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**Individual Stakeholder submission
Vanuatu 4th Universal Periodic Review Report.
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Abbreviation

CRPD	Convention on the Rights Of Persons with Disabilities
OPD	Organizations for Person with Disabilities.
SPC	Secretariate of the Pacific Community
UNHRC	United Nation Human Rights Council
UPR	Universal Periodic Review
VDPA	Vanuatu National Disability Promotion and Advocacy
VNDIDP	Vanuatu National Disability Inclusive Development Policy

Acknowledgement

VDPA sincerely acknowledge the Pacific Community – SPC, Human Rights and Social Development for funding, technical and capacity building support to develop this submission.

1. Background information

History

1.1: Vanuatu Disability Promotion & Advocacy Association (VDPA) was established in April 1999. VDPA is the only National Organization of Persons with disabilities (NOPD) of Vanuatu. VDPA was established on 4th April 1999 with the mandate to advocate for rights and promote abilities of people with disabilities in Vanuatu. On 13th September 2002 VDPA was formally registered as a charitable organization with the Financial Services Commission.

1.2: VDPA has contributed significantly to advancing the rights of people with disabilities through the development of 34 affiliate groups, which work to raise awareness and advocate for disability inclusion at the community level around Vanuatu. Regionally, VDPA is a member of the Pacific Disability Forum (the regional umbrella body for Pacific Organizations of Persons with Disabilities in the Pacific).

Purpose

1.3: VDPA is the voice of people with disabilities in Vanuatu. It represents people with disabilities and is led by people with disabilities. As the only national Organization of Persons with Disabilities (OPDs) in Vanuatu, it is uniquely placed to empower persons with disabilities to advocate and work in partnership at all levels to remove barriers experienced by people with disabilities.

Vision

1.4: An accessible, inclusive, and respectful Vanuatu society for all individuals with disabilities, where they are empowered to proactively participate in communities on an equal basis with others.

2. Introduction

2.1: The Republic of Vanuatu is an island nation located in the South Pacific Ocean. The archipelago is located some 1,750km east of Australia, 500km north-east of New Caledonia, west of Fiji and south of the Solomon Islands. Vanuatu is only 2.5 hours flying time north-east of Brisbane and 3.5 hours from Sydney, Australia. The 2020 population census showed approximately 313,685 people living in Vanuatu, 3,947 are People with Disabilities.ⁱ

2.2: Overall, about 14.7% of the total population aged 5 years and above reported a disability, regardless of severity, with the proportion of females with a disability was slightly higher (15.2%) than that of males (14.2%). Most of these disabilities were minor; only 1.7% of the population aged 5 and above reported a major disability or inability to perform a function. The most mentioned disability was difficulties with seeing (21,124 people), followed by difficulties with walking (16,640), remembering and/or concentrating (11,555), and hearing (10,845)ⁱⁱ.

2.3: VDPA brings to the United Nation Human Rights Council (UNHRC) this Universal Periodic Review stakeholder submission advocating for the voices of People with Disabilities in Vanuatu. VDPA acknowledge the government of Vanuatu for ratifying Convention of the Rights of Persons with Disabilities (CRPD) in April 2008ⁱⁱⁱ, endorsing the Vanuatu National Disability Inclusive Development Policy (VNDIDP) 2018 to 2025^{iv}, establishing a national focal point, six provincial disability focal points and focal points in the education and health sector.

2.4: Furthermore, VDPA applauded the Vanuatu government's achievements to develop sectoral policies that are align to the principles of CRPD such as the climate change and disaster risk reduction policy 2016-2030^v, the public health sector policy 2021 -2030^{vi}, the inclusive Education Policy^{vii}, and the National Sustainable Development plan^{viii}.

Acknowledgement is forwarded to the Vanuatu government for incorporating the Washington group short sets of questions^{ix} in the national census in 2020 and establishing the National Disability Committee, an oversight body to ensure the human rights of People with Disabilities are promoted, protected and respected through monitoring the progress of the VNDIDP^x.

2.5: Despite the above achievements, physical, communication, information and transport barriers still exist for People with Disabilities in Vanuatu. Adding on to these barriers Vanuatu has no national social protection mechanism to support People with Disabilities and no disability inclusive legislation.

2.6: VDPA's 4th cycle Universal Periodic Review (UPR) stakeholder submission presented three following issues to the UNHRC about the Human Rights situation of People with Disabilities in Vanuatu. The key issues are:

1. Accessibility issues for People with Disabilities comprising of three key sub issues which are lack of physical access, lack of information & Communication and lack of access to transport.
2. No national social protection mechanism to support People with Disabilities.
3. No disability inclusive legislation.

