

NGO Submission to the United Nations Universal Periodic Review
The Eight Session of the Universal Periodic Review Working Group
Submission of the Te Toa Matoa and the School for the Disabled

Introduction

Te Toa Matoa (an organisation of people living with disabilities) and the School for the Disabled jointly make this submission and report for the Universal Periodic Review of Kiribati. This report is prepared following a forum and workshop for government and non-government organisations facilitated by the Pacific Regional Rights Resource Team of the Secretariat of the Pacific Community and the Office of the High Commissioner for Human Rights Pacific Region from 18th to 25th September 2009.

Information relating to the specific issues and areas of concerns highlighted in this report were sourced from national policies and reports and experiences faced by “Te Toa Matoa” and the School for the Disabled.

These issues are priority concerns relating to the human rights of the people living with disabilities in Kiribati. Many of the recommendations are already considered by the government as key implementing agent and there are policy documents both at the national and regional level that awaits realization and implementation in Kiribati.

The World Bank has noted that many developing countries have 12 to 20 percent of their population as non-productive due to disability.¹ This would mean that based on the 2006 estimate of population for Kiribati, there is likely to be between 9,700 (10%) to 19,400 (20%) persons with a disability in Kiribati. A Disability Survey carried out by in 2004 – 2005 identified 3,840 persons with 4,358 disabilities (i.e. many persons identify as having more than 1 disability). 2,122 were males and 1,718 were females. This gives a national average of 4%, which is lower than the world's average of 10%. It is proposed that another Disability Survey be carried out to update the figure on disabled persons to be more accurate, if the national census does not include its planned 2010 census.

The Survey found that physical disability accounted for 32% of all disabilities reported, with blind/visual impairment representing 27% and deaf/hearing impairment 24%. The survey report noted that the figures may reflect the fact that physical disabilities are better known and more easily identified than some of the others and implies that other types of disabilities may be under-reported.

The Survey found that 40% of disabilities occurred in the 51+ age group and 23% in under 20 age group. The survey reported that many persons are unaware of the causes and treatments for many disabilities and went on to point out that the lack of understanding can lead to misunderstanding and the creation of barriers for persons with disability and their families. It is hoped that this policy will address these issues through promoting greater awareness and understanding of disability as well as the needs of persons with disabilities and their families.

In 1999, the Government of Kiribati signed the Proclamation On The Full Participation And Equality of Persons With Disabilities In Asian And Pacific Region For The Asian And Pacific Decade Of Disabled Persons, 1993-2002. It has also participated in a number of regional workshops addressing the question of disability in the Pacific, particularly with regard to the implementations of the second Asia and the Pacific Decade of the Disabled Person, 2003 – 2012.

The Biwako Millennium Framework for Action Towards an Inclusive, Barrier –free and Rights-based Society for All in Asia and the Pacific 2003 – 2012 (BMF), is designed as a tool for Governments to guide their policies, planning and implementation of programmes concerning persons with disabilities. The BMF has explicitly

1 Social Analysis and Disability: A Guidance Note Incorporating Disability-Inclusive Development into Bank-supported Projects, Social, Development Department, World Bank, March 2007, page 1.

incorporated the Millennium Development Goals (MDGs) and their relevant targets to ensure that the concerns of persons with disabilities will be an integral part of the MDGs and national poverty alleviation strategies.

The goal of the BMF is to promote inclusive, rights – based societies free of barriers for persons with disabilities in the region. To achieve this goal, the BMF has as its mission to strengthen the following priority areas:

- Self-help organisations and related family and parent associations;
- Women with disabilities;
- Early detection, early intervention and education;
- Training and employment, including self – employment;
- Access to built environments and public transport;
- Access to information and communications, including assistive technologies;
- Poverty alleviation.

In the context of the BMF, an “inclusive” society means a society for all persons. A “ barrier – free” society means a society free from physical and attitudinal barriers, as well as social, economic and cultural barriers that exclude persons from being full participants in society. A “rights-based” society means a society based on the concept of human rights, including the right to development and a legislative framework that protects the most vulnerable. The protection of the fundamental rights of persons outlined in the Constitution and the international conventions will ensure that society is inclusive and that barriers are dismantled.

