 

**The Vanuatu Government’s Response to the Office of the United Nations High Commissioner for Human Rights and the Committee on the Rights of Persons with Disabilities Request for:**

**Written Submissions relating to Article 11 of the Convention on the Right of Persons with Disabilities**

**February 15, 2023**

1. **Introduction**
	1. The Vanuatu Government, thanks the Office of the United Nations Human Rights Commissioner and Committee on the Rights of Persons with Disabilities for this opportunity to provide a written submission in response to Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD).
	2. The Vanuatu Government was the first in the Pacific Region to ratify the CRPD, and as a longstanding party to the Convention (since 2008), is committed to upholding its obligations to ensure the rights of persons with disabilities are met. As the world’s most at risk country for natural hazards (World Risk Index), Vanuatu faces a continuum of cyclones, earthquakes, volcanic eruptions, floods, drought and tsunami. Within this context, Article 11 of the CRPD is a priority for the Vanuatu Government. As such, the National Disability Committee (NDC) under the Ministry of Justice and Community Services is providing general recommendations to the CRPD Committee based on Vanuatu’s experience with supporting the rights of persons with disabilities across the humanitarian-development spectrum.
	3. To contribute to this submission, the Vanuatu Government hosted a consultation on 6th February 2023, with key stakeholders including national and provincial government, persons with disabilities, organisations for persons with disabilities, civil society organisations and United Nations agencies. This consultation was essential to hear from the lived experiences of persons with disabilities during natural disasters and pandemics (COVID 19) and to also hear from service providers. The consultation dialogue contributed to a strengthened understanding of needs, available services and gaps to inform recommendations for the Vanuatu Government and other State Parties to meet global best practice in policy, planning and implementation of disability inclusive programming across the humanitarian-development spectrum.
	4. Within this submission, the Vanuatu Government will be providing recommendations on the obligations of State Parties pursuant to Article 11 of the CRPD and measures that should be taken by State Parties to ensure full compliance with their obligations to respect, protect and fulfil the human rights of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.
2. **Normative Context**
	1. The Vanuatu Government is a signatory to United Nations Conventions and Frameworks including the Convention on the Rights of Persons with Disabilities, Convention on the Elimination of Discrimination of Violence Against Women and Girls, Convention on the Rights of the Child (and Optional Protocols to the CRC on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography), Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, International Covenant on Civil and Political Rights, Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Framework Convention for Climate Change.
	2. The Vanuatu Government recognises that under International Humanitarian Law and International Human Rights Law, the CRPD does not create new rights, but requires States to adopt specific measures to ensure that all fundamental human rights (which are already included in previous international conventions) are accessible to persons with disabilities. To ensure this is possible, all State Parties are required to develop, review and implement specific measures in accordance with the requirements in the CRPD.
	3. The Vanuatu Government has prioritised its commitments to the CRPD within its policies and action plans from national to community level and recognises that the articles of the CRPD can only be achieved if implemented in conjunction with obligations that Vanuatu has ratified in other Conventions and legislation. To enforce, achieve and maintain the requirements of the CRPD, disability inclusive voices and practices must be mainstreamed within development, disaster risk management, disaster risk reduction and other emergency legislation, policy and programming across all sectors. An important aspect of this is to strengthen the decentralisation of essential services including but not limited to the formal justice system, communications, water sanitation and hygiene, health, nutrition, education, emergency shelter and transport to institutionalize the coordination of inclusive services at provincial levels of government (where it is shown that more people with disability reside).
		1. The National Sustainable Development Plan 2016-2030[[1]](#footnote-1) includes indicators and targets for Vanuatu to meet the Sustainable Development Goals including specific policy areas on social inclusion such as gender responsive planning and budgeting, preventing discrimination and violence against women, children and vulnerable groups; empowering and supporting persons with disabilities to fulfill their human rights through legislation, institutional policies and participation and accessibility to government services, buildings and public spaces.
		2. The National Disability Inclusive Development Policy 2018-2025[[2]](#footnote-2) includes specific measures which need to be undertaken across whole of government and civil society to ensure the rights of persons with disabilities are protected across the humanitarian-development spectrum.
		3. The role of the National Disability Committee is an oversight body to ensure the human rights of persons with disabilities are met through monitoring the progress of the National Disability Inclusive Development Policy and other measures across development and disaster risk management and reduction initiatives. The NDC members include representation from persons with disabilities, organisations for persons with disabilities including Vanuatu Disability Promotion and Advocacy and Vanuatu Society for People with Disabilities, Vanuatu Skills Partnership, Ministry of Justice and Community Services, Ministry of Health and Ministry of Education and Training.
