



Convention on the Rights of Persons with Disabilities

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Summary record of the 451st meeting

Held at the Palais des Nations, Geneva, on Thursday, 21 March 2019, at 3 p.m.

Chair: Mr. Basharu

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

Initial report of Vanuatu (CRPD/C/VUT/1; CRPD/C/VUT/Q/1 and CRPD/C/VUT/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Vanuatu took places at the Committee table.*

2. **Ms. Kenneth Lui** (Vanuatu), introducing her country's initial report (CRPD/C/VUT/1), said that the Government had devoted significant effort to ensuring that persons with disabilities were able to fully enjoy, on an equal basis with others, all human rights and fundamental freedoms, in accordance with the Convention. The Ministry of Justice and Community Services was responsible for coordinating disability issues. The Ministry worked in partnership with civil society and development partners, including persons with disabilities and their representative organizations, at the national and provincial levels to fulfil the country's obligations under the Convention.

3. Persons with disabilities had been consulted on the National Disability-Inclusive Development Policy 2018–2025, and all registered disability organizations were involved in its implementation. *Vanuatu 2030: The People's Plan* (the national sustainable development plan), which was centred around the three pillars of society, environment and economy, incorporated several key priorities intended to promote the empowerment and inclusion of persons with disabilities.

4. In addition to individual champions at the political and community levels and the leadership of the Ministry of Justice and Community Services, another important factor in the country's successes in the area of disability inclusion had been the support of development partners, including donors, particularly the Government of Australia, regional agencies, disability organizations, non-governmental organizations (NGOs) and the private sector. Civil society in Vanuatu was increasingly active in supporting disability-inclusive development. International NGOs frequently worked together with local governmental and non-governmental partners, including the Vanuatu Disability Promotion and Advocacy Association and the Vanuatu Society for People with Disabilities, notably in the area of disaster risk reduction. The Vanuatu Civil Society Disability Network regularly brought together disability-focused and other civil society organizations to work towards strengthened disability inclusion in priority areas.

5. Although progress had been made in improving the situation of persons with disabilities in the country, challenges in terms of the availability of resources limited the performance of national and local government mechanisms. The Government would continue to review and further improve laws, policies, programmes and other measures to make them more responsive and attuned to the differentiated needs and concerns of persons with disabilities. The State would continue to pursue a human rights-based approach to protecting the rights of persons with disabilities in the areas of health, education, adequate food and housing, environmental preservation and culture.

Articles 1–10

6. **Mr. Kabue** (Country Rapporteur) said that, although Vanuatu had not yet ratified the Optional Protocol to the Convention, it was to be commended on its commitment to improving the lives of persons with disabilities, as reflected in the National Disability-Inclusive Development Policy 2018–2025 and the Inclusive Education Policy and Strategic Plan. However, there were a number of areas of concern that required attention, including the fact that existing laws that affected persons with disabilities were still not aligned with the Convention. The Committee was concerned to note that work had not yet begun on amending the 101 laws identified as requiring modification during the 2016 legislative review. It was also concerned about the fact that persons with disabilities, through their representative organizations, were not meaningfully involved in decision-making on matters that affected them and that there was no specific law or redress mechanism to protect them from discrimination. There also seemed to be a lack of organized awareness-raising programmes

that involved persons with disabilities. There was room for improvement in the area of accessibility, as inaccessible buildings continued to be constructed in urban areas, compliance with municipal building by-laws was poor and the Government had yet to endorse relevant accessibility standards.

7. Persons with disabilities still faced barriers in gaining access to justice. It seemed that the majority of offences committed against persons with disabilities, whether acts of violence or other violations of their rights, continued to be dealt with through traditional methods at the community level, where the village chief decided on the penalties to be imposed on perpetrators. Those cases that were reported to the police tended not to be pursued. The Committee was particularly perturbed by a case involving the rape of a young woman with a psychosocial disability in which the chief had ordered the perpetrator to pay a small fine of 5,000 vatu. The Committee understood that organizations of persons with disabilities were pursuing the case and hoped that the victim would receive justice.

