
- appointing a disability officer and increasing its annual disability budget.

55. In May 2009 the Shefa provincial government council adopted the Australian Building standards and the Universal colour code. The Vanuatu government is currently discussing options to legislate this measure.

56. The government Disability Desk with the assistance from development partners has conducted CRPD training and education to the Police and Vanuatu Mobile Force Officers and the provincial area secretaries and heads of government departments. Awareness program has been conducted in communities around Port Vila and the nearby islands by the government in 2011. The government has also provided awareness through poster, brochures and through the media inclusive of daily post newspaper, radio and TV. Three People with Disabilities were involved in the consultation team on the Disability policy to ensure policy addresses real issues affecting persons with Disabilities.

Part B. Articles 5-8

Article 5: Equality and non-discrimination

57. Article 5 (1) of the Constitution of Vanuatu embodies a strong commitment to enjoyment of fundamental rights and freedoms by individuals on the basis of equality and without discrimination and states as follows: “Vanuatu recognizes 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 defense, safety, public order, welfare and health, life; liberty; security of the person; protection of the law; freedom from inhuman treatment and forced labour; freedom of conscience and worship; freedom of expression; freedom of assembly and association; freedom of movement; protection for the privacy of the home and other property and from unjust deprivation of property; 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 under-privileged groups or inhabitants of less developed areas.”¹⁵

58. The category of underprivileged group in Vanuatu Constitution Chapter (2) (5) (k) is inclusive of disability, therefore, the constitution also provides for the protection and equal rights for persons with disabilities.

59. The protection of the law in the Vanuatu constitution provides for:

- everyone charged with an offence shall have a fair hearing, within a reasonable time, by an independent and impartial court and be afforded a lawyer if it is a serious offence;
- everyone is presumed innocent until a court establishes his guilt according to law;
- everyone charged shall be informed promptly in a language he understands of the offence with which he is being charged;
- if an accused does not understand the language to be used in the proceedings he shall be provided with an interpreter throughout the proceedings;
- a person shall not be tried in his absence without his consent unless he makes it impossible for the court to proceed in his presence;
- no-one shall be convicted in respect of an act or omission which did not constitute an offence known to written or custom law at the time it was committed;
- no-one shall be punished with a greater penalty than that which exists at the time of the commission of the offence;

¹⁵ s5 (1) Constitution of the Republic of Vanuatu.

- no person who has been pardoned, or tried and convicted or acquitted, shall be tried again for the same offence or any other offence of which he could have been convicted at his trial.

60. In 2002, Disability Promotion & Advocacy DPA made a written submission to the Constitutional Review Committee to include “disability as a grounds of non-discrimination” in article 5(1) of the Constitution as well as to widen the definition of under-privileged group to include disability. Several special measures are also provided for by the government, such as free access to outpatient facilities; exist to assist students, older persons and persons with disabilities. Otherwise, affirmative measures in law or administrative actions are currently limited.

61. It is important to note that the provincial government of TAFEA, SHEFA and SANMA all called for the inclusion of disability as a grounds for non-discrimination to be included in the Constitution. The provincial government recognizes this as important in the realization of the rights of persons with disabilities. The provincial government in their respective consultation called for legislative reform to include the enactment of a specific disability legislation that domesticates the articles for the CRPD for the greater protection of the rights of persons with disabilities. The Shefa and Sanma provincial government has incorporated the rights of persons with disability into their corporate plans and allocated focal points for disability in each province, these includes budgetary allocation of 200,000 Vatu annually.

62. The Vanuatu Government is making legislative and administrative reform a priority in creating a conducive environment for persons with disabilities. The Government is also embarking on a legislative compliance to ensure that Vanuatu laws and policies are in conformity with the CRPD. The Government of Vanuatu is working towards establishing appropriate legislative, administrative and other measures for the implementation of the rights recognized in the CRPD, which is required under article 4 (General obligations).

63. The Vanuatu Government has taken the first step towards affecting the CRPD by adopting all the definitions in article 2 of the CRPD in the Vanuatu national disability policy and plan of action 2008-2015.

Article 8: Awareness-raising

64. The National Disability Policy and Plan of Action policy directive 8.7 provides for the government to initiate public education campaigns directed at early detection and the prevention of the most preventable causes of disability. The NDPPA contains actions to inform the population, from the general public to Government officials, including cabinet ministers, and to donors and regional and international agencies. There are planned actions for the Government itself to be kept informed through research, collection of data either within individual departments or Ministries or through events such as national censuses and through the sharing such information in Vanuatu. The Tafea provincial government is working towards creating measures to accommodate a disability friendly environment. The province has created a ramp for wheel chair access into the provincial head office which showed the first step to inclusion which allows wheelchair users to access the office to seek information and voice their concern to the Provincial authorities.

65. Currently the Vanuatu Police Force is conducting awareness nationally in all six provinces and in schools including both primary and secondary schools. Awareness was also conducted with youth and women’s group on: human rights, general laws, safety and security. The laws are specifically on the family protection Act 2008 (aims at reducing domestic violence at all levels of Vanuatu societies) the training also provided information on competent stereotype, prejudices and harmful practices relating to persons with disabilities. In order to raise awareness throughout society including at family level regarding persons with disabilities and to foster respect for the rights of persons with disabilities the government also conducted training on provision on the Family protection Act which promotes harmonious family relationships. This includes promoting avenue whereby a third party can seek legal remedy to assist person with disabilities in situation of domestic violence.

66. The Vanuatu government through the disability desk office in partnerships with NGOs partners and other government agencies conducted effective awareness raising within the existing networks to promote a positive image of persons with disabilities. The Vanuatu government through the disability desk in partnership with its stakeholders commemorates the international day of Persons with Disabilities annually through various means of awareness raising about the convention to the public at large.

67. The Vanuatu government in partnership with SPC/RRRT Vanuatu Country focal project conducted human rights and CRPD awareness with disable persons organizations, the Vanuatu police officers, communities in Port Vila and the three main islands namely, Santo, Tanna and Malekula, national and provincial disabilities committees, national and provincial family protection committee, members of the Vanuatu Christian council of churches network and other interest community groupings.

68. The Vanuatu government established disability focal points at the Ministry of Health, Education and Infrastructure and Public Works. The Focal points are responsible for mainstreaming disability issues to respective line ministries. The government through the Ministry of Justice and the department of women's affairs established provincial women's desk officers and provincial disability committee who are responsible for the implementation of the convention. The focal point ensures the participation of persons with disabilities in policy development and its implementation are priority.

69. The Vanuatu government support initiatives taken by NGOs and DPOs in promoting the rights of persons with disability through sports, media, and lobbying government to recognize disable people as a marginalized group.

70. The Pacific Islands Forum Secretariat in partnership with the SPC/RRRT and the Australian Human Rights Commission (AHRC) have provided support through facilitating specific human rights education to government officers and peer educators on the CRPD and how it can be used to enhance the promotion and protection of the rights of persons with disabilities. It is important to note there that is a need to further establish wider networks within Vanuatu for accessing information on the Convention on the Rights of Persons with Disabilities.

71. The Ministry of Justice and Community services currently coordinate all disability activities in Vanuatu. It also serves as the Government focal point for disability for Vanuatu and other stakeholders in the region. The Ministry of Justice and Community services is also responsible for providing quality and timely advice on disability inclusive development strategies, work plans, programmes and activities. Included in this approach is the monitoring and evaluation of the inclusive development strategies, work plans, programmes and activities.

72. The Vanuatu National Disability Committee is an advisory arm of the government responsible for coordinating disabled people's organization at the national level. The disability committee works in collaboration with Ministry justice and community service to promote and enhance disability inclusive development in the country.

73. Vanuatu is the process of submitted its second Universal Periodic Review (UPR) to the human rights council. This will serve as a platform that can provide for independent monitoring in relation to the full realizations of the fundamental human rights encapsulated under the Convention on the Rights of Persons with Disabilities. The recommendations from the Human Rights Council can be used as a guiding tool for enhancing the status of persons with disabilities. Furthermore, the recommendations can also be used to monitor Vanuatu's progress in relation to its commitment to the CRPD and more importantly the full realization of fundamental human rights for persons with disabilities at the international level.