The BMF has become the guiding framework for addressing issues of human rights and inclusion of persons with disability in the Pacific through its endorsement by the 2003 Pacific Islands Forum leaders meeting:

“Leaders endorsed the Bwako Millennium Framework for Action as providing a set of goals and targets that Pacific island countries could work toward over the next 10 years. They acknowledge that immediate priorities for Pacific governments should be to address policy that would dismantle barriers and improve access and coordination for the disabled.”

The NGOs concerned urge international, regional and bilateral assistance to support the implementations of the recommendations proposed in this submission. We commend the government of Kiribati for all its efforts for the people living with disabilities and we call on them to continue and increase support and implementation of the human rights of the people living with disabilities.

1. Constitution – Discrimination

Under the Constitution, there is a section on the Fundamental Rights and Freedoms of the Individuals. Every individual is entitled to life, liberty security of the person, and the protection of the law. There are rights to freedom of conscience, of expression, and of assembly and association. No person may be treated in a discriminatory manner under law or by any public official. There is a definition of discrimination, but it does not specifically refer to disability.

Recommendation: The Government is urged to amend its Constitution to allow for disability as a non-discriminatory ground.

Recommendation: The government is urged to amend any existing laws that are discriminatory in effect to people living with disability.

2. National Disability Legislation

There is no specific disability legislation in Kiribati. Government has not made plans for the creation for disability legislation. Laws currently exist that also discriminates against people with disabilities.

Recommendation: The government to work hand in hand with Te Toa Matoa and consider Te Toa Matoa as the Mother Body or Umbrella of People with disability and creating a gender and human rights compliant disability legislation.

Recommendation: The government include Article 3 of the Convention on the Rights of People with Disabilities when creating legislation for people with disabilities as a guiding principle.

Recommendation: The government include Article 6 of the Convention on the Rights of People with Disabilities when creating legislation for people with disabilities.

Recommendation: The government must endorse and adopt the Kiribati National Disability Policy.

3. Ratification of International Treaties

The NGOs concerned congratulate the Government of Kiribati for ratifying the Convention on the Rights of the Child (CRC) and the Convention of the Elimination of all forms of Discrimination against Women (CEDAW).

The government has not signed the Convention on the International on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Rights of People with Disabilities (ICRPD) or the Pacific Regional Bivako Millennium Framework (BMF).

Whilst Kiribati is a party to CEDAW and CRC, reporting pursuant to ratification of these conventions is delayed.

Recommendation: The government is urged to consider ratification of ICCPR, ICESCR, ICRPD and the BMF.

Recommendation: The government is urged to complete the report on CEDAW and submit it in 2010.

Recommendation: The government is urged to improve its effort in reporting on CEDAW and CRC – consultative, participatory and inclusive.

Recommendation: The government is urged to enter into partnership with NGOs in the preparation and coordination of reports on human rights conventions.

4. Education standard for children with disability

The School for Children with disabilities was first initiated in 1989 as a Red Cross Preschool and was coordinated by Temanori and in 1991 it was managed by the Red Cross Society of Kiribati. Government and the local stakeholders have not given the high priority the school deserves; the school has operated on very scarce resources. At times the school had to close for lack of funding and staff often worked without or on law pay.

But the fact that disabled children need a special school suitable for their needs and aspirations still remains and the policy should aim to ensure the school is fully supported by government and placed under the care of the Ministry of Education, rather than float in a wide ocean of uncertainty.

There is no government school for the disabled. Although there is legal provision for compulsory education only at the primary level, this provision does not cater for the special needs of children with disabilities.

The Kiribati government does not provide financial and capacity supported to the school for the disabled and the qualification and experience of the teachers at this school is very low. This makes the school low in standard and quality with the students having low chances of getting higher qualifications after they finish school.

The Kiribati government schools do not have proper facilities and infrastructures that can accommodate the special needs of students with disabilities.

