**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Samoa**

**Main issues raised by TBs:**

* Discrimination of women and children with disabilities
* Need for comprehensive and disaggregated data collection, in particular on children with disabilities
* Inclusive education: lack of strategy towards inclusion

Concluding observations of the CRC Committee, 2016

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**Positive aspects**

5. The Committee welcomes the adoption of the following policies:

e. **National Policy on Persons with disabilities** (2009).

Violence against women

22. While noting that the new Family Safety Bill 2010 and Crimes Bill 2011, in which marital rape is recognized as a criminal offence, have been drafted and presented for discussion in Parliament, the Committee expresses its concern at the high prevalence of violence, in particular domestic and sexual violence, against women in the State party and at the lack of information and statistical data on its nature, extent and causes. The Committee is deeply concerned that violence against women appears to be socially legitimized and accompanied by a culture of silence and impunity and that notwithstanding cases of violence are therefore underreported, it being considered a private issue that should remain within the family. The Committee notes with concern that, the establishment in 2007 of the Domestic Violence Unit within the Ministry of Police and Prisons, the victim protection services and enforcement measures are insufficient, as the State party has yet to establish a shelter for women victims of violence.

23. The Committee urges the State party:

(a) To put in place comprehensive measures to prevent and address violence against women and girls, recognizing that such violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention and ensuring that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished, in accordance with general recommendation No. 19 of the Committee;

(b) To provide mandatory training for judges and prosecutors on the strict application of legal provisions dealing with violence against women and to train police officers in procedures to deal with women victims of violence;

(c) To encourage women to report incidents of domestic and sexual violence by de-stigmatizing victims and raising awareness about the criminal nature of such acts;

(d) To provide adequate assistance and protection to women victims of violence by establishing shelters, especially in rural areas, and enhancing cooperation with non-governmental organizations providing shelter and rehabilitation to victims; and

(e) To collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between victim and perpetrator.

Health

33. The Committee urges the State party:

(a) To take all measures necessary to improve women’s access to health care and health-related services, within the framework of general recommendation No. 24 of the Committee;

(b) To review the current laws on abortion with a view to removing punitive provisions imposed on women who undergo abortions and provide them with access to high-quality services for the management of complications arising from unsafe abortions;

(c) To strengthen and expand efforts to increase knowledge of and access to affordable contraceptive methods throughout the country and to ensure that women in rural and remote areas do not face barriers in gaining access to family planning information and services; and

(d) To widely promote education on sexual and reproductive health and rights, targeting adolescent girls and boys and paying special attention to early pregnancy and control of sexually transmitted infections, including HIV/AIDS.

**Women with disabilities**

36. The Committee is concerned that, according to the *World Report on Disability*, published by the World Health Organization in 2011, at least 15 per cent of women in the State party have some kind of disability. While noting the adoption of a national policy on **persons with disabilities** and plan of action in 2009 by the Ministry of Women, Community and Social Development, the Committee is concerned that **women with disabilities** experience a high rate of poverty, lack access to education, employment and health services, especially in rural areas, and are absent from significant leadership roles and decision-making processes.

37. The Committee calls upon the State party to take proactive and results-oriented measures, including through the implementation of the National Policy on **Persons with disabilities** and Plan of Action, to eliminate multiple forms of discrimination against **women with disabilities** and to protect their human rights and dignity.

Data collection

40. The Committee is concerned at the general lack of available recent data provided by the State party. It notes that updated disaggregated data by, for example, sex, age, race, ethnicity, geographical location and socioeconomic background are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking, and for the systematic monitoring and evaluation of progress achieved towards the realization of women’s substantive equality with regard to all areas covered by the Convention.

41. The Committee calls upon the State party to enhance the collection, analysis and dissemination of comprehensive data disaggregated by sex, age, race, ethnicity, location and socio-economic background, and of measurable indicators to assess trends in the situation of women and progress towards the realization of women’s substantive equality in all areas covered by the Convention. In this regard, it draws the State party’s attention to the Committee’s general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to develop gender-sensitive indicators which could be used in the formulation, implementation, monitoring, evaluation and, if necessary, review of women’s and gender equality policies.

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.