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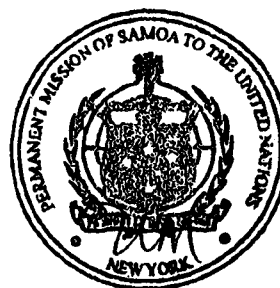
The Permanent Mission of the Independent State of Samoa to the United Nations presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the note reference: CM/SW/is with the Subject heading: Human Rights of Persons with Disabilities- Human Rights Council resolution 16/15.

The Permanent Mission has further the honour to transmit herewith the views of the Government of Samoa in relation to the above mentioned resolution. Furthermore the Permanent Mission has noted that the deadline for submission of inputs has lapsed, however we would still appreciate the Secretariat's favourable consideration.

The Permanent Mission of the Independent State of Samoa to the United Nations avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration

03 November 2011, New York

Office of the United Nations High Commissioner
for Human Rights
United Nations Office
GENEVA



OHCHR REGISTRY

- 3 NOV. 2011

Recipients :.....S.W.....
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Subject: Human Rights of Persons with Disabilities – Human Rights Council resolution 16/15

MWCSD – Division for Research Policy Planning and Information Processing

1. Are there any restrictions on the right of persons with disabilities to vote and be elected? If so, what are those restrictions?

There are no restrictions.

- Persons with disabilities are given equal opportunities to vote as well as become potential candidates during elections in Samoa.
- As stated in Samoa's constitution Section 15 (1) "All persons are equal before the law and entitled to equal protection under the law".
- (2) "There can be no laws to subject disability or restriction on anyone, but a disability as such is not a ground of discrimination".

2. What are the steps taken by your Government to ensure that persons with disabilities participate in political and public life?

- The initial steps of ensuring participation in political and public life for persons with disabilities date back 49 years ago when Samoa became Independent in 1962. Establishing the Constitution of Samoa has laid the fundamental principles for not only the Government of Samoa but more significantly the foundation for the rights of all citizens of Samoa including persons with a disability.
- The Constitution of the Independent State of Samoa guarantees equal rights for all.
- Section 15 (3) of the Constitution states:
 - Nothing shall...
 - (b) Prevent the making of any provision for the protection or advancement of women or children or of any socially or educationally retarded class of persons.
 - The Constitution does not restrict qualifications as to composition of Parliament, except that members must have matai (chiefly) status.
- The Education Amendment Act 1991- 1992 made government and caregivers jointly responsible for special needs children by supporting community initiatives in special needs.
- In 1998 the Government of Samoa signed onto the UNESCAP proclamation on the full Participation and equality of people with disabilities in the Asian and Pacific Region.
- The Nuanua o le Alofa (NOLA) was established in 2001, as the National Council for Disability issues in Samoa.

- This organization employs persons with disabilities and works collaboratively with the wider community in giving ownership to persons with disabilities in becoming role models for individuals, families and community.
 - Advocacy for persons with disabilities
 - Up skilling persons with disabilities through overseas training, workshops, conference participation.
- Establishment of Occupational Health and Safety Education in 2001
 - Women with disabilities have attended 2 workshops for WWD in Fiji in 2003 and 2004.
 - Specialized personnel's are available to assist and work through any queries encountered by persons with disabilities during the election process.
 - There is active collaboration amongst organizations of persons with disabilities and government in programmes that promote the participation of persons with disabilities.
The national organization of persons with disabilities has become a member of DPI.
Samoa has a strong self-help advocacy group, which has assisted in surveys, and has just opened its own premises. Through advocacy from this group, contact has been established within the Government. Samoa has been represented at the Biwako Framework Conference, other international events, with representation from both Government and disability sectors. There are programmes to strengthen the role of families in caring for their children with disabilities.

3. What steps has your Government taken and what mechanisms exist:

(a) To ensure close and active consultations with persons with disabilities and their representative, organizations in decision – making processes, including those related to the development of legislation and policy?

- Establishment of The National Disability Taskforce in 2008
 - Those involved are Chief Executive Officers, Heads of relevant government ministries, and members of NGOs for persons with a disabilities.
 - Directly responsible for all matters concerning persons with disabilities in Samoa.
 - Responsible also for drafting the National Policy for Persons with Disability in Samoa. Furthermore, the Taskforce is now in the stage of finalizing a National Policy for Persons with Disability in Samoa for the period 2011-2016.
 - Submitting Reports to Cabinet on developments or grievances for persons with disabilities.
- Approval and Establishment of a Senior Disability Officer within the Division for Research Policy Planning and Information Processing at the Ministry of Women, Community and Social Development in 2011.
 - Focal Point for disability within government. Responsibilities include:

- Lead the implementation of the National Policy for persons with Disability – Plan of Actions (Act as main National Focal Point for Person with Disabilities)
- Identify and develop appropriate legislation, policies and Disability Mainstreaming to the work of the Division. (This will include working with the Forum Secretariat and other regional organizations to develop models of best practice for disability policy and legislation.)
- Work closely and collaboratively with DPOs (Disability Persons Organizations) and NGOs and relevant Government Ministries on planned and progress activities / programs pertaining to PWDs.
- Liaise with Regional and International agencies on matters relating to Disabilities.

(b) To promote participation in non- governmental organizations and associations concerned with public and political life?

- Samoa has ratified the 8 ILO core conventions, which includes the Discrimination (Employment and Occupation Convention) of which Article 1 (b) prevents discrimination based on “such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation...”
- Establishment of The National Disability Taskforce in 2008
- Ratification of the Convention on the Rights of the Child (CRC) including children with disabilities.
 - National Council on the Convention on the Rights of the Child has been established
 - CRC Partnership established
 - Dealing with all issues concerning children
 - Working through strategies to best assist NGOs, Government ministries and Stakeholders in having effective outcomes on common goals for child protection and policies.
- Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1992 including women with disabilities.
 - CEDAW partnership with Stakeholders.
 - Dealing with all issues concerning women
 - Working through strategies to best assist NGOs. Government ministries and Stakeholders in having effective outcomes on common goals for women’s rights, policies and practices in Samoa.

(c) To promote organizations of persons with disabilities at international, national, regional and local levels?

- The Nuanua o le Alofa (NOLA) was established in 2001, to be the National Council for Disability issues in Samoa.
 - This organization employs persons with disabilities and works collaboratively with the wider community in giving ownership to persons with disabilities in becoming role models for individuals, families and community.

- Advocacy for persons with disabilities
 - Up skilling persons with disabilities through overseas training, workshops and conference participation.
- Women with disabilities attending 2 workshops for WWD held in Fiji in 2003 and 2004
- Vocational training opportunities provided to youth with disabilities
- Scholarships awarded to persons with disabilities to study at tertiary level.
- There is a United Nations Volunteer programme to integrate disabilities into regular vocational training programmes
4. **How are persons with disabilities and their representative organizations involved in monitoring the Convention?**
- *(Convention yet to be ratified by Samoa)*
 - *Primary objective by National Disability Taskforce and Senior Disability Officer to bring about the ratification of the CRPD.*
5. **Are statistics collected in relation to the participation of persons with disabilities in political and public life? Please provide relevant statistics and data if possible.**
- a. 2002 – Adult Disability Identification Census, Nuanua o le Alofa (NOLA)
 - b. 2004 - Status of Women with Disabilities in Samoa, (NOLA)
 - c. 2005 -Samoa, a Situational Analysis of Children, Women and Youth, Brenda Sio
 - d. 2005 –CRC Implementation Report, conducted by the Ministry of Women, Community and Social Development
 - e. Samoa, a Situational Analysis of Human Development
 - f. Periodical Census of Population and Housing, Samoa Bureau of Statistics
 - g. Special Needs Assessment Program (database), Ministry of Education, Sports and Culture
6. **Is your Government involved in international cooperation programmes related to promoting political rights of persons with disabilities? Please describe the ways the programmes are inclusive of and accessible to person with disabilities.**
- Government of Samoa being a member of the UN since 1976
 - Enables all aspects and livelihood of persons with disabilities to be heard and given priority in all facets of life.
 - Ratified CEDAW in 1992
 - The protection of rights and promotion of equality for women with disabilities are fulfilled under this Convention.
 - Ratified CRC in 1994

- Protection of rights and promotion of equality for children with disabilities are fulfilled under this Convention.
- Signatory in 1998 to the Asian and Pacific Decade for the Disabled Person, 1993-2002
 - International recognition for persons with disability in Samoa builds confidence and gives ownership on the Government of Samoa to protect and promote the rights of persons with disabilities.
 - Building positive relationships throughout the Asian and Pacific region
 - Networking between different countries to build up and spread public awareness of issues surrounding persons with disabilities in Samoa.
- Signatory to the UNESCAP in 1998
 - Proclamation on the full participation and equality of people with disabilities in the Asian and Pacific Region.
- 2003-2012 Asian and Pacific Decade and Biwako Millennium Framework
 - A guiding framework for addressing issues of human rights and inclusion of people with disabilities in the Pacific.
 - A safe haven for persons with a disabilities to voice their concerns and be apart of changing the perceptions and stigmatic views of the general public towards persons with disabilities.