8. Inclusive education was hampered by overcrowded classes, unqualified teachers, a lack of access to schools and a lack of equipment and alternative communication formats, such as sign language, Braille and Easy Read. In the area of habilitation and rehabilitation, the fact that most assistive devices were provided by NGOs was problematic, as the sustainability of such services was not guaranteed. There was no system of social protection to guarantee an adequate standard of living for persons with disabilities and allow them to choose where they wished to live.

9. **Mr. Martin** (Country Rapporteur) said that he looked forward to a fruitful dialogue with the delegation with the aim of improving the lives of all persons with disabilities in Vanuatu. He would be interested to hear more about how the Government supported organizations of persons with disabilities and involved them in all decisions that affected such persons, in line with article 4 (3) of the Convention and the Committee's general comment No. 7. In the light of the persistent widespread use of outdated and derogatory language to refer to persons with disabilities, he would welcome information on awareness-raising activities, especially media campaigns and efforts targeting rural areas, and whether they followed the human rights approach to disability enshrined in the Convention. He would be interested to know whether organizations of persons with disabilities had been involved in the design, planning and delivery of such awareness-raising activities.

10. **Ms. Gamio Ríos** said that she would like to know whether the State party was planning to draft anti-discrimination legislation and a law on the rights of persons with disabilities. She would welcome clarification of whether the referral mechanism for vulnerable groups, including women and girls with disabilities, provided for in the Family Protection Act had actually been established. She wished to know whether there were disaggregated data on the number of women and girls with psychosocial disabilities who were institutionalized in psychiatric centres and whether there were any measures in place to ensure that their rights were not violated and that they were not subjected to forced sterilization or forced treatment. While the skills training provided to women with disabilities to enable them to set up their own income-generating activities, such as weaving baskets to sell to tourists, was commendable, she would be interested to know about efforts to support those who wished to enter paid employment.

11. She would welcome an update on the piloting of inclusive education in two primary schools and information on any plans to extend the programme to all schools. She would appreciate disaggregated data on children with disabilities who were living in institutions and confirmation of whether any monitoring was conducted to ensure that their rights were not violated. Lastly, she would be grateful for information on awareness-raising efforts, which should be based on the human rights model rather than the charity model of disability.

12. **Mr. Ruskus** said that he would be interested to know whether the National Disability-Inclusive Development Policy included measures to promote the social inclusion of all persons with disabilities, whether it provided for all civil, political, economic, social and cultural rights, including disability-specific rights such as reasonable accommodation and accessibility, and whether it reflected all types of disability. He would like to hear about legislative efforts to provide a legal framework for the rights of persons with disabilities, including the drafting of a specific law on disability. He wished to know to what extent the

human rights model of disability underpinned the concept of disability in the State party, including the definition of disability. He would welcome detailed information on disability assessment mechanisms. Comments on efforts made to ensure that the Convention was known to all those working in the judicial system and was applied in all judicial procedures related to disability would also be useful. In addition, he would be grateful for information on measures to ensure that meaningful consultations were held with organizations of persons with disabilities, including women and children with disabilities and persons with psychosocial and intellectual disabilities, as part of the process of designing and amending new and existing laws, policies and programmes.

13. **Mr. Ishikawa**, noting that persons with disabilities were regarded as an underprivileged group under the Constitution of Vanuatu, said that he would like to know what steps had been taken to remove all discriminatory or inappropriate terms from domestic laws. He would appreciate information on any concrete steps taken to establish an anti-discrimination law clearly stipulating that denial of reasonable accommodation was a form of discrimination. He wondered what measures had been taken to protect and promote the rights of women and girls with disabilities and ensure that they participated in consultations and monitoring with regard to disability policy and the implementation of the Convention. It had been reported that many children with disabilities were excluded from the annual Children's Day celebrations either because of discrimination or because they were kept at home. He would like information on measures taken to promote the inclusion of children with disabilities in local communities, better awareness regarding persons with disabilities and respect for their human rights and dignity. Information on measures to make transport, evacuation shelters and emergency warnings accessible would also be helpful. He asked what penalties were in place for violations of the Building Code and what remedies were available to persons with disabilities who were denied access to public buildings. Lastly, he requested information about how the State party closely consulted with and actively involved persons with disabilities, through their representative organizations, in efforts to promote accessibility.

