

The state of the evidence about human rights needs and priorities of children with disability in Vanuatu and Papua New Guinea

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A report from the 'Voices of Pacific children with disability: Identifying the human rights needs and priorities of children with disability in Vanuatu and Papua New Guinea (PNG)' research project

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Introduction

The voices of children with disability in the Pacific are largely missing in the development agenda. This absence is reflected in the lack of robust evidence to support disability inclusive development work (Llewellyn et al, 2010). The 'Voices of Pacific children with disability: Identifying the human rights needs and priorities of children with disability in Vanuatu and Papua New Guinea (PNG)' research project aims to contribute to the evidenced understanding of the situation of children with disability in these two Pacific nations.

The project aimed to: develop a method of data collection / communication with children with diverse disabilities to enable them to 'speak' for themselves; identify the human rights priorities of children with disability in Vanuatu and PNG; and analyse these in relation to the Convention on the Rights of Persons with Disabilities (CRPD) (United Nations, 2006). The research was undertaken between 2013 and 2015 by Deakin University in partnership with Save the Children, the Vanuatu Disability Promotion and Advocacy Association (DPA) and the PNG Assembly of Disabled Persons (PNG ADP). The research has been funded by the Department of Foreign Affairs and Trade through the Australian Development Research Awards Scheme.

A preliminary element of the research focused on identifying existing evidence about the lives of children with disability in these two countries. This paper summarises this evidence. Overall, there is minimal literature to date covering the Pacific regarding disability, development and human rights (Bogner, 2012, Llewellyn et al, 2010). What evidence there is consists mainly of reports by governments, and by international agencies, including the United Nations, the World Bank and the World Health Organisation, local groups such as the Pacific Disability Forum (the umbrella body for Pacific Disabled Peoples Organisations established in 2002), and situational reports by international non-governmental organisations.

Human Rights – Conventions and policy

Both Vanuatu and Papua New Guinea ratified the Convention on the Rights of the Child (CRC) in 1993. In 2008, Vanuatu was the first South Pacific State to sign the Convention on the Rights of Persons with Disabilities (CRPD), with Papua New Guinea following in 2013. Despite the CRC and CRPD requiring States to have legislation protecting the rights of people with disability, this legislative protection is lacking in Pacific Island States (Harpur and Bales, 2010).

Within the region, the *Pacific Regional Strategy on Disability 2010–2015* was endorsed at the first meeting of the Pacific Islands Forum Disability Ministers in 2009 (Pacific Islands Forum Secretariat, 2009). This strategy, based on human rights principles, aims to protect and promote the rights of persons with disabilities in the region and provide guidelines to support national efforts to advance disability issues (Pacific Islands Forum Secretariat, 2009a). The strategy targets implementation by governments, in collaboration with civil society, regional stakeholders and development partners, over a five year period (2010 to 2015). However, implementation of the Strategy has been slow in both Vanuatu and PNG. Both countries have made moves to introduce general anti-discrimination laws though there remains no specific anti-disability discrimination Act in place for either country to explicitly protect persons with disability (Harpur and Bales, 2010).

In 2005, the Government of Papua New Guinea released a national policy on disability to develop a more inclusive society by creating awareness of the needs of people with disability and dismantle the barriers that prevent people with disability undertaking full social and economic participation (Department for Community Development, 2005). In 2009, the *Papua New Guinea Health Policy and Plan: 2009–2020* was released with recognition made of the treatable diseases that cause disability as well as the socioeconomic exclusion and disadvantage that those with disability experience. Policy directions are outlined to prevent disability as well as supporting services for children with disability (National Department of Health, 2009).

The situation is similar in Vanuatu where there are no laws to specifically provide people with disability significant protection other than the Education Act No. 21 of 2001. This Act provides that children must not be refused education based upon 'gender, religion, nationality, race, language, or disability' (Harpur and Bales, 2010: 375). Vanuatu has also initiated policy with the *National Disability Policy and Plan of Action 2008-2015* which prohibits disability discrimination in a wide variety of contexts and outlines the Government's strategies and commitment to people with disability (Ministry of Justice and the National Disability Committee, 2008). The Vanuatu Government has also established the *Mental Health Policy and Plan 2009-2015*, the *Inclusive Education Policy and Strategic Plan 2010-2020*, as well as creating a Disability Desk within the Ministry of Justice and Community Services (UNICEF Pacific and