

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions to be included in the List of Issues Pre-session Working Group of the CEDAW Committee for the 52nd Session

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State submitted to the Committee on the Elimination of Discrimination against Women.

SAMOA

Samoa has not signed or ratified the Convention on the Rights of Persons with Disabilities.

State Report

Selected references to women and girls with disabilities in the State report :

Facts and Figures Total population 180,741

Males 93,724 Females 87,017

Number of persons with disabilities 2096

2.4. National Policy & Plan of Action for Persons with Disability

The total number of **people with disabilities** living in Samoa is 2096, females 941 and males 1,155 (Samoa Population & Housing Census 2006). The National University of Samoa (NUS) is providing special needs education training under the Faculty of Education Program for the Diploma in Teaching. There is also a major **Inclusive Education Special Needs Program** implemented by MESC as identified in their Policy and Strategic Documents. The advancement and full protection of **women and girls with disabilities** is also an area that is addressed under the Policies and Plans for Women, Young People and Children in Samoa.

A discussion paper submitted to Cabinet on the absence of adequate legal and policy protection for **people with disabilities noted the vulnerabilities of people with disabilities in particular women and male toddlers**. Such analysis from a gender perspective has prompted the immediate revival and relocation of the **National Disability Taskforce** under the MWCSO given its existing mandates, to develop the policy and national strategy for **people with disabilities**. Since 2008, the MWCSO through a Cabinet directive is now the government national focal point for **Persons with Living with Disabilities (PLWD)** and is responsible for the coordination of programs and promotion of the rights of **PLWD**, including the coordination of the National Disability Taskforce. Various consultations with different organizations and community groups in particular those residing in the rural communities (where 80% of those with **disabilities** reside) and **people with disabilities** were conducted to develop the National Policy and National Plan of Action for PLWD. The Nuanua O le Alofa, a council for **people with disabilities** and Loto Taumafai Education for **children with physical disabilities** have been at the forefront of these consultations whilst conducting their own advocacy programs on bringing into the mainstream of policy and program implementation the rights and needs of **people with disabilities**. These two

documents have been endorsed by Cabinet for implementation. Further to that, the MWCSO has also prepared a discussion paper for the National Disability Taskforce on some key considerations regarding Samoa's progress towards becoming a party to **the Convention on the Rights of People with Disabilities**.

2.5. Mental Health Act 2007

The Mental Health Act 2007 is now in place. This Act makes provisions for the voluntary care, support, treatment and protection within the family and community of **people with mental illnesses**. It protects the rights of **persons living with a mental illness** including the right to be given an explanation of their rights, the right of review of certain orders made against a **person living with a mental illness** including administration of property. For example; Section 3 states that any health professional worker including the court in performing any function under the Act shall be guided by the principles "to minimise the restrictions upon the liberty of the **persons with a mental disorder** and interference in their rights, dignity and self respect..." and section 3 (i) to eliminate discrimination against and abuse, mistreatment and neglect of **persons with a mental disorder**'.

11.3. New Developments in the Employment Sector

On May 1st 2009, the Government through the Ministry of Commerce, Industry and Labour (MCIL) hosted for the first time in the Pacific the International Labour Organisation's (ILO) 90th birthday...The Decent work program with ILO's assistance in resources and finances (USD\$309.7 million over a five year period amongst 5 countries in which Samoa is a part) aims to improve conditions and opportunities for youth employment, to support the TALAVOU program of the MWCSO, establish a Job Seekers' Register and pursue the lofty aims of the MDGs, Pacific Plan and the United Nations Development Assistance Framework (UNDAF). There are three main priorities in the Decent Work Agenda; 1: Modernisation of labour laws; 2: Promotion of decent employment opportunities, particularly for young women and men, and inclusive of **persons with disabilities**; and 3: Capacity of building of 'Tripartite' partners and improvement of social dialogue. The Minister of Trade, remarked 'this is a landmark achievement in establishing social justice through the increased 'dignity' of Samoa's workforce.