74. The Convention on the Rights of Persons with Disabilities also provides for a mechanism in which Vanuatu's compliance on its obligations can be measured against. DPOs and CSOs can use the CRPD to monitor their own organizational commitments and obligations towards persons with disabilities at the national level. The CSO and NGO are currently discussing the production of a CRPD shadow report will provide a check and balance to the government in meeting to its obligation under the CRPD. Regional

organizations can also use the CRPD to develop their own regional disability strategies, assist governments in developing rights based approach policies and legislation including implementation, monitoring and evaluation.

75. International treaties ratified by Vanuatu such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child can also act as independent monitoring instruments for persons with disabilities — in particular women and children with disabilities. The report acknowledges that more needs to be done to ensure that issues pertaining to women and children living with disabilities are adequately covered in the named UN treaties.

76. The Vanuatu Women’s Centre an NGO also plays a pivotal role in assisting families and or victims of violence in Vanuatu. The Vanuatu Women’s Centre and the Vanuatu Society for Disable People work together to assisting persons with Disability who suffered from violence.

Part C. Articles 9-30

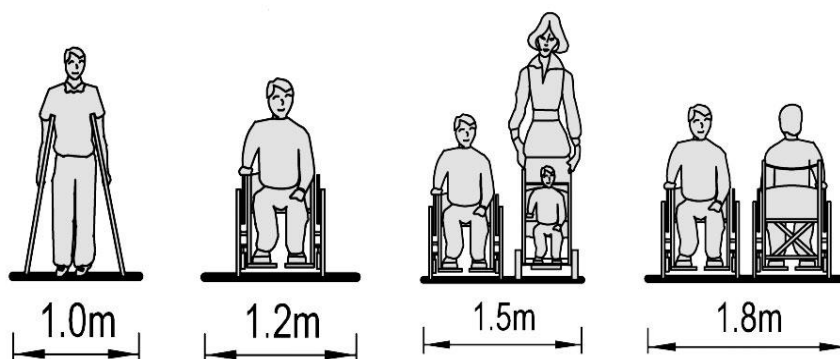
Article 9: Accessibility

77. The Ministry of Infrastructure has formally established a committee to look at the building code and ensure implementation and compliance with provision of the Convention. It is important to note that there is inadequate infrastructure in place that provides for accessible public transportation and the government is considering public transportation to be accessible. The Vanuatu government through the Shefa Provincial government physical planning unit established measures which ensures that all building permit application comply with the building code where persons with disabilities are concern, including ramp access for wheelchairs.

78. The Public Works Department is currently looking at reviewing relevant codes and laws to ensure compliance with the relevant articles in the CRPD. The National Building Code was finalized in 2013.¹⁶ The Building Code specifies the performance criteria and the standards for buildings and amenities to be disability friendly. The building code stipulates that class 3, 5, 6, 7, 8 and 9 must provide access for people with disabilities. The government of Vanuatu has an existing draft Road bill. Figure 1. The standard designs for the road structure is inclusive of the width required for persons with disability. As part of the consultation for the draft road bill the Ministry of Infrastructure and Public Utilities conducted training for stakeholders on accessibility issues facing persons with disabilities. This is basically to ensure inclusiveness in all works that is allocated to communities or construction companies. For example for a company to be eligible to get a contract from the Public Works Department, there has to be at least someone with disability employed in that company.

¹⁶ 1. Public buildings are defined as Class 5, 6, 7, 8 and 9 under Part A3 “Classification of Buildings and Structures” in the Building Code, and are termed as schools boarding houses, hostels, lodging houses, accommodation for the aged, persons with disabilities or children, hospitals, airport terminals, hotels, office buildings, cafes, restaurant, bars, hairdressers or barber’s shop, public car park, and Assembly buildings.

2. The Building Code, as part of its Schedule of Referenced Documents (section A1.3), was written in consideration to the Australian Standard 1428 (AS 1428), which is the “Design rules for access by the disabled”, which are in the Code as clauses ND3.2, ND3.3 and NF2.5.



79. The government in 2012 launched the Information and Communication Technology (ICT) policy in Vanuatu which will provide access to information and technology for persons with disabilities through access to computer, Braille and use of telecommunication. With regards to access to school facilities, schools in Malekula, Ambrym, Panama Malampa province, particularly, on the island of Malekula are currently working to ensure that the schools are accessible to children with disabilities including school materials and teacher aid to support students with special needs.

80. Currently the government of Vanuatu in partnership with provincial authorities and nongovernmental organization have collaborated on disabilities issues that have resulted in the:

- Increased knowledge on human rights and rights based approach, meaning more human resource are being delivered to effect advocacy to the community at large on disability issues;
- Progress on the inclusive education policy, building code policy, inclusive sports policy which aims at and set clear standards and guidelines on the promotion of equal access for all including facilities and services at the homes, communities, and to the public at large be disability friendly.

81. Furthermore, the Provincial Disability Committees of the provinces of Sanma and Tafea oversees the development and implementation of national strategies and framework of CRPD at the provincial level. The Provincial Disability Committees encourages government and non-government entities to include the CRPD in national strategies and activities.

Article 10: Right to life

82. Article 5 of the Constitution of the Republic of Vanuatu recognizes and protects the rights to life for an individual without discrimination including persons with disabilities. It is envisioned that the disability act will go further to entrench the right to life and prevent arbitrary deprivation of life.

Article 11: Situations of risk and humanitarian emergencies

83. The National Disaster Management Office (NDMO) at the Ministry of Internal Affairs is responsible for the dissemination of information to the people that are at risk from natural disasters. It is envisioned that a clear framework on how to deal with persons with disabilities in situation of risk and humanitarian emergencies be finalized and entrench in the disability act. The Vanuatu government in partnership with Oxfam established a Vanuatu humanitarian team (VHT) whose mandate includes ensuring the safety of persons with disability in situations of natural disasters. Five clusters were developed by the VHT are education, agriculture, health, water, sanitation and hygiene and logistics. Gender and protection of vulnerable groups is a cross cutting issues amongst the five established clusters. During the Tropical Cyclone PAM on 13th March 2015, 26 persons with disabilities were evacuated to different evacuation centres around Port Vila which is the

Capital of Vanuatu. Others were evacuated to family member's houses as their houses were not safe for the category 5 cyclone. Post cyclone assessment, include persons with disabilities. The information collected from the assessments were used to distributed relief supplies were persons with disabilities were also included. Shelter supplies were priority need and persons with disabilities also received shelter supplies such as tabaulins and tents. Statistics of the post PAM assessment showed that over 500 persons with disabilities were provided with relief supplies and were treated as equal as other citizen without discrimination.

84. The Vanuatu National Tsunami Plan 2012 aims at articulating the mitigation, preparedness, and warning, response and recovery arrangements for tsunami. The development of this plan is in line with the *s10 of the National Disaster Act 2006 (Cap 267)* which provides provision to the National Disaster management officer to prepare a national disaster Support Plan for each kind of disaster in consultation with government and non-government agencies and the National Disaster Management Plan 2009. The Tsunami plan is inclusive of disabilities and it includes:

- evacuation of persons and /or communities at risk of natural disaster;
- issues tsunami evacuation warning orders for individual communities that describe possible local effects suggested action and evacuation arrangements;
- direct the protection of emergency land and marine resources by removing them from the likely impact area;
- general process specifically police officers during emergencies to communities including woman, children and people with disabilities.

This has also been mainstreamed at local government level, for example the SHEFA Community Disaster Plan and Humanitarian emergency plan is in place to assist with disaster evacuation and is inclusive of persons with disabilities'. Incidentally, it is common practice or norm that in situations of natural disasters and emergencies, focus is on those with disabilities, the elderly and children.

85. In August 2013 the government of Vanuatu approved a right to Information policy which commits governments to release all information to the public. The sole exceptions are what constitute legal breaches of security or privacy. It is envisage that people living with disability will be able to access information regarding natural disasters and other relevant information.