		4. At the provincial level, Ministry of Justice and Community Services Provincial Disability Desk Officers are tasked with mainstreaming disability inclusion across sectors and decentralising accessibility of services to the community level. The Provincial Desk Officers also work with other Government and civil society representatives to ensure the data collected as part of community profiles of every area in Vanuatu are representative of the needs of persons with disabilities and are used to inform inclusive policy and programming.
		5. In 2023 the Ministry of Justice and Community Services will lead in the consultation, review and development of a Disability Act for Vanuatu which will serve to further strengthen and enforce mandatory requirements for Government, private sector, civil society and the community to ensure the protection, safety and fundamental human rights of persons with disabilities are fulfilled across conflict, natural disaster, humanitarian emergency and non-crisis periods.
		6. As part of whole of government approaches and mainstreaming, other sectors have disability inclusive policies such as the National Gender Equality Policy 2020-2030[[3]](#footnote-3), Inclusive Education Policy and Vanuatu Reproductive, Maternal, Newborn, Child & Adolescent Health Policy 2021-2025[[4]](#footnote-4).
3. **Intersectionality and increased risk**
	* 1. The Vanuatu Government recognises that persons with disabilities face multiple forms of discrimination, abuse and violence; committed by state and non-state actors, civil society and members of communities. Many of these human rights violations are not reported and relevant systems and structures need to be strengthened and developed across legislation, policy and programming to meet the needs of persons with disabilities in all their diversities and assist them to access justice.
		2. The Vanuatu Government recommends that when endorsing obligations of State Parties and designing measures for States to be compliant to Article 11, the principles of intersectionality must be considered and a gender analysis should be undertaken reflecting the situation and needs of men, women, girls and boys in all of their diversities so that initiatives can be mainstreamed across all national action plans and strategies.
		3. The Vanuatu Government recognises persons with disabilities are at higher risk of discrimination, abuse and violence during situations of armed conflict, humanitarian emergencies and natural disasters and additional measures are required to prioritise their safety and protection.
			+ 1. Climate change is threatening the planet and global population with devastating social, cultural, economic, health and human rights impacts, affecting women and girls disproportionately, especially those with disabilities.
				2. The Vanuatu Women’s Centre and Vanuatu National Statistics Office research has identified that sixty percent of women aged between 15-49 who have had intimate partners have experienced some form of physical or sexual violence (or both) from a partner[[5]](#footnote-5). Rates of gender-based violence (GBV) perpetrated by family and community members are similarly high (48 per cent). In recent years, there has been a significant increase in online GBV. Research conducted by UNFPA, Pacific Disability Forum and Women Enabled International reported that women with disabilities make up approximately one-fifth of the world’s population of women and are two or three times more likely to experience certain types of GBV[[6]](#footnote-6). Armed conflict, humanitarian emergencies and natural disasters increase the risk of GBV for women and girls with disabilities.
				3. Children with disabilities are among the most at risk people and are more likely to experience discrimination and violence; to be left behind, abandoned or neglected; and more likely to face barriers accessing protection and aid, especially in displacement and refugee contexts. Girls with disabilities and children with intellectual disabilities are particularly vulnerable to exploitation and violence, including sexual violence.
				4. Older persons with disabilities have increased health needs, reduced mobility and are more dependent on care givers; they are at increased risk of exclusion, abuse and exploitation and require additional support. They can suffer neglect and experience difficulties in accessing aid.
				5. Persons with disabilities living in rural and remote areas are also at increased risk due to limited coverage of essential services, isolation, mountainous terrain and bad roads; which require strengthened measures to ensure inclusive access to essential services, evacuation routes, displacement infrastructure and provision of aid.
4. **Reflecting on Vanuatu’s Experiences – Natural Disasters**
	1. Volcanic Eruptions: The Vanuatu Government prioritised service delivery to persons with disabilities who were displaced as a result of volcanic eruptions on Ambae Island in 2017 and 2018. In 2018 there was a joint response by the Health and Gender and Protection Clusters to manage an evacuation centre in Santo for over 150 persons with disabilities and special needs. The Clusters included organisations for persons with disabilities who contributed to planning and service delivery to ensure the safety and protection of persons with disabilities. This response to assist displaced persons with disabilities ensured that the building and WASH facilities were safe and physically accessible, health services were available, food and nutrition was appropriate and psychosocial support activities were implemented. As part of build back better approaches, organisations for persons with disabilities also worked with the Shelter Cluster to develop accessible and safe housing in Santo, for persons with disabilities who wished to relocate permanently.