3. Issue 1: Accessibility issues.

3.1: Issue 1.1: Lack of physical access.

3.1.1: Article 9 of the CRPD that was ratified by the Vanuatu government calls on the government to take appropriate steps to ensure people with disabilities have access to things, places, transport, information, and services that are open to the public.

3.1.2: The society pillar of the Vanuatu National Sustainable Development Plan¹, pillar 4.5 committed the government to ensure all people, including people with disabilities, have access to government services, buildings, and public spaces.

3.1.3: VDPA noted that the Vanuatu National Disability Inclusive Development Policy (VNDIDP) priority area 6^{xi} has an objective to remove barriers in the built environment and promotion of accessible in infrastructure and information, however there are no budgetary allocation to implement this policy.

3.1.4: VDPA noted that this issue was raised by the UNHRC during Vanuatu government's UPR presentation at the forty first session. Recommendation 90.93 made by France urged the government to develop infrastructure to enable access to public health services and education for children including those with disabilities and recommendation 90.92 made by Canada urged the government to continue efforts to implement the CRPD, by ensuring access to public place and equitable access to medical equipment and service for People with Disabilities^{xii}. VDPA noted that this issue was also raised in concluding observation 19 a and b of the state initial CRPD report recommending the government to allocate human and financial resources to implement the building code and ensure accessible public transport is available for People with Disabilities throughout Vanuatu.

3.1.5: VDPA acknowledged the Vanuatu government for endorsing these recommendations at the international level and made national commitments in the VNDIDP, however is

concern that despite the ratification of CRPD most public buildings and places are not accessible to Persons with Disabilities. Furthermore, VDPA is concerned that the third cycle UPR recommendations and the VNDIDP policy provisions are not fully implemented to ensure People with Disability have physical access to realise their human rights and hereby recommends the Vanuatu Government to urgently:

3.1.6: Recommendations:

VDPA recommends the Vanuatu Government to urgently:

1. Review the current Vanuatu Building Act 2013 to ensure the infrastructure standards are align to CRPD and the Vanuatu context.
2. Ensure new infrastructure plans are accessible and inclusive of People with Disabilities.
3. Urgently allocate funds for the implementation of the Vanuatu National Disability Inclusive Development Policy.

3.2: Issue 1.2: Lack of access to Information & Communication

3.2.1: Access to information is crucial for People with Disabilities. Article 9 of the CRPD calls on the Vanuatu government to promote access to information and communication technology. However, there is still lack of network coverage in most islands in Vanuatu. In Vanuatu, the coverage prediction is not absolute, but varies in quality and availability because of the type of device, how close the subscriber is to the nearest mobile tower, or how many people are using the network at that location, other local geographical conditions will affect reception even though coverage has been predicted within that area.^{xiii}

3.2.2: VDPA noted that the VNDIDP priority area 6.2 committed the Vanuatu Government to ensure People with Disability have access to information and communication however there is lack of budgetary allocation from the government to implement this policy commitment. VDPA noted that the UNCRPD concluding observation 37 (b) called on the Vanuatu government to adopt legislative and other measures to improve the availability of all public information in accessible formats, such as Braille and Easy Read^{xiv}

3.2.3: Moreover, VDPA noted that this issue was raised by the UNHRC during Vanuatu government's UPR presentation at the forty first session. Angola in recommendation 90.87 called on the government to create conditions for access to health-care services and education for people with disabilities. Similarly, the concluding observation 21 (a) in the state initial

CRPD state report called upon the Vanuatu government to improve the accessibility of warning information for persons with all types of impairment, particularly for persons with visual and hearing impairments and those with intellectual disabilities.

3.2.3: VDPA is concerned that the implementation of VNDIDP, previous UPR recommendations and CRPD concluding observations on this issue is delayed and People with Disabilities still lack access to accessible information and communication. Furthermore, VDPA is concerned that the early warning systems during natural disaster events are not accessible and inclusive which further marginalizes People with Disability during the events of natural disasters.

3.2.4: Recommendations:

VDPA recommends the Vanuatu Government to urgently:

1. Ensure the early warning systems are accessible to people with disabilities.
2. Strengthen the Vodafone and Digicel communication network coverages in all islands in Vanuatu.
3. Review the Right to Information Policy and ensure it is aligned to the CRPD.
4. Review the Right to Information Act and ensure it complies to the CRPD.