86. The national disability desk has used radio services to effectively warn and inform family members to ensure Persons with disabilities are secure and properly cared for during the disaster. In general terms persons with disabilities are cared for by the immediate family and their communities including church groups. There has been an effort by the government with technical support from the Pacific Disability Forum to provide training for care-givers, parents and community leaders on disaster preparedness at provincial level.

Article 12: Equal recognition before the law

87. The right of the individual to equality before the law and in the protection of the law is stipulated under article 5(1)(k) of the Vanuatu Constitution which states that "all persons are entitle to 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 under-privileged groups or inhabitants of less developed areas".

88. There are no current legislations put in place to restrict the full legal capacity on the basis of disability. The existing bank of Vanuatu provides loan schemes which also include persons with disabilities. Persons with disabilities are encouraged to access loan schemes for income generating activities such as poultry and piggery.

89. The Public Solicitors office provides free counselling and legal aid to all who cannot afford a lawyer, this service is currently available to persons with disabilities. Additional

training has been provided to police officers and Vanuatu Mobile Force members as first responders in cases of domestic violence to ensure that they recognize persons with disabilities as full persons before the law and give the same weight to complaints and statement from persons with disabilities as they would give to non-disable persons.

90. The government in partnership with SPC/RRRT organized human rights sensitization workshop for communities in 2 communities informing them about their rights and recognition of all persons with disability before the law.

Article 13: Access to justice

91. Article 5 (1) (d) of the Constitution of Vanuatu provides that every individual without discrimination have the right to be protected by the law. Furthermore, Article 5 (2) further provides that the right to the protection of the law includes the notion that every individual that has been charged with an offence shall have a fair hearing, within a reasonable time, by an independent and impartial court and to be afforded a lawyer. Further, article 6 of the Constitution of Vanuatu provides that any individual who considers that any of the rights guaranteed to him or her by the Constitution has been or is likely to be infringed may, independently of any other possible legal remedy, apply to the Supreme Court to enforce that right. This also applies to persons with disabilities.

92. Article 5 (1) (j) of the Constitution of Vanuatu further provides that all persons has a right to the protection for the privacy of the home and other property and from unjust deprivation of property. Protection of the law shall include the following:

- everyone charged with an offence shall have a fair hearing, within a reasonable time, by an independent and impartial court and be afforded a lawyer if it is a serious offence;
- everyone is presumed innocent until a court establishes his guilt according to law;
- everyone charged shall be informed promptly in a language he understands of the offence with which he is being charged;
- if an accused does not understand the language to be used in the proceedings he shall be provided with an interpreter throughout the proceedings;
- a person shall not be tried in his absence without his consent unless he makes it impossible for the court to proceed in his presence;
- no-one shall be convicted in respect of an act or omission which did not constitute an offence known to written or custom law at the time it was committed;
- no-one shall be punished with a greater penalty than that which exists at the time of the commission of the offence;
- no person who has been pardoned, or tried and convicted or acquitted, shall be tried again for the same offence or any other offence of which he could have been convicted at his trial.¹⁷

93. Currently, there are not person with disabilities in the Correctional Center, except for 2 minor cases of mental disabilities due to drugs. The mental health Team with the Ministry of Health visited the 2 detainees regularly and works with them to ensure this problem does not get worse. The current Department of Correctional Services facilities are not accessible, including the toilets and bathrooms. But the Director and Center managers are positive that future development must include access for persons with disabilities.

94. The National Police Station is not accessible for wheelchair but the Disability Desk will continue to advocate that access be provided and information transfer from clients to police and vice-versa is understandable for instance, clients with mental disability or deaf. The Government has for the last few years engaged itself to regional human rights training of which the issue of disability is addressed. The Attorney General's Office have facilitated

¹⁷ s5 (2) (a-h).

workshops and consultations with the Correctional Office in 2011 and also conducted awareness programmes with Prison Officers on the CRPD.

Article 14: Liberty and security of the person

95. Article 5 of the Constitution of Vanuatu provides for the right of an individual to liberty and security this includes every citizens including persons with disabilities. The immigration Act allows for freedom of movement for all people. People with disabilities are offered special treatment when it comes to police investigation and trails. Officers visit them at their homes and are offered more time due to their situation, however they are also informed that law is equal to everyone. People with mental illness are wandering around in the communities which community members recognized them as members of the communities. They are secured in community by-laws and rulings which protect them from any inhuman treatments. Persons with disabilities who are taken to the police station are treated with respect and more time is spend particularly those with hearing difficulties.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

96. Vanuatu ratified the Convention against Torture in 2010. Furthermore, Article 5 of the Constitution also provides for the freedom of an individual from inhuman treatment.

97. The government of Vanuatu recognizes that public institutions such as the hospital in the course of its day functions will need to acquire full and informed consent of patients and those that is seeking assistance and or medical assistance. This policy is applicable to persons with disabilities where their consent is required for medical or scientific purposes.

98. Detainees with disabilities have been offered check by Doctors at the Central Hospital whenever they request medical treatment. One of the Detainer ended up being in need of wheelchair due to serious injuries as a result of escaping and not respecting order from authorities. The Disability Desk provided him with a wheelchair which enables him to mobile and participates in all activities as well as enjoyed his human rights to movement. People with Disabilities as everyone else have the right to raise complains if for any reason an institution have tortured them in some ways according to the constitution of Vanuatu. The Government is yet to ensure that the Disability Desk is informed of all information related to persons with disabilities.

Article 16: Freedom from exploitation, violence and abuse

99. Article 5 (1) (a) (b) an (c) of the Constitution of the Vanuatu provides that everyone has the right to life, liberty and security. Additional the Mental Hospital prohibit the ill-treatment of patients by staff employed in mental hospitals.

100. The Vanuatu Family Protection Act 2008 aims at reducing domestic violence at all levels of Vanuatu societies and promoting a harmonious family relationship. The act provides an avenue whereby a third party can seek legal remedy to assist person with disabilities in situation of domestic violence.

101. The Vanuatu government established the police family protection unit in Port Vila and the provinces. The unit was established as a safe place whereby victims of violence and abuse can seek assistance for legal redress.

102. The Vanuatu Government is in the process of finalizing its gender policy which has specific measures that provide for equality and empowerment of women. Under the policy protection from gender-based violence (including girls and women with disabilities) is a priority. During the consultation processes of the policy, people with disabilities were invited to participate in discussion.

Article 17: Protecting the integrity of the person

103. A general norm exists to ensure that consent is obtained by any person in relation to receiving any medical treatment. The Disability Desk is showing the society and other agencies of the importance of integrity of a person with disabilities. For example Disability Desk staffs seek consent from the person or parent for children with disabilities before pictures a taken. In the medical setting, medical practitioners consult persons with disabilities for their final opinion about their treatment and parents or Care-Giver for children or person with unsound mind or deaf.

Article 18: Liberty of movement and nationality

104. Article 5 (1) (b) of the Constitution provides for the individual right of liberty (this includes for persons with disabilities). Article 5 (1) (i) of the constitution also recognizes freedom of movement (this includes persons with disabilities). The Immigration Act which applies to the entry or residence of all non-citizens does not discriminate entry on the basis of disability. The citizenship Act does not discriminate on the basis of disabilities. Every citizen of Vanuatu has the right to have an identity such as a passport or other identification. The Passport office does not discriminate on the basis of disability.

105. In addition, the Shefa Province provides an exemption of all taxes for people with disabilities travelling through the airport.

106. Birth registry is mandatory under Civil Status (Registration Act 1981). It is important to note that all babies born both able and disabled are registered. The government is working towards providing special measures that promote the registration of children with disabilities. This includes providing training for mid-wives, medical practitioners, churches and traditional leadership structures. Government in partnership with NGOs has taken measures to provide mass outreach mobile registration campaigns targeting all children in remote communities. In the future there will specific programs targeting registration of children with disabilities.

Article 19: Living independently and being included in the community

107. There is no system in place which provides personal assistants for persons with disabilities. The Government of Vanuatu is currently working on what it can provide given its limited resources. The priority for the government of Vanuatu is to ensure that persons with disabilities know their rights and better able to access public facilities and services which are integrated into public institutions. The Vanuatu government supported the role played by the families and communities of PWD who provides personal assistance to person with disability.