14. **Ms. Kayess** said that she would like to know whether there were requirements to ensure that foreign investment met universal accessibility standards and whether there were any legal mechanisms to remedy situations where foreign investment had resulted in non-compliance with the Convention, such as the construction of buildings, telecommunication systems or other infrastructure or facilities that were inaccessible. She noted the challenges that the Government faced in implementing a national awareness-raising strategy across its many islands, particularly in reaching persons with disabilities in local communities that lacked communication technology, and wondered whether the Government had considered seeking support for such a strategy from donor agencies and technical expertise from regional cooperation organizations. The strategy could include the resourcing of organizations of persons with disabilities to work collaboratively with the Government and technical experts to develop and deliver awareness-raising activities and to collect disaggregated data on persons with disabilities. It could also enable national organizations of persons with disabilities to build the capacity of provincial and local organizations.

15. **Mr. Buntan** said that he would appreciate details on the nature of the disability bill and on whether it focused on social protection or also contained anti-discrimination provisions. He would like to know the legal basis on which the Government provided redress to victims of discrimination, in the absence of a disability-specific law. It would be helpful to have statistics on the number of persons with disabilities who were victims of discrimination and details on whether the cases were based on disability-specific or multiple and intersecting forms of discrimination. He wished to know whether the Government had made use of international cooperation or development assistance to improve accessibility and whether it had taken any steps to ensure that public procurement policy included a mandate to enhance accessibility.

16. **Mr. Babu** said that he would appreciate information on the challenges faced by tourists who used mobility devices in Vanuatu, especially in view of the importance of tourism for the economy. He wished to know what legislation other than the Building Code had been enacted to ensure that public and private service providers took accessibility into

account and what measures were in place to sanction offenders and enforce guarantees on accessibility.

17. **Mr. Rebrov** said that he wished to know whether the Government had a programme to train sign language interpreters, how many interpreters had been trained and how many were working in the country. He would also like to know how much government assistance was available to give persons with disabilities access to the Internet and information technologies.

The meeting was suspended at 3.55 p.m. and resumed at 4.25 p.m.

18. **Ms. Kenneth Lui** (Vanuatu) said that her Government provided indirect support to organizations of persons with disabilities through memorandums of understanding, under which such organizations could receive funding from various development partners. It also facilitated the provision of capacity-building assistance to such organizations. The Government worked with organizations of persons with disabilities to ensure that they were consulted on development programmes and that such organizations and also individuals with disabilities could participate in the process. Furthermore, the Government had provided a framework for the employment of persons with disabilities. It worked with development partners and disability organizations to ensure that national disability days were celebrated in all provinces as a means of raising awareness of the Convention among persons with disabilities and the general population. Disability organizations were involved in decision-making on development programmes, and all relevant information was shared with such organizations.

19. **Mr. Waqanitoga** (Vanuatu) said that consultations on the disability bill were currently being held with regional partners and that the consultation period would continue throughout 2019. The bill was a rights-based instrument that was intended to reflect the provisions of the Convention, to criminalize discriminatory acts and to provide an effective deterrent against discrimination that could be used by the national human rights mechanism that was currently being put in place. Although the Government had faced challenges in implementing the Family Protection Act, it was committed to doing so in cooperation with development partners and had conducted pilot studies and made recommendations on the referral mechanism under the Act. Those recommendations had broadened the scope of the law beyond domestic violence alone, to ensure that the mechanism could be used by persons with disabilities, especially women and girls, who had been subjected to violence.

20. **Ms. Arranhabath** (Vanuatu) said that, although the Ministry of Health lacked a specific institution with the capacity to collect disaggregated data on women and girls with psychosocial disabilities, it recognized the importance of the matter and would work to address it.

21. **Ms. Tevi** (Vanuatu) said that, through the Technical Vocational Education and Training project and the Vanuatu Skills Partnership, women with disabilities had been provided with employment opportunities, particularly within the tourism sector. The women used their creative skills to produce handicrafts, which they could then sell to tourists locally or in the capital, thus earning income with which to support their families.