Issue 3.3: Lack of access to transport

3.3.1: Access to transport is crucial for people with disabilities. Article 9 on the CRPD urged Countries should make sure people with disability have equal access to buildings, roads, transport and public facilities like schools, housing, hospitals, clinics, and workplaces^{xv}.

3.3.2: VDPA noted that the Vanuatu National Disability Inclusive Development Policy Priority area 6.2. In accordance with legislation review recommendations, review the building code to incorporate CRPD aligned accessibility standards roads and transport, and the incorporation of universal design for all new public buildings and facilities.

3.3.3: Moreover, VDPA noted that the CRPD Concluding Observation 19 2(b) urged the Government of Vanuatu to ensure that accessible public transport is available for persons with disabilities throughout the country. Yet there is lack of accessible transport for people with disabilities in Vanuatu. From VDPA's professional experiences at most times the wheelchair users are forced to access inaccessible transports and they were charged more than others, since the transport drivers' complaint about the space taken up by the wheelchair users

Recommendations:

VDPA recommends the Vanuatu Government to urgently:

- 1.Ensure accessible transports are imported.
- 2.Ensure Free exemption tax for accessible transport.
- 3.Encourage private sectors to import accessible transport

5. Issue 2: No national social protection mechanism

4. 1: The definition of social protection as defined by Asia Development Bank are set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people's exposure to risks, and enhancing their capacity to protect themselves against hazards and interruption/loss of income^{xvi}. Vanuatu has no formal definition of social protection and uses the informal social protection measures emphasizing on extended families and wantoks. The Vanuatu National Provident Fund, and a range of employment-linked entitlement for wage and salaried earners in the formal sector are the only forms of social protection^{xvii}.

4.2: Despite the Vanuatu government has no formal definition of social protection, the Vanuatu government has a state obligation under article 28 of the CRPD to take appropriate steps to give people with disability access to disability-related services, devices, and the same access as other people to clean water, programs that help people get out of poverty, public housing, and pensions. Furthermore, concluding observation 47 in the state initial CRPD report recommended for the Vanuatu government to adopt social protection programs, including allowances, for persons with disabilities and their families, particularly those who are living in poverty and those with high support requirements, to cover the additional costs related to disability.

4.3: Additionally, the United Nation CRPD Committee also recommends that the State party allocate an adequate budget and ensure that the assessment and eligibility criteria for social protection and poverty reduction programs are in line with the Convention, considering the Committee's general comment No. 6 (2018) on equality and non-discrimination.

4.4: To date the government has done nothing in this area, only international CSOs such as Oxfam has implemented cash transfer program for People with Disabilities.

4.5: From VDPA professional experiences working with People with Disabilities during natural disasters, it is concerning that People with disabilities faced existing discriminatory practices daily and the challenges are aggravated during natural disaster events. A study on the experiences of people with disabilities in Vanuatu during and after Tropical Cyclone Pam and recommendations for humanitarian agencies conducted in 2017 found out that 29% of the People with Disabilities stated that they cannot access evacuation center during natural^{xviii}.

4.6 : Similarly this report found out that the services with the highest level of unmet need for people with disabilities were health services (51%), women’s health services and products (65%), drinking water (42%) and emergency shelter materials (42%) food distribution was the service with lowest unmet need, but even so, 29% of people with disabilities and 20% of those without reported unmet need for food within the first four weeks.^{xix} During the cycle Harold, calls were made by the NGOs focusing on the rights of People with Disabilities to the government to step-up its efforts to build evacuation centers that are easily accessible for people with disabilities in remote areas^{xx}.

Recommendations:

VDPA recommends the Vanuatu Government to urgently:

1. Develop a Vanuatu national social welfare system.
2. Develop a National Social Protection Mechanism in place.
3. Enact a Disability Social welfare benefits legislation and policy and resource its implementation.
4. Incorporate accessible design principles in the construction of buildings which will be used as evacuation shelters during future disasters.