108. The government in partnership with WHO developed a Community-based rehabilitation Action Plan (2014-2024) which aims to improve the lives of people with disabilities in all communities by establishing CBR approaches and programs and strengthening the existing program by government, NGOs and DPOs. It is estimated that 20% of Persons with severe forms of disabilities in Efate and Santo are provided with health and rehabilitative services in their homes. Those services are provided by government in partnership with specialized NGOs such as the Vanuatu Society for Disable People (VSDP) and the Sanma Frangipani Association (SFA).

109. There are no options of residential services for living arrangements, including shared and sheltered accommodations which take into account any form of disability at this stage. However, it is envisaged that this will be addressed by the State in the future. Persons with disabilities live with and are cared for by their families, therefore, share everything with them. However, it is only when they are referred on severe medical circumstances to the hospital, that they are admitted to the public hospital where everyone has access-able and non-able people.

110. People with disabilities generally have access to community services and facilities such as hospitals, places of worship, parks, sports and cultural activities and other social gatherings. There is no restriction on anyone in Vanuatu to any public place where services are provided for everyone. Everyone is at liberty to come and go to any place as individuals or corporately, including persons with disabilities.

Article 20: Personal Mobility

111. The Constitution of Vanuatu caters for freedom of movement therefore persons with mobility a difficulty has the right to move from one place to another. The Government in 2014 developed a National CBR Action plan 2014-2024. This will support provision of disability devices which the government receives from donation from Australia and New Zealand. The Vanuatu Society for Persons with Disabilities have built partnership with the LDS Church and the church have supplied over 300 wheelchairs and other mobility devices such as walking frame. Devices are distributed to every person with mobility difficulties including elderly population.

112. Other registered NGO are also working with the government to provide mobility devices for children with disabilities. The support for devices are more feasible post cyclone Pam in March 2015 as international partners are willing to support in the recovery process.

113. Efforts are being taken to address mobility in terms of provision of footpaths and increase lightings and for residence in urban areas under appropriate municipal by-laws. The public institutions and hotels are mandated by laws to provide access including ramps and elevators for person with disabilities to access services provided.

114. The SHEFA provincial government integrated through workshops and awareness programs ways to assist PWD's within the community. Families continue to have the main responsibility of looking after PWD's, they provide assistance.

Article 21: Freedom of expression and opinion, and access to information

115. Chapter two, article 5 (1) (g) of the constitution provide for all people in Vanuatu have the freedom to expression. Article 5 (1) (d) of the Constitution provides that all individuals have a right to equality before the law and protection of the law. This would include access to information. Persons with disabilities share the same right as able people to the media whether it be newspaper, television or radio.

116. In August 2013 the government of Vanuatu approved a right to Information policy which commits governments to release all information to the public. The sole exceptions are what constitute legal breaches of security or privacy. This right to information policy will provide a way forward to a right to information law which will recognizes the right of persons with disability to freedom of expression and opinions, including the freedom to seek, receive and impart information and ideas through all forms of communication of their choosing. A Right to information bill was drafted in 2014, the provisions in this bill support freedom of expression, opinion and access to information for persons with disabilities. Additionally the language Office in the Prime Minister's office translate all official documents into the three official languages. (English, French & Bislama (National language)). The government recognizes the need to make information accessible in a format accessible to persons with disabilities including Braille for people with visual impaired, and sign language. It requires finance and technical expertise to make this a reality.

117. The media is open for awareness and reporting purposes of people including persons with disabilities.

Article 22: Respect for privacy

118. Article 5 (1) (a) (b) (c) (j) of the Vanuatu Constitution provides that the right of the individual to life, liberty, and security of the person, and the right to protection for the privacy of the home and other property and from unjust deprivation of property. Article (5) (1) (k) provides the right to 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 under-privileged groups or inhabitants of less developed areas. This right to individual also applies to persons with disabilities. With the many awareness campaigns on the rights of persons with disabilities, the attitude of people have been positively receptive towards them and they are more visible and accepted in society today.

Article 23: Respect for home and family

119. The Vanuatu control of *Marriage Act (cap 45)* does not forbid persons with disabilities from entering into a marriage contract.

120. The Vanuatu constitution 5 (1) (a) (b) (c) provides that the right of the individual to life, liberty, and security of the persons that also gives persons with disability the right to access family planning, assistive reproduction and adoption or fostering program. Also s(g) declare freedom of expression so persons with disabilities are entitled to those rights in deciding what they want to do for themselves.

121. Government support Persons with disabilities to start a family and choose how many children they will have considering responsibilities that may arise.

122. The families of persons with disabilities provide support to maternal mothers while in the process of raising their children.

123. In rare cases where the parents of the child is unable to care for the child due to severe disability, under customary practice, families including extended families will take responsibility for the child.

Article 24: Education

124. The Education act No 21 of 2001 Part 1 (8) (1) prohibits against discrimination stating “... a child is not to be refused admission to any school on account of his or her gender, religion, nationality, race, language or **disability**”.

125. The Vanuatu’s *Priorities and Action Agenda 2006-2015*, which is the nation’s current 10-year development plan, mention is made for the inclusion of persons with disabilities (Vanuatu 2006). Specifically, section 8.1 in chapter 8 on Education and Human Resource Development incorporates the “Education for All” agenda and the Government has prioritized and is committed to achieving the following six goals:

- expand and improve early childhood care and education, *especially for the disadvantaged*;
- by 2015 all children (especially girls, minorities, *the disadvantaged*) have good quality, free, complete compulsory primary education [emphasis added];
- all young people and adults have equitable access to learning and life skills;
- a 50 per cent improvement in adult literacy (especially for women) by 2015 and equitable access to basic and continuing education for all adults;
- improved quality and excellence, especially so that targets are met in literacy, numeracy and essential life skills; and
- elimination of gender disparities in education.

126. The Vanuatu national disability and plan of action 2008 to 2015, policy directive 8.4 aims at ensuring that all girls and boys with disabilities are given the fullest possible

opportunities for education, and to equal opportunities for vocational training and employment for people with disabilities.

127. The Vanuatu government through the Ministry of Education endorsed an Inclusive Education Policy and Strategic Plan 2010-2020 that sets the framework towards an education system that is inclusive of all children and that creates an environment which recognizes that ALL children can learn. The policy is inclusiveness of all children including children with disability. Vanuatu is part of the strengthening of the capacity for disability project in the Pacific with partnership with the University of the Queensland Australia and the University of the South Pacific (USP). The goal of the project is to establish two model inclusive schools by 2016. In 2015 the Ministry of Education established an Inclusive Education comprising of MOE Staffs and a representative of Persons with disabilities from Vanuatu Society for Persons with Disabilities.

128. Since 2001, the Vanuatu government through the Ministry of Education appointed a special needs officer and progress was made on several fronts including prioritizing of the goals of “Education for All” for Vanuatu to include children with disabilities the collection of data of school-aged children with disabilities attending schools and addressing the need to establish specials schools in Port Vila and Santo.

129. The Education and training sector strategy (2006-2016) comprise of ten priority areas that have been earmarked. The priority areas are significant for the inclusion of children with disabilities:

- improve the relevance, quality and accessibility to pre-schools and Special Education for all young children as stipulated within the EFA National Plans and the Millennium Development Goals indicators;
- achieve relevant and quality universal Primary Education up to year eight in line with the EFA goals and targets of the Millennium Development Goals;
- increase accessibility and improve the relevance and quality of teacher education.

130. The MOE collects data on the actual disabilities that are in school. When the position of the Special Education Coordinator was created in 2001 the officer prepared questionnaire form to collect data. The questions were incorporated into the VEMIS questionnaire forms. Table 2 and 3 summarized the number of students with disability in the primary and secondary school by province and gender.