22. **Ms. Vira** (Vanuatu) said that the Ministry of Education and Training collected data on the numbers of students with disabilities, of whom there were currently over 3,000 in primary schools and over 500 in secondary schools. There was one pilot school for inclusive education in the capital, but some other schools were also becoming inclusive thanks to awareness-raising by the Government. The Ministry had issued regulations on student-teacher ratios, which ranged from 15 children per teacher at the preschool level to 30 children per teacher at the secondary level. Only schools in the capital were oversubscribed, particularly those running the pilot programmes, but there were also support teachers working in the classrooms.

23. **Ms. Kenneth Lui** (Vanuatu) said that the country did not have any centres where persons with disabilities were institutionalized.

24. **Mr. Waqanitoga** (Vanuatu) said that the Government was committed to awareness-raising through its coordinating function with disability organizations and that the strategy

for its new inclusive policy was focused on awareness. An annual budget was set aside for awareness-raising on the International Day of Persons with Disabilities.

25. The National Disability-Inclusive Development Policy 2018–2025 set out a framework composed of eight strategic priority areas: mainstreaming the rights of persons with disabilities, disability-specific services, leadership and representation, disability statistics, coordination and resourcing, accessibility, awareness, and women and girls with disabilities. In drawing up the Policy, the Government had benefited from technical assistance and had consulted with and received submissions from organizations of persons with disabilities.

26. The Government acknowledged that there were challenges in upholding the specific rights of persons with disabilities owing to gaps in the country's legislation. Following the legislative review undertaken in 2016, it had accepted a recommendation to draft disability legislation as a matter of priority, and accordingly was developing a bill on the rights of persons with disabilities. The Government hoped that the enactment of the bill would lead to the removal of discriminatory clauses from other pieces of legislation.

27. **Ms. Kenneth Lui** (Vanuatu) said that the Government recognized the need for continued training and awareness-raising to ensure that legal professionals understood the needs of persons with disabilities.

28. **Mr. Waqanitoga** (Vanuatu) said that although participation in the legislative review had been limited to the State Law Office and the Ministry of Justice and Community Services, the Pacific Islands Forum had provided technical assistance for the identification of discriminatory clauses. During the legislative process, persons with disabilities were invited to participate in consultations at the drafting stage, prior to the submission of bills to Parliament.

29. **Ms. Kenneth Lui** (Vanuatu) said that although the review of the constitutional amendment bill had resulted in recommendations relating to persons with disabilities and the provisions of the Convention, that bill had not passed. There would be another opportunity for consultations in that regard in 2019 and the Government would ensure that persons with disabilities participated and were represented on the Constitutional Review Committee.

30. **Mr. Waqanitoga** (Vanuatu) said that the referral mechanism created under the Family Protection Act provided the first line of protection for women and girls with disabilities, and had been successfully applied by the Vanuatu Women's Centre. Since 2016, the Government had recorded dozens of cases in which women with disabilities had benefited from the mechanism. The Disability Desk of the Ministry of Justice and Community Services worked with stakeholders and, thanks to that partnership, most children with disabilities living in urban centres were able to participate in the Children's Day celebrations held annually on 24 July.

31. **Ms. Kenneth Lui** (Vanuatu) said that a mechanism had been established to ensure that in emergency situations, key messages and other information would be provided to persons with disabilities. Evacuation centres ensured that they could be accessed by persons with disabilities and their devices. Persons with disabilities were involved in the emergency preparedness efforts of the Gender and Protection Cluster and provided information to make evacuation centre staff aware of their specific needs. However, ensuring that centres maintained a suitable level of accessibility remained a challenge. Admittedly, little had been done to enforce the National Building Code, although the Ministry of Justice and Community Services had recently appointed an infrastructure coordinator to ensure that all judicial buildings were accessible.

32. **Ms. Vira** (Vanuatu) said that the Ministry of Education and Training applied its own building code, adapted from the National Building Code, which stipulated that all new buildings must be accessible. Provincial maintenance officers ensured that new buildings, especially schools, were accessible to children who used wheelchairs and other devices. The Ministry had about 500 teachers who were trained to teach students with disabilities. Although Vanuatu did not have a national sign language and Braille was not yet taught in schools, the Ministry hoped to introduce the teaching of Braille by 2020 and to develop a national sign language.