5. Issue 3: No disability inclusive legislation

5.1: Currently Vanuatu has no Disability Inclusive Legislation; the Ministry of Justice has made progress with national consultations ^{xxi}to develop a disability bill however the instability within the Vanuatu Government legislature does not provide an enabling environment for the Council of Ministers to further deliberate on the proposed bill. Lessons learnt from other Pacific Island Countries such as Fiji and the Federated state of Micronesia^{xxii}, enacting a disability inclusive legislation indicated the government ownership and commitment to promote, protect and fulfil the rights of persons with disability and domesticate the CRPD^{xxiii}

5.2: VDPA noted that this issue was raised in the Vanuatu government CRPD initial report concluding observation 7 (c). The UNCRPD committed called on the Vanuatu government to enact a bill without delay which include the human rights model of disability enshrined in the convention and as an assessment mechanism that is compliant with the convention and adopt measures to effectively implement the National Disability Inclusive Development

Policy (2018-2025).²

5.3: VDPA also noted that the UN CRPD Committee notes the vulnerability of the State party to natural disasters and is concerned that persons with disabilities are not sufficiently involved in disaster risk reduction plans at the national, provincial and community levels. The Committee is also concerned that some persons with disabilities were left behind during the evacuation from Ambae Island in 2018 and that there have been no unified measures taken to establish an emergency notification system^{xxiv}.

Recommendation

VDPA recommends the Vanuatu Government to urgently:

1. Enact a disability inclusive legislation and financially resource its implementation.

Endnote

ⁱ Vanuatu National Population and Housing Census, retrieved from https://vnso.gov.vu/images/Pictures/Census/2020_census/Census_Volume_2/2020_Vanuatu_National_Population_and_Housing_Census_-_Analytical_report_Volume_2.pdf.

ⁱⁱ Ibid

ⁱⁱⁱ United Nation Human Rights Treaty Body, retrieved from https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=190&Lang=en

^{iv} National Disability Inclusive Development Policy. Retrieved from https://cdn.climatepolicyradar.org/navigator/VUT/2018/national-disability-inclusive-development-policy-2018-2025_42688f1b6330df4420

^v Vanuatu Climate Change and Disaster Risk Reduction Policy 2016-2030, retrieved from

https://www.preventionweb.net/files/46449_vanuatuccdrpolicy2015.pdf.

^{vi} Vanuatu Health Sector Strategy 2021-2023

https://moh.gov.vu/images/Strategic_Plan/Health_Sector_Strategy_HSS_2021-2030_.pdf

^{vii} Inclusive Education Policy and Strategic Plan retrieved from

https://education.gov.vu/docs/policies/Vanuatu%20Inclusive%20Education%20Policy_2011.pdf.

^{viii} Vanuatu 2030- the People plan retrieved from <https://www.gov.vu/images/publications/Vanuatu2030-EN-FINAL-sf.pdf>.

^{ix} Washington Group on Disability Statistics. Retrieved https://www.washingtongroup-disability.com/fileadmin/uploads/wg/Washington_Group_Questionnaire__1_-_WG_Short_Set_on_Functioning__October_2022_.pdf.

^x <https://www.ohchr.org/sites/default/files/documents/hrbodies/cerd/cfi/dgd-article11/Vanuatu-Government-dgd-article11.docx#:~:text=In%202023%20the%20Ministry%20of,ensure%20the%20protection%2C%20safety%20and>

^{xi} Ibid

^{xii} Report of the Working Group on the Universal Periodic Review- Vanuatu ://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/099/76/PDF/G1909976.pdf? OpenElement

^{xiii} Mobile and board band coverage. <https://www.trbr.vu/en/telecom-industry/universal-access/coverage/mobile-and-broadband-coverage>

^{xiv} Ibid

^{xv} Convention on the Rights of Persons with Disabilities and Optional Protocol. Retrieved from

<https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

^{xvi} Social Protection Strategy. (2001). Retrieved 22 August 2022, from <https://www.adb.org/documents/social-protection-strategy>

^{xvii} Alatoa, H. (2012). Republic of Vanuatu: Updating and Improving the Social Protection Index (Cofinanced by the Republic of Korea e-Asia and Knowledge Partnership Fund). Retrieved 22 August 2022, from

<https://www.adb.org/sites/default/files/project-document/76087/44152-012-reg-tacr-34.pdf>

^{xviii} The experiences of people with disabilities in Vanuatu during and after Tropical Cyclone Pam and recommendations for humanitarian agencies conducted in 2017. Retrieved from

https://mspgh.unimelb.edu.au/__data/assets/pdf_file/0011/2567576/WEB-DIDRR-Report-14112017.pdf.

^{xix} Ibid

^{xx} <https://vbtc.vu/en/call-for-evacuation-centres-to-be-accessible-for-disabled-people/>

^{xxi} Ibid

^{xxii} and gender-sensitive design principles in the construction of buildings which will be used as evacuation shelters creates an accessible, safe environment for everyone during future disasters.

^{xxiii} <https://www.spc.int/updates/blog/2022/05/influencing-legal-frameworks-to-promote-the-rights-of-people-with->

^{xxiv} Ibid