Table 3: Primary Schools by Disabilities, Province and Gender 2012

<i>Disabilities</i>	<i>Torba</i>		<i>Sanma</i>		<i>Penama</i>		<i>Malama</i>		<i>Shefa</i>		<i>Tafea</i>		<i>Total Male</i>	<i>Total Female</i>	<i>Grand Total</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>			
Down Syndrome	1		5	2			1	1	4	3	1	1	12	7	19
Hearing Impairment	9	5	67	47	25	22	25	35	33	26	34	39	193	174	367
Learning Disability	88	58	382	325	147	95	116	98	207	144	211	178	1 151	898	2 049
Mental Disability	10	6	47	24	3		17	13	12	3	21	19	110	65	175
Multiple Disabilities	5	4	15	9	2	1	7	5	9	9	2		40	28	68
Other Disability	5	2	3	8		1	3	2	10	2	2	1	23	16	39
Physical Disability	5	1	20	13	6	10	7	11	17	7	18	8	73	50	123
Sight Impairment	10	8	34	25	6	8	13	16	20	29	24	8	107	94	201
Social and Emotional Problems	4	2	30	26	13	16	6	3	9	9	5	2	67	58	125
Speech Impairment	5	8	35	50	8	4	14	5	15	9	21	12	98	88	186
Total	142	94	638	529	210	157	209	189	336	241	339	268	1 874	1 478	3 352

Table 4: Secondary Schools by Disabilities, Province and Gender, 2012

<i>Disabilities</i>	<i>Torba</i>		<i>Sanma</i>		<i>Penama</i>		<i>Malama</i>		<i>Shefa</i>		<i>Tafea</i>		<i>Total Male</i>	<i>Total Female</i>	<i>Grand Total</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>			
Down Syndrome			4	6					2				6	6	12
Hearing Impairment	5	2	10	10	4	2	2		9	6	1		31	20	51
Learning Disability	28	45	45	64	18	17			17	6	10	6	118	138	256
Mental Disability	3			1					1				4	1	5
Multiple Disabilities	2	2	1										3	2	5
Other Disability	2	2	4	5	1				1	1	1	1	9	9	18
Physical Disability	5	1	7	11	4	6	3	1		2	2		16	23	39
Sight Impairment		3	15	10	6	1	1		19	17	2		49	34	83

<i>Disabilities</i>	<i>Torba</i>		<i>Sanma</i>		<i>Penama</i>		<i>Malama</i>		<i>Shefa</i>		<i>Tafea</i>		<i>Total Male</i>	<i>Total Female</i>	<i>Grand Total</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>			
Social and Emotional Problems	6	6	45	45					1	1	4		49	52	101
Speech Impairment	3	2		1	1								9	2	11
Total	57	63	131	153	34	26	6	1	49	33	17	11	294	287	581

Sources: Education Department, VEMIS.

131. Continued financial and technical assistance is required to progressively realize access to education for persons with disabilities in Vanuatu. Specifically, skills training for braille, sign language and alternative communication for children with special needs. Vanuatu is yet to establish proper statistics for percentage of children with disabilities in primary and secondary school levels.

Article 25: Health

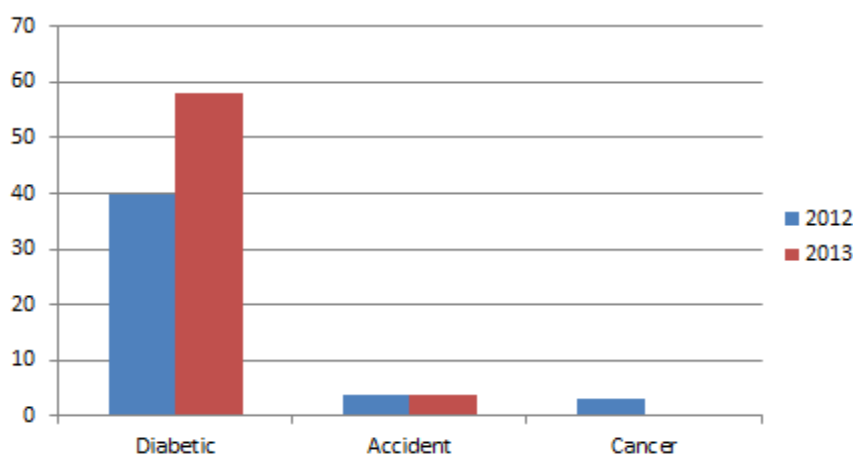
132. The Ministry of Health does not have a specific health legislation that considers the right to health of persons with disabilities however it does have policies that aim at ensuring persons with disabilities are treated with dignity and respect. The Ministry of Health prohibits non-discrimination on the grounds of disability in its policy.

133. The Ministry of Health Sector Strategic Plan has as its Mission to protect and promote the health of all people in Vanuatu, and people with disability are included as people of Vanuatu. Its broad objectives are to:

- improve the health status of the population;
- ensure equitable access to health services at all levels of services;
- improve the quality of services delivered at all levels; and
- promote good management and the effective and efficient use of resources.

134. Recent statistics from the Vila Central Hospital showed that the highest cause of secondary disability is Non-Communicable Disease (NCDs) (Diabetes), followed by accident and cancer and the government has started awareness raising and campaign against NCDs in the main urban centre including the 6 provinces. Also the government has started to introduce measures to prevent accident such as the use of seat belt and campaigns against drinking alcohol and driving. Additional the Port Vila Urban development project will introduce street lights and other traffic measures to avoid the increase number of accident.

Amputation statistic for VCH 2012 - 2013



(Vila Central Hospital, 2014).

135. The government also recognizes that statistics from Non-Governmental Organization working on Women's issues shows that domestic violence also contributes to secondary disabilities, therefore awareness to prevent domestic violence and promote greater enforcement of the Family Protection Act is ongoing. The Vanuatu Women Centre (VWC) conducted a survey in collaboration with the Vanuatu National Statistics Office in 2012 which shows that domestic violence can lead to secondary disabilities. VWC has ongoing programs to reduce and stop violence in all provinces of Vanuatu since prior to the

survey and has expanded on that through establishment of its Officers in the provinces to coordinate their programs on the ground which includes the provincial disability committees. Most of the women representatives in the provincial disability committees are from VWC.

136. Furthermore, the Sanma Frangipani Association in consultation with the Provincial Education Office and Northern Provincial Hospital work together to implement the:

- National Inclusive Education policy guidelines and standards for the early detection of disability;
- Rehabilitation within the health services including the reorientation of rehabilitation and health personnel to help them to develop an understanding of the implications of the social model of disability, and the development of community rehabilitation worker training and post structures; and
- National norms and standards for the provision of appropriate psychological rehabilitation services in Vanuatu.

137. Since 2011 the Government through the Disability Desk has conducted Human Rights, Disability and CRPD training in all provinces of Vanuatu where health Officers attended to represent the Ministry of Health. These include 4 males and 3 Females nurses in the provincial hospitals.

138. The Mental Hospital Cap 38 provides for the reception and detention of persons of “unsound mind” in the mental hospital of Port Vila, the only hospital in the country that has these facilities. The Ministry of Health working with partners such as the World Health Organization continues to conduct awareness raising on Mental Health in Vanuatu.

139. The mind Care Unit (Psychiatric Ward) has 5 nurses and 1 Psychiatrist. The 5 nurses provide support to unstable patients/cases and do follow-ups and monitoring of cases in the communities. The Unit runs weekly clinics every Wednesday and these clinics are conducted at the mindCare Unit at the Vila Central Hospital in Port Vila. Government mindCare Team encourages family support and provides psychoeducation support for clients and family members. This service has been extended to other hospitals outside Port Vila through requests and referrals.

140. At present, people who exhibit psychotic symptoms are cared for by their families. Few are treated at hospitals and fewer still seek treatment from private doctors. The Mental Hospital Cap 38 is now obsolete and a new act is in the process of being drafted. It is envisaged that the new law will take into account article 1 of the CRPD in its discussions and deliberations when drafting the new Mental Health Act.

141. The Vanuatu government through the Shefa provincial government provides free health services to all persons with disabilities. Those people with disability who cannot make it to the hospital, services are brought to their homes; this service is currently provided by the Disability Desk and VSDP as part of habilitation and rehabilitation measures. The Ministry of health has taken step to improve sanitation facilities all hospitals and some health services to ensure there are just not available but are fully accessible.