33. **Mr. Waqanitoga** (Vanuatu) said that social inclusion was a major objective of the National Sustainable Development Plan 2016–2030, entitled *Vanuatu 2030: The People's Plan*. The Government was moving towards the systematic monitoring and evaluation of projects based on the indicators set forth in the Plan, with a view to fulfilling the policy objectives on inclusivity for the benefit of vulnerable groups, especially persons with disabilities.

34. **Ms. Kenneth Lui** (Vanuatu) said that, with regard to a national awareness strategy, the Disability Desk of the Ministry of Justice and Community Services had partnered with the Vanuatu Society for Disabled People to examine barriers to the participation of persons with disabilities. The aim of that partnership was to build understanding of areas in which a future national awareness strategy could be devised, in cooperation with development partners.

35. **Mr. Waqanitoga** (Vanuatu) said that the Government was aware of the importance of reliable data for policy formulation and that it had cooperated with the Vanuatu National Statistics Office on the development of its previous and current disability policies. The Washington Group short set of questions on disability had been incorporated into the most recent census, with some success. The Disability Desk of the Ministry of Justice and Community Services was working with the National Statistics Office to ensure that the next census yielded reliable information for use in policymaking.

36. The purpose of the bill on the rights of persons with disabilities was to afford such persons protection from discrimination, including multiple discrimination, and to make provision for criminal penalties. The bill would also establish a referral mechanism under the auspices of the national human rights institution, which would be tasked with upholding both the rights of persons with disabilities and the rights of children. Implementing the legislation would pose a significant challenge; however, the Government was confident that, with the assistance of development partners, it could do so in a cost-effective manner. The Government did not have any reliable statistics concerning victims of discrimination.

37. While no progress had been made in amending the Penal Code to provide for a mechanism for the enforcement of accessibility rules, the Ministry of Justice and Community Services and the Ministry of Infrastructure and Public Utilities had been tasked with the preparation of such an amendment.

38. **Ms. Kenneth Lui** (Vanuatu) said that the definition of persons with disabilities used by the State party, including in the National Disability-Inclusive Development Policy, was aligned with the one set forth under article 1 of the Convention.

39. **Mr. Waqanitoga** (Vanuatu) said that the National Disability-Inclusive Development Policy provided a platform for organizations of persons with disabilities to participate in the development of projects concerning infrastructure, rural development and related areas. The Government recognized that the involvement of organizations of persons with disabilities was crucial for ensuring accessibility and for achieving the social inclusion objectives of the National Sustainable Development Plan. In that context, the Disability Desk of the Ministry of Justice and Community Services would be instructed to take steps to ensure that persons with disabilities and their representative organizations were involved in the development of procurement policy.

40. **Ms. Kenneth Lui** (Vanuatu) said that mobility and accessibility of transport posed particular challenges for Vanuatu, which was an island nation that relied heavily on water transport. In 2018, a bus service had been introduced in Port Vila for the use of persons with disabilities; that initiative had illustrated the importance of involving persons with disabilities in the infrastructure sector. Discussions would be undertaken to ensure that air and sea transport services were inclusive of persons living with disabilities and permitted the carriage of their devices.

41. **Ms. Tevi** (Vanuatu) said that Vanuatu was aware of the importance of using appropriate language in referring to persons with disabilities and would continue its efforts in that regard. Currently, the only protection mechanism was the Vanuatu Women's Centre, which provided services to various vulnerable groups, including women with disabilities who had been victims of domestic violence. It was through the country's diplomatic relations and

memorandums of understanding with other States that it received assistance in various areas, including for the realization of the rights of persons with disabilities.

42. **Mr. Waqanitoga** (Vanuatu) said that the social inclusion component of the National Sustainable Development Plan would serve as a tool for promoting the participation of organizations of persons with disabilities.

43. **Ms. Vira** (Vanuatu) said that, since there was no standardized Vanuatu sign language, no institution in the country taught sign language.