- Recommendation: Parents of children with disabilities should be encouraged to put their children mainstream.
- Recommendation: The school should be fully supported by the government and given its due high priority. Government should also include Article 24 of the CRPD in its education policies, etc.
- Recommendation: Teachers need to be trained and should be paid by government like all other civil servants. KTC should provide educational methods and facilities.
- Recommendation: The government should provide school materials and facilities.
- Recommendation: The government is urged to consider partnership with concerned NGOs in the construction and opening a school fit for people living with disabilities.
- Recommendation: The government is urged to consider assistance to teachers of people with disabilities in terms of improving their qualifications to deliver quality education to the students with disabilities.
- Recommendation: The government is urged to consider establishing institutions for the people living with disabilities to get vocational and life skill trainings fit for them to be able to get jobs or to start their own business to sustain themselves and their families.
- Recommendation: The government provide educational Workshops for adults with disabilities to be able to generate income to their families.
- Recommendation: The government provide a loan scheme for PWD to start their own businesses.

5. Access to health facilities

Not all people disabled in Kiribati can be supplied with a wheel chair; the limited number of wheel chairs will be allocated to specific groups of disabled persons based on the Wheelchair Allocation Scheme and the Kiribati Disability Index developed by the physiotherapy unit of the Ministry Of Health.

The decision to refer a patient by air or boat depends on the doctor's assessment based on the nature of disease. As a general rule, patients that require air transport include very sick patients, including emergency cases that require medical evacuation whose chance of survival at Nowerewere Hospital is good. Medical evacuation is under the supervision of DHS in consultation with the on-call or responsible doctor and Permanent Secretary.

For all operations, the concerned surgeon decides on the classification (minor/major) of operation. Tarawa Urban Council /Betio Town Council patients that would be provided with transport on discharge include mothers and their infants. Unless there is an available seat/space, the caretakers of disabled patients will not be provided with transport.

- Recommendation: All hospitals and medical clinics must be designed so that it is easily accessed by persons with disabilities.
- Recommendation: Medical services should ensure that persons with disabilities are regularly checked, at least quarterly.

6. Women with disabilities

Women with disabilities are also members of Te Toa Matoa. They also rely on the Kiribati Disability Policy. There is a need for them to be considered as citizens who can contribute to the economy and who can carry out important roles and responsibilities. For example if women with disabilities attend capacity building workshops, like sewing, handicraft making and office skills, they can then sell their wares and get money which can assist them with their families. Women with disabilities want to build and look after their families; they can do so if they are given a chance to be loved, respected and recognised as persons with disabilities. The policy will work towards meeting the needs of women with disabilities in regards to their early detection and intervention; they

also need, education, training and employment, including self employment, access to information and communication, including information, communication and assistive technologies.

7. Regional Human Rights Commission

The Pacific (Kiribati included) currently has no UN-recognised human rights regional mechanism. For all human rights to advance significantly in the region there needs to be a regional body to access information and for individuals to access justice. For longer term stability and social cohesion in the Pacific, the issue of human rights require collective attention and strategic approaches. Prolonged periods of poor governance and disappointing economic growth combined with limited access to resources, a breakdown in traditional systems, political tensions and lack of opportunities have had negative social impacts across the region.

This submission believes that the most appropriate long term model for a human rights mechanism in the Pacific region, with a mandate for promoting and defending human rights, is a regional human rights commission, set up under The Pacific Plan, and envisaged by it. A regional mechanism could be closely tied to the Pacific Islands Forum Secretariat (PIFS) which administers and monitors the Plan, although it can be later assessed whether this is appropriate. The mechanism need not start off by being a fully fledged commission but a simple mechanism.

A simple mechanism could be set up whose mandate may include supporting already existing domestic Bills of Rights and ratified international Conventions, as well as reaching consensus over the years on the content of a potential regional Pacific Islands Charter.

This submission believes that a regional mechanism's mandate will be decided by the PICTs governments and its peoples. A regional mechanism can have forms and functions as decided upon by the agreements as mentioned previously. The mechanism could start off with a simple mandate and slowly over time acquire more sophisticated mandates. In time the mechanism could evolve into a full fledged Pacific Regional Human Rights Commission.

A regional body would provide a single contact point for the entire region, providing an effective and efficient conduct through which external bodies could disseminate information to the region, and receive reliable information and advice back from the region. It would also enjoy greater independence from individual national governments, reducing the risk of partiality in appointments to the commission and of undue influence in its operations.

Recommendation: That the Kiribati government considers assisting regional organisations with the establishment of a regional human rights commission.