Article 26: Habilitation and Rehabilitation

142. People with disabilities in Vanuatu live at their own home, village or community as a member of a family unit. A person depending on what age group they are at within a locality is and will be expected to receive the same basic health services available, as well as access to education and at nearest school facilities or any recreational facilities and vocational institutions.

143. Early detection and rehabilitation services are carried out by the Disable Persons Organisations. The Vanuatu Society for Disable People (VSDP) began its operation on community base rehabilitation program in 1991 and the Sanma Frangipani Association (SFA) in mid-2000. The detection and appropriate early interventions is done through field visitation programmes into homes and villages by officers of the DPO. VSDP services

targets both adults and children regardless of gender with moderate to severe form of disabilities, and on detection rehabilitation is determined around the environment and according to the nature and type of disability. The geographical location of the Islands and the limited funding resources is a challenge for the DPOs to maintaining regular visits for community base rehabilitation program, the Vanuatu Government is planning to work closely with the DPOs to ensure that regular visits made to overcome the challenge of due to geography of the islands and limited resources especially funding that VSDP has towards CBR service.

144. Efforts have been progressively made to increase awareness and educational activities and training (informal) on disability for parents and parents groups, community leaders, village health workers, teachers etc. to assist and support in rehabilitation services.

145. In summary the VSDP listing by province for PWD living in the moderate to severe stage is as below:

Table 5: Vanuatu Society for Disable People statistics on the number of people with disability by province

<i>Province</i>	<i>Number of PWD</i>
Torba	62
Sanma	153
Penama	208
Malampa	167
Shefa	308
Tafea	203

146. The Vanuatu Government in partnership with the Vanuatu Disabled persons organizations facilitated a consultation commencing discussion to develop a national rehabilitation policy that sets national guidelines for inter sectoral responsibilities and co-ordination of rehabilitation services and investigate the feasibility of developing a Disability Services Act for Vanuatu.

147. The government of Vanuatu conducted a CBR workshop in May 2014 where participants were from four provinces. This includes NGO stakeholders, DPOs and Government departments and as well as people with disabilities. The workshop introduced the WHO CBR Matrix which will enable people with disabilities to participate in all community activities. A CBR action plan was developed with a CBR working group to coordinate the implementation of the action plan. The CBR working group has provided rehabilitation services and devices to more than 55 people with disabilities in Port Vila and has also provided devices to 7 people in the remote island of Futuna. DPO continue to provide CBR programs including assistive devices in Santo and other northern provinces of Vanuatu.

148. Progress is under way on a newly acquired building allocated by the government of Vanuatu for the establishment of a government disability centre. Plans are in place for continuous rehabilitation programs to reach all people with disabilities by 2024 as stated in the National CBR Action Plan 2014-2024.

149. The government envisages a continuous training program for habilitation and rehabilitation professionals; however, additional financial and technical support is needed to realize this goal.

Article 27: Work and employment

150. The Vanuatu Employment Act safe guard's employees and employers of Vanuatu in general. The Department of Labour has a dedicated senior labour officer in charge of occupational health and safety in work places. The role of the officer is to investigate injury (and the consequent disability) in workplaces and negotiate suitable compensations for

victims. Any employee that attains a disability caused by injury at the work place is usually assigned light work after negotiations by the labour officer. However, many employers usually follow what the laws currently allow and that is to pay 36 months of monthly salary multiplied by the percentage of incapacity (this is determined by a Medical practitioner) and the worker is usually laid off work after that and often disposed of as unproductive.

151. The Vanuatu government through the national disability policy and plan of action 2008 to 2015, policy directive 8.4.2 recognizes and supports the rights of persons with disability to decent work. In order to have decent work access to education and training is necessary.

152. As part of the government's commitment to the Universal Periodic Review (UPR), discussions are underway on amendments to the current employment Act including greater protection of the right to work for persons with disabilities.

153. The government of Vanuatu in partnership with the Australian government initiated the Technical Vocational Education and Training (TVET) program in since 2010 which have support community program for people with disabilities.

154. The program was piloted in Sanma Provinces and expanded to Malampa, and Torba province focuses on the empowerment of persons with disabilities through skills development and promoting inclusiveness in community programs such as trainings. The Vanuatu government through the Technical Vocational Education and Training (TVET) provided awareness, skills and business management training programmes on the islands of the Malekula and Santo. The trainings included the participation of PWD and as a result of the TVET trainings persons with disability were able to be self employed by establishing their own agriculture business initiatives. In 2014, TVET program has expanded to the Tafea province and hopefully will support the existing disability programs that are already in place in the province. The TVET centers work in partnership with disability associations to ensure people with disabilities access skill development services and are supported in income-generation activities.

155. In November 2011 the ILO with information and assistance from the national disability desk and the DPOs, conducted a study in Port Vila to collect basic information about employed persons with disabilities. The study revealed a profile of 10 persons with disabilities working in various government and non-government agencies.

156. The Vanuatu government continues to support initiatives undertaken by Disabled Peoples Organisations in partnering with employment agencies. Persons with disability are currently recruited in these employment agencies to work in various sectors such as catering, customs and immigration, nursing, telecommunication and media. Currently there is limited statistics on people with disabilities employed and those who are not, hence the importance of future surveys.

157. The Vanuatu government through the disability desk is providing awareness to employers and government with regards to the capability of persons with disabilities as potential employees. The Department of Cooperative through the provincial officers conducts business training for communities inclusive of persons with disabilities.

Article 28: Adequate standard of living and social protection

158. The government has a National Water Strategy which aims at addressing issues of pollution and climate related changes which might affect the quality of drinking water around the urban areas of Vanuatu including the outer islands. The strategy promotes community management of water resources and proposes women's representation on local water committees with a role in planning and managing the resource. World Vision Vanuatu has some water projects which also provides adequate water supply for 2 people with disability are Leleba Island in the Shefa Province. Members of the water committee also include disability representative.

159. The Vanuatu government recognizes the leading role taken by the civil society Organization to support access to clean water, adequate food and clothing and housing.

160. Habitat for humanity an International NGO has a housing scheme and had built over five houses for persons with disability in both shefa and Sanma province. Social protection as a concept in Vanuatu is primarily anchored on family and cultural ties. However, if persons with disability are employed, social protection is provided by contribution to the Vanuatu National Provident Fund.

Article 29: Participation in political and public life

161. Under the Constitution of Vanuatu and the Representation of the Peoples Act any person who is a citizen of Vanuatu is entitled to participate in politics, for example practice their right to vote. The Representation of the Peoples Act states that a person who is mentally disabled is unfit to practice his/her right to vote, however, the government is working progressively to make amendments to this Act if a family member who communicates well with the person can vote on their behave. There will be steps taken to ensure the family member vote according to the choice of the person with mental disabilities.

162. Person with mobility disability can exercise their right to vote through proxy vote of their choice. The government through the Ministry of Justice & Community Services and the Vanuatu electoral Commission are working progressively to provide a better means of voting system which can be used in the next election in 2016. Furthermore, a provincial election that was conducted in 2011 showed 27% of the voters were persons with disabilities.

163. There is a very good example of the involvement of people with Vision impairment in politics particularly exercise their right to vote. This person with vision impairment has been exercising his right to Vote 2 years after he got the accident and has voted in General elections and also election at the Municipality. He is assisted by Ballot Officers and Police Officers during his voting. The next general election will be in 2016 and there are discussion on improving participation of people with disabilities in politics, particular access to voting booths, materials as well as improve voting methods for people with mobility problem.

164. Sanma Frangipani Association is currently consulting with the electoral management bodies regarding the use of proxies and as organs of the state are bound by the CRPD to mainstream disability in election administration. Political parties may not be bound, but should still be pressed to comply.