	2. Tropical Cyclone Harold Category 5: During the response to Tropical Cyclone Harold in 2020, persons with disabilities were part of outreach teams collecting data on the needs of affected persons with disabilities. These outreach teams were trained in the use of the Washington Group questions and the collected data was used to inform response initiatives across sectors including the donation of assistive devices, food and unblocked cash transfers; and referral to essential services. In the cash voucher program, persons with disabilities were prioritised for assistance. As part of “build back better”, the Vanuatu Skills Partnership Program trained outreach teams in how to construct cyclone resilient buildings including how to select the location of buildings, use of construction techniques and use of surrounding environment to minimise the impacts of future natural disasters.
	3. Since 2019 mapping of evacuation centres has been conducted by church organisations, including assessment of existing and required inclusivity measures such as accessibility for persons with disabilities, privacy and security. Rainbow Theatre which is part of Wan Smol Bag has a theatre show which shows the community how to prepare for a disaster, including ensuring disability inclusive planning.
	4. Women I Toktok Tugetha (WITT Sunshine) and Action Aid has been supporting a network of women and girls with disabilities since 2019. This network provides a safe space to support women and girls with capacity strengthening and leadership training to prepare for emergency and disaster periods. WITT Sunshine also runs livelihood programs which help women with disabilities to ensure their income and food security during non-crisis and emergency periods.
	5. Being the most at risk country in the world to natural hazards, the principles of “build back better” are essential. The Government is promoting the interests and needs of persons with disabilities to be mainstreamed across all national action plans and strategies, including decentralisation of essential services to the provincial level. It is also imperative that Government, private sector, civil society and the community have adequate capacity and resources to provide disability inclusive services which are available and accessible during non-crisis periods, so they are better equipped to scale up and reach persons with disabilities during natural disasters and humanitarian emergencies.
	6. The rural and remote geographical location of the Vanuatu archipelago contributes to the importance of decentralisation and the urgency to strengthen inclusive early warning systems and increase accessibility of essential services across the humanitarian-development spectrum.
5. **Reflecting on Vanuatu’s Experience – Humanitarian Emergencies (Pandemics)**
	1. During COVID 19 response, the Disability Inclusion in Emergencies Subcluster was activated (sub cluster of the Gender and Protection Cluster) and organisations including Disability Desk, Vanuatu Society for Persons with Disabilities (VSPD), Vanuatu Disability Promotion and Advocacy, WITT Sunshine, Sunflower, World Vision, Action Aid and Vanuatu Skills Partnership Programme provided support to persons with disabilities and their carers.
	2. Early warning systems are improving and WITT Sunshine has an early warning preparedness plan which they used during COVID and includes using mobile phone technology and inclusive messaging which is passed through the WITT network to ensure that women with disabilities are aware of natural disasters and humanitarian emergencies. Community Disaster Climate Change Committees (CDCCCs) were also activated and assisted with ensuring all community members including persons with disabilities were informed of the COVID situation and related WASH, safety and security protocols.
	3. The Vanuatu Society for Persons with Disabilities trained persons with disabilities and their carers in inclusive WASH practices, COVID symptoms and vaccination and testing procedures. Awareness raising by nurses was provided to women, men and children with disabilities and key messages were mainstreamed into different sectors and disseminated to persons with disabilities. VSPD also provided transport to assist persons with disabilities to go to health clinics for COVID testing and vaccinations.
	4. The Health Cluster requested support from the Disability Inclusion in Emergencies Subcluster to review isolation centre operations and ensure they were accessible for persons with disabilities. Disability inclusive shelter, WASH, dignity and hygiene kits, and assistive devices were provided for persons with disabilities. The Ministry of Youth and Sports with the Child Protection in Emergencies Sub Cluster provided psycho-social support for children in isolation centres. WITT Sunshine supported a health clinic for persons with disabilities and accessible community isolation centres were also established at village health centres/clinics by the Adventist Development Relief Agency (ADRA).
	5. During community outreach on COVID, VSPD and the Health Cluster also worked together to register persons with disabilities to access services during emergency periods. In households, World Vision provided support to persons with disabilities through provision of portable toilets, dignity kits and wash basins at appropriate heights to be accessible by wheelchair users.
	6. The Food Security and Agriculture Cluster coordinated the distribution of local food and used existing data to ensure persons with disabilities had access to food supplies. A mobile market also facilitated selling of farmers crops to community members (Port Vila and Luganville) while observing COVID 19 protocols.