Articles 11–20

44. **Mr. Martin** asked what plans the State party had to repeal all laws that restricted the legal capacity of persons with disabilities on the basis of their impairment and to put in place supported decision-making schemes. He would also like to know what steps were being taken to enable persons with disabilities to exercise their right to live where and with whom they chose, including steps to provide personal assistants and access to community-based services.

45. **Ms. Fefoame** said that she would welcome further information on the concrete measures taken to effectively combat violence against women and girls with disabilities, including domestic violence; the resources other than the Vanuatu Women’s Centre that were available to victims of such violence; any investigations into such cases; the penalties imposed on the perpetrators; and the involvement of women with disabilities and their representative organizations in the actions taken in that regard. In the light of reports of forced sterilization of women with disabilities, she would like to know what legal and other measures were in place to ensure that no one was subjected to medical treatment without his or her free and informed consent. She also wished to know how the National Disability-Inclusive Development Policy 2018–2025 addressed the prompt provision of justice to all persons, including women and girls with disabilities; the training of judicial and law enforcement personnel on the specific needs of persons with disabilities; access to justice for deaf persons; and access to information on sexual and reproductive health, especially given that Vanuatu was not a party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

46. **Ms. Utami**, welcoming the adoption of the National Community-Based Rehabilitation Action Plan 2014–2024, asked what steps were being taken to ensure that persons with disabilities in rural areas, including children, had access to appropriate assistive devices and how persons with disabilities and their representative organizations would be involved in future efforts to provide assistive devices.

47. **Ms. Kim Mi Yeon** said that she would welcome information on the assistance that persons with disabilities received in navigating the judicial process and on measures to ensure the autonomy of such persons, notably with regard to decision-making about their own financial affairs. It would be helpful to know whether the Vanuatu Family Protection Act 2008 made specific reference to persons with disabilities, whether there was a mechanism allowing the State to intervene in cases of violence against women and children with disabilities, what progress was being made towards the enactment of a child protection law to explicitly prohibit the corporal punishment of children either within or outside the family setting, and what communication support was available to women and girls with disabilities at the Vanuatu Women’s Centre.

48. **Mr. Chaker**, noting that the State party was particularly vulnerable to natural disasters, asked whether persons with disabilities were included in disaster management programmes at the national, provincial and community levels and whether there was a unified emergency notification system that could be used by persons with various types of disabilities, especially deaf, mute, blind and deafblind persons.

49. **Mr. Kabue** said that he would like to know what action had been taken on the recommendations made in the wake of the evacuation triggered by the eruption of the volcano on Ambae island, in particular regarding the steps to be taken in respect of persons with disabilities, and what plans there were to ensure that persons with disabilities and their representative organizations were involved in the design, implementation and monitoring of responses to emergency situations. Concerning access to justice, he wished to know what

measures were being taken to ensure that persons with disabilities, especially women, were not denied justice by virtue of their cases' having been heard by community chiefs; that persons with disabilities had the information they needed in order to access legal services and assistance; and that law enforcement personnel understood the rights of persons with disabilities. Lastly, what steps was the State party taking to enable persons with disabilities, particularly women, to live independently in their communities, and what community-based services were available to them?

50. **Mr. Buntan** asked how the Disability Desk coordinated assistance for persons with disabilities who were victims of discrimination. He wished to know what plans there were to make the SMS messages sent during disaster season accessible to persons with disabilities themselves, not only to their carers, and whether the State party had a long-term plan to develop comprehensive strategies and programmes to cope with disaster risk and to achieve resilience, in line with the Sendai Framework for Disaster Risk Reduction and Sustainable Development Goals 11 and 13.

51. **Mr. Alsaif** said that he would appreciate the delegation's comments on measures taken to protect children with disabilities from physical ill-treatment, abuse and exploitation and to provide support to the families of children with disabilities.

52. **Mr. Kabue** asked why disability committees had been established in only half of the country's provinces, what entity replaced them in the three provinces without a committee and whether the State party intended to bring the Vanuatu Family Protection Act 2008 into line with the Convention.

53. **Mr. Lovászy**, noting that the State party comprised dozens of islands and had various languages, asked whether there was a strategy or plan to create a standardized sign language or whether there would be several sign languages.

The meeting rose at 5.50 p.m.