165. The Vanuatu government through the provincial governments has taken measures to ensure persons with disability fully enjoys the rights to participate in political life through these initiatives. The Shefa provincial government registered 5 people with disability for electoral polls. During elections days persons with disability assisted the election process by undertaking the roles of presiding officers. Polling offices had assisted persons with disability to vote and use proxy vote. The Shefa provincial government encourages men, women and people with disability to contest in national elections. The Shefa provincial government is currently undertaking advocacy work such as capacity building training, public speech training and also registration of people with disabilities who are not registered to encourage persons with disability to contest the 2016 elections. During the last Port Vila Municipality election, one of the Political Party offered a space for disability, so a male Wheelchair user contested, however, he was not able to make it through but it was a huge awareness raising and eye opener for other political parties and the public.

166. The Vanuatu government through the Tafea provincial government involved persons with disability in political campaigns and as presiding officers during election poll day.

Article 30: Participation in cultural life, recreation, leisure and sport

167. The Vanuatu government through the Ministry of Youth Development, Sport and Training incorporated the theme of “inclusive sports” in the National Sports Policy 2007-2011. Vanuatu Paralympic Committee is a Disable people’s Organization which promotes

the inclusion of person with disability in various sports activities. These sports programs are implemented mostly in Port Vila and Santo which are the 2 urban centers where sports facilities are available. PWD run trainings on wheel chair tennis, archery, and athletics particularly the track event. During the Paralympics' games in 2012 Vanuatu was privileged to be represented by a young man with physical disability who competed in the 100 and 400 meter track event actually making it to the finals. This is a historical event for persons with disabilities to be represented in a world sports event and we will continue to maintain that momentum.

168. The National Youth, Sports and Training policy 2012-2022 and Strategic Plan of Action 2012-2015 targets three main concerns relating to creating pathways in relation to education and training and employment and productivity. Youth living with disability is a specific target group in the policy. The Vanuatu Paralympic Committee promotes the participation of Persons with Disabilities in sports activities at their own choice. A representative of this organization represented Vanuatu at the London Paralympic Games in Athletics, flying the Vanuatu flag in the games. The Vanuatu Football Federation with support from FIFA runs a program for children call JUST PLAY Program which uses sport to promote gender and promote togetherness to reduce and stop discrimination between children with and without Disabilities. They have conducted over 10 meetings which involved young people with disabilities in the meeting to assist the Just Play program to integrate activities which suits the capability of youths with disabilities.

169. Nabanga Sport for Development Program (Nabanga) is managed by the Department of Youth Development, Sport and Training, through a partnership with the *Australian Sports Outreach Program*, an Australian Government initiative funded by the Australian Agency for International Development and managed by the Australian Sports Commission had included disable persons organisations as their implementing partners Nabanga has three implementing partners including Sanma Frangipani Association (SFA) based in Santo. SFA receives funding to use sport as a tool to increase opportunities for people with disability to participate in physical activity in inclusive environments and to advocate for the rights of people with disability. Activities are focused on the SFA Centre Base, Bethesda School of Special Needs and Sanma Sub-Centres of Natawa, Malo, Tutuba, Ban, Big Bay, Wunpuku, Vunauusi and Fanafo. Activities are aimed at existing members of SFA, however other identified people from the community are invited to attend opportunities such as training and events. Government must make facilities available for sports to all provinces for the disable.

Part D. Articles 6-7

Article 6: Women with disabilities

170. Article 5 (1) (k) of the Constitution of Vanuatu recognizes the equal treatment under the law or administrative action, except that no law shall be inconsistent with this subparagraph insofar as it makes provision for the special benefit, welfare, protection or advancement of females, children and young persons, members of under-privileged groups or inhabitants of less developed areas.

171. The National Disability Policy and Action plan 2008-2015, recognizes that women with disability are doubly discriminated against and works to ensure that issues affecting them are incorporated into national programs and policies (policy directive 8.3).

172. The Vanuatu government through the department of Women's Affairs developed a Vanuatu National Plan for Action for Women (NPAW) 2007-2011 where critical area of concern 13 aims at enforcing existing laws to protect women with disability and to ensure universal access to facilities for women and girls with a disability. The NPAW is currently under review. It will form the baseline for a Gender and Women's development empowerment policy. Although there is no explicit mention of women and girls with disabilities there are protected implicitly, for example, disability issues will be mainstreamed into the policy.

173. The government through the Ministry of Education approved the inclusive “Education Policy and the Gender Equity in Education Policy 2005-2015” that provides equal opportunities for all in education and not determined by their gender. Objectives of the Policy includes establishing an effective gender equity implementation and monitoring system, reducing girl’s drop/push out rates in years 11, 12 and 13 and ensures that a safe learning environment is provided for all students. This policy covers all women and girls including those with disabilities. The policy also ensures that girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with boys and man with disabilities.

174. The Vanuatu government supported Disabled Peoples Organization initiatives. *In 2007*, the DPA established a Saving Scheme (DPA YUMI SAVE SEF SKIM) (DPA WE CAN SAVE) especially for women with disability. The DPA has a membership of 35 women with disabilities. The Sanma Frangapani supported women and girls with disability by organizing skills building programs in collaboration with the Australian aid program.

175. The government through the Ministry of Education approved the inclusive Education Policy and the Gender Equity in Education Policy 2005-2015 provides equal opportunities for all in education and not determined by their gender. Objectives of the Policy includes establishing an effective gender equity implementation and monitoring system, reducing girl’s drop/push out rates in years 11, 12 and 13 and ensures that a safe learning environment is provided for all students. This policy covers all women and girls including those with disabilities. The policy also ensures that girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with boys and man with disabilities. Currently Vanuatu does not have a

Article 7: Children with Disabilities

176. The Vanuatu government ratified the convention on the rights of the child in 1992 under the CRC ratification act no.26 of 1993. Article 2, paragraph 1, of the CRC clearly provides for non-discrimination on a number of grounds, including disability. Article 23 of the CRC calls for States parties to recognize that a child with a psychosocial or physical impairment should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community; recognize the right to special care; recognize the special needs of children with disabilities in ensuring effective access to education, training, health-care services, rehabilitation services, preparation for employment and recreation opportunities; and promote the exchange of information in the field of preventive health care and of medical, psychological and functional treatment of children with disabilities. Currently the government is yet to establish proper statistics of percentage of children with Disabilities and plans are in place for future surveys.

177. The Vanuatu government established the National children committee in April 2000. The national children’s committee as approved by the council of ministers serves as the national coordinating body for CRC implementation in Vanuatu.

178. The Education act No 21, 2001 Part 1 (8) (1) Prohibits against discrimination stating “... *a child is not to be refused admission to any school on account of his or her gender, religion, nationality, race, language or disability*”.

179. The Vanuatu national children’s policy (NCP) 2007 to 2011 recognized the promotion, early detection and assistance of children with disabilities. The NCP works to ensure that the best interest of children in contact with any government institutions remains a primary consideration.

180. The Vanuatu National Disability policy 2008-2015, policy directive 8.4, ensures that children with disabilities are given the fullest possible opportunity for education, to provide equal opportunities for vocational training and employment for persons with disability.

181. The Vanuatu government had declared a National Children’s Day on the 24th of July, which was first celebrated on 24th July 1990. This day remains a national day for all children in Vanuatu as a public holiday. Special events, human rights awareness and child

friendly activities which is inclusive of children with disabilities are organized to commemorate this day.

182. In 2009 the Vanuatu government supported the early detection and intervention program for children with disability initiated by VSDP in Port Vila.

183. The Vanuatu government also supported the initiative by the disabled people's organisation. Sanma frangipani organisation SFA a Disable Persons organization provides program for children with disabilities. These programs includes visitation to homes of children with disabilities home, empowerment training, sign language training, sports activities, computer training and sewing programs for girls with disabilities.

184. The Vanuatu government through the Malampa Provincial government provided awareness raising programs on disability rights to care givers of persons with disability. The provincial education office improved school physical facilities to accommodate children with special need by erecting ramps, accessible toilet for wheel-chair users and educating parents on the importance of education for children with disabilities.