12.10. Mental Health Act

The Mental Health Act 2007 saw the re-establishment and restructuring of a specific Mental Health Unit according to the provisions of the new Act. The Act is 'to provide for the care, support, treatment and protection of **persons with a mental disorder and for related purposes, including people with disabilities and their families**'. Assistance and support for **women and girls who suffer from distress, depression** or any thoughts in this nature is treated or offered by the Mental Health Unit. Section 14 of the Act refers to: "**Mental disorder**" **includes a mental illness and means a medical condition that is characterized by a significant disturbance of thought, mood, perception or memory**

16.4. Enforcement of Compulsory Education

To ensure the full enforcement of the compulsory Education Act and to respond to the growing problem of children hawking on the streets during school hours and absurd hours in the night, MESC has began vigorous consultations with parents, community leaders, Government Ministries, NGOs, and all key stakeholders on strategies to enforce provisions of this act and to make education a priority for all **children including those with disabilities**. Part of these efforts include the amendment of the Compulsory Education legislation that has been tabled before parliament to increase penalties for parents and guardians that fail to meet their parental responsibility of sending their children to school. The amendment also, includes a proposal for a school fee relief program – where all school fees for children between the ages of 6 & 14 years will be waived. One of the critical issues regarding such a proposal is how the Ministry would enforce this once it becomes law.

16.6. BIWAKO Millenium Framework for Action

The Government of Samoa under the Pacific Leaders Forum declared their commitment to the BIWAKO Millennium Framework for Action in 2003. This commitment further strengthens Samoa's efforts in the context of CEDAW and CRC through the call to mainstream the rights and needs of **people with disabilities** into policy development and planning processes. To translate this commitment at national level, a **National Disability Taskforce** was set up within the MWCSO in October 2008 by a Cabinet directive to oversee the work on **people with disabilities** as referred to earlier. The Taskforce is also lobbying for Government ratification of the **UN Convention on the Rights of People with Disabilities**. Chaired by the MWCSO, members of the Taskforce include representatives from the Office of the Attorney General, MOH, MESC, Church Organisations and the **Organization for People with Disabilities**.

IDA suggestions for list of issues

- Please provide information on measures adopted to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- What steps are being taken to repeal restrictions in the Electoral Law (Section 5(5)) which excludes from voting or standing for election as an MP persons of unsound mind who are subject to an order of medical custody under the Mental Health Act 2007, which is contrary to Article 29 of the CRPD comprising the latest international standards with respect to participation in political and public life of persons with disabilities including women with disabilities?
- What programmes are in place to ensure that women and girls with disabilities are able to choose for themselves their vocation and to receive the necessary educational support and training to that end? What laws and policies provide reasonable accommodation to women with disabilities in the workplace?
- What measures are being taken, including the provision of support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities? How are support services made available in rural areas where most persons with disabilities reside?
- What steps are being taken to reform the law to ensure that women with disabilities exercise legal capacity on an equal basis with others and are provided with necessary support to exercise it, respecting the will and preferences of the person concerned?
- What steps are being taken to adopt measures to ensure that the mental health policy requires all health care and services to be based on the free and informed consent of the person concerned and that involuntary treatment and confinement are not permitted by law?
- What steps are being taken to address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse? What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities?
- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs?

- What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society? (See recommendations of the CRC Committee in Annex below)
- What steps is the Government taking towards providing inclusive education to girls and boys with disabilities? Is a definition of inclusive education incorporated into the law? What measures are being taken to ensure that mainstream schools are accessible to children with disabilities? Please provide statistics of the number of children with disabilities attending the following mainstream schools: primary school, middle school, high school and the rate of success and completion of schooling. (See recommendations of the CRC Committee in Annex below)
- What steps are being taken to accede to the Convention on the Rights of Persons with Disabilities and its Optional Protocol?

ANNEX - References to women and girls with disabilities in Samoa by other treaty bodies:

CRC Committee Concluding Observations, CRC/C/WSM/CO/1, October 2006

21. The Committee recommends that the State party continue its efforts in developing a comprehensive system of collecting disaggregated data that covers all areas of the Convention, paying particular attention to those who are vulnerable, including children with disabilities and children living in poverty. It further encourages the State party to use these indicators and data in the formulation of laws, programmes and design policies for the effective implementation of the Convention. In this regard, the Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.

29. The Committee urges the State party to undertake legislative measures to ensure that constitutional and legal provisions guaranteeing the principle of non-discrimination fully comply with article 2 of the Convention. The Committee further recommends that the State party collect disaggregated data to enable effective monitoring of de facto discrimination, in particular against girls, children living in poverty and those with disabilities.

45. The Committee recommends that the State party:

- (a) Adopt a comprehensive policy for children with disabilities that includes, inter alia, deletion of all negative terms relating to children with disabilities from legislation, regulations and practice;
- (b) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339);
- (c) Encourage the inclusion of children with disabilities into the regular educational system, inter alia, by establishing special units in all communities, giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities; and
- (d) Seek technical assistance from, inter alia, UNICEF.

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