	7. As part of the Oxfam Cash Transfer Programme, cash vouchers were prioritised for persons with disabilities whose income was affected by border closures and lockdowns as a result of COVID 19.
	8. During COVID 19 border closures, lockdown and recovery; the Vanuatu Government and civil society learnt lessons on the importance of strengthening disability inclusive practices across essential services and ensuring that early warning systems and information is accessible.
6. **Vanuatu Government Recommendations to State Parties** **on their obligations pursuant to Article 11 of the CRPD and measures they should adopt to ensure full compliance with their obligations to respect, protect and fulfil the human rights of persons with disabilities:**
	1. States Parties should adopt a whole of government approach when implementing Article 11 of the CRPD, in alignment with other articles of the CRPD and other Conventions which the State Party is a signatory to ensure the safety, protection and fulfilment of the fundamental human rights of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.
	2. State Parties must ensure the participation of persons with disabilities in the deliberation, design, endorsement and implementation of legislation, policy, planning and programming in relation to Article 11 of the CRPD to enable their perspectives and needs to be heard, considered and addressed. All conflict, disaster risk management, disaster risk reduction, climate change and pandemic programs should ensure the full participation, equal rights, removal of barriers for persons with disabilities. They should also be flexible and responsive to the diverse characteristics, capacities and needs of persons with disabilities.
	3. State Parties, in conjunction with Article 12 of the CRPD, should support persons with disabilities to exercise their legal capacity, make their own choices and decisions about their life plans. State parties should also ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law.
	4. States Parties should review all national emergency and development legislation, policies and plans across sectors to enact comprehensive disability inclusive actions and targets to advance domestic implementation of the CRPD. All strategies and actions to ensure the safety and protection of persons with disabilities must consider and incorporate measures across the disaster risk management and risk reduction cycle, conflict prevention and response, and other humanitarian programs to enable strengthened and accessible services including but not limited to WASH, health, justice, shelter, food security, social services, education, communications, transport and income protection during crisis and emergency periods.
		1. State Parties should collect, review and use sex, age and disability disaggregated data (based on the Washington Group questions) to assist in planning and implementation to ensure that persons with disabilities can access essential services during crisis periods.
		2. State Parties should ensure early warning systems and remote technologies are available and accessible for persons with disabilities and use approaches which can function in high and low resource settings. The development and use of national sign language and other practices to increase accessibility and inclusion are essential.
		3. State Parties should strengthen mandatory safeguarding measures to ensure the safety and protection of persons with disabilities in relation to child protection, prevention of sexual exploitation, abuse and harassment; and any discrimination, violence, torture or abuse incurred during situations of armed conflict, humanitarian emergencies and natural disasters.
		4. State Parties should strengthen gender based violence essential services ensuring that inclusive protection and response mechanisms are available to prevent further acts of violence, provide timely case management and to advocate for safety and justice. Services should be coordinated, quality, accessible, survivor-centered and trauma-informed for persons with disabilities during situations of armed conflict, humanitarian emergencies and natural disasters[[7]](#footnote-7).
		5. State parties should invest in and scale up evidence-based prevention initiatives that address root causes, drivers and risk factors for violence against persons with disabilities and adapt to work across the climate change continuum for example by integrating women’s economic empowerment programming such as livelihoods and social protection with ending violence against women and girls programming[[8]](#footnote-8).
		6. State Parties should review social welfare systems to ensure that persons with disabilities are prioritised for free or subsidised access to essential services and income protection.
		7. State Parties should develop and strengthen standard building codes to ensure safe and inclusive building and logistical infrastructure which is accessible for persons with disabilities in situations of refugee settings, displacement and relocation with adequate transport, shelter, water sanitation and hygiene facilities, nutrition, health, psycho social support, privacy, lighting and signage.
	5. State Parties should adopt gender responsive planning and budgeting approaches to ensure the intersectional needs of their populations have been assessed and there is funding allocated to ensure the protection, safety and human rights of persons with disabilities during situations of armed conflict, humanitarian emergencies and natural disasters. These disability inclusive interventions should also be integrated across climate change and financing, adaptation, mitigation and resilience legislation, policies, plans and programming.
	6. State Parties should develop, coordinate and resource multi-sectoral relationships between government, persons with disabilities, private sector, civil society, organisations for persons with disabilities, community leaders and community members from national to community level to ensure persons with disabilities are respected, protected and their human rights are fulfilled during crisis and non-crisis periods.
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