Part E. Articles 31-33

Article 31: Statistics and data collection

185. The 2009 National Population and Housing Census found that approximately 12% of the population reported having a disability. This census based its disability questions on the Washington group questions, which are recognized internationally as best practice for disability measurement in censuses and population surveys. However, the questions differed from the Washington group questions in that three response categories were used instead of four. The questions identified difficulties with function (seeing, hearing, walking and/or remembering or concentrating), and found the prevalence of types of disability as follows:

- Vision impairment (7.5 per cent);
- Difficulty with walking (5.4 per cent);
- Remembering or concentrating (4 per cent); and
- Hearing impairment (3.3 per cent).

186. The census found that less than one per cent of people had a severe disability. It is possible that use of four response categories instead of three may have resulted in a higher prevalence rate of people with severe disability.

187. The Census found that prevalence of disability increased with age: while 6 per cent of children aged under five were found to have a disability, prevalence of disability was more than 50 per cent for those aged 60 and over. The rate of disability was slightly higher for females than males. Data from this census has not been further disaggregated to enable understanding of the health, education, livelihood or other status of people with disability.

188. Little evidence regarding the barriers experienced by people with disability in Vanuatu, beyond anecdotal findings, exists. Available information suggests that negative attitudes towards the capabilities of people with disability exist, and stigma associated with disability persists. In addition, many families of people with disability are extremely protective. These attitudes can be a key barrier to health, education and employment opportunities. Other barriers identified in a 2013 study included knowledge, transport, community leadership, physical environment, school fees, access to health and rehabilitation services.

189. The Government of Vanuatu through the National Statistics Office conducted a Demographic Health Survey in 2014 which includes information on persons with disabilities. A young man with disabilities was part of the process particularly assisting with the interview as enumerator. Also to get more specific information on disability, the Ministry of Justice & Community Services in collaboration with the National Statistics

Office conducted a disability pilot survey in four sites in 2 of the 6 provinces of Vanuatu. Members of 431 households spread across four survey sites completed the questionnaires. With an average household size of 6 members per household, this equated to 2583 individuals. In each site, the highest proportion of respondents overall were aged between 0-14 and 15-29 years.

190. This survey found that of 2583 respondents interviewed, 92 identified as having a disability. This equates to 3.6% of the population studied. This is considerably less than the 2009 Census, in which approximately 12 per cent of the population reported having a disability. This is likely to be because people with disability were identified first by asking heads of households whether anyone with disability lives in the household, instead of asking every person in the sample site and as well as the population size was very small to compare with the 2009 census which include the whole Vanuatu's population.

191. The Vanuatu government is aware of the importance of collecting statistics, data and research, and the part they play in devising strategies, policies and programs that will ensure the advancement and protection of persons with disabilities. The Vanuatu through the Disability desk and the National Statistics office (NSO) is currently reviewing the previous definition used to collect data to be harmonized with the definition of disability as provided in article one of the convention and which is mainstreamed into the Disability Policy (2008-2015) which defines Persons with disabilities "includes those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". The Vanuatu government through the Ministry of Education collected data on the actual disabilities that are in school and it was incorporated into the Vanuatu Education Management Information System. The Vanuatu Government utilized the existing network of both the government institutions, the NGOs and DPO's to disseminate these statistics.

192. The Vanuatu government through the Disability desk and the Tafea provincial CRPD committee undertook a disability stock take to identify persons with disability within the ten provincial government area councils. Five area council results identified in the table below, plans are in place to complete the next five area council disability stock take.

Table 6: Disability stock take identifying persons with disability in five area council implemented by the disability desk

<i>Name of Area Council</i>	<i>Number of person with Disability</i>
South Tanna area council	44
East Tanna area council	60
South-West Tanna area council	24
West Tanna	74
Futuna area council	13
North Erromango area council	9
Aneityum Island	5
Total	150

193. The Vanuatu government supported the initial initiatives implemented by the NGOs and DPOs. In 2005 the Vanuatu Society for disable people implemented a Disability identification survey in Tafea Province. The common types of disability identified are summarized in the table below:

Table 7: Tafea Province Disability identification survey in 2005

<i>Types of disability</i>	<i>Number of people in numbers</i>
Physical Impairment	31%
Deaf/Hearing impairment	29%
Blind /Visual Impairment	18%

<i>Types of disability</i>	<i>Number of people in numbers</i>
Intellectual Impairment /Slow learner	12%
Autism	1.4%
Epilepsy	7.3%
Cerebral palsy	1.6%
Psychiatric/Mental illness	2.7%

Source: VSDP 2005.

194. The government of Vanuatu recognized the importance of ensuring the full participation of persons with disabilities in the process of data collection and research and has developed plans to include the participation of PWD in the process of future data collection and research. The Vanuatu government supports the DPOs initiative in ensuring the full participation of PWD in the process of data collection and research.

Article 32: International cooperation

195. The Vanuatu government recognizes the support international partners give towards persons with disabilities and their organizations. NZAID, AUSAID, PIFS, ILO, WHO, UNESCAP, UNOHCHR, SPC/RRRT, PDF, have included persons with disabilities and their organizations as one of the core groups to be funded in their programmes.

196. In all regional and most international meetings persons with disabilities are part of the delegation and are very instrumental in decision-making and planning.

197. The Vanuatu government recognizes the need to build capacity of mainstreaming disabilities into national and local programmes. Currently disabilities mainstreaming is minimal and sometimes approached as an afterthought. Ideally, we would like to mainstream disabilities better into policy decisions. There is awareness of disability mainstreaming in infrastructure development but this needs to be strengthened. There needs more awareness building on why disabilities should be mainstreamed and improved checks and balances as to how this can be done.

198. The Vanuatu Government is aware of the need to put more effort in linking the Millennium Development Goals to the Convention on the Rights of Persons with Disabilities. Although persons with disabilities and their issues are mentioned under the national disability policy there is still a need to ensure that disability issues linked to the MDG are adequately covered — such as education, health and gender.

199. Vanuatu has progress a little however, seeks technical expertise in promoting exchange and training program for persons with disabilities.

Article 33: National implementation and monitoring

200. The Ministry of Justice and Community service is the Government's focal point for matters relating to the implementation of the Convention on the Rights of Persons with Disabilities. In 2011 the Ministry of Justice employed a Disability Officer who is mandated to advance the Convention on the Rights of Persons with Disabilities. The Ministry of Justice and Community services works in partnership with disability focal officers in the Ministries of Education, Health and Infrastructure for matters relating to the implementation of CRPD. While each Ministry has responsibility for specific areas of the Convention, all work in close partnership. The Disability Officer in the Ministry Justice and community service also works in partnership with disable persons organisations in advancing the CRPD, developing work plans and activities to advance the CRPD. In May 2014 the Government convened its first Community Based Rehabilitation (CBR) workshop which lead up to the development of a 10 years CBR Action Plan 2014-2024. A CBR working group was also established to support the implementation of the plan.

201. The government through the Ministry of Justice has appointed national and provincial CRPD task forces. The established taskforces are mandated by the Vanuatu government to coordinate and monitor the implementation of the national disability policy and the convention. The government has established inclusive education Officers in the Ministry of Education and Public Works Department who are key partners in disseminating information about the CRPD provisions.

202. In the preparation of the CRPD report the Ministry of Justice through the disability desk conducted consultations relevant disability stakeholders on the government report. The government seeks technical and financial support in making the report accessible in formats that is friendly for persons with disabilities.

203. The Ministry of Justice through the Disability Desk conducted and will continue to conduct trainings for government official on Rights of persons with disabilities. The Disability Desk has conducted 6 CRPD Training with 20-25 participants per training in 5 of the six provinces of Vanuatu. The Government plans to expand disability training into the communities where people with disabilities can share their experience in the progress of the implementation of the CRPD.

Summary

204. This report marks an important step for Vanuatu. There are some areas where persons with disabilities and their issues are making progress, such as Education, Health, infrastructure and Ministry of Justice. Progress in some areas is slow but gradual. Government recognizes the need for more work to be done and is committed to making more progress to meet the specific needs of persons with disabilities in Vanuatu. Many challenges still remain, especially dealing with environmental issues, transportation issues, training institution issues and securing persons with disabilities safety.

205. The good work of disability organizations and other NGOs to promote the development and advancement of persons with disabilities will continue to be supported by Government so that all people of the Vanuatu can advance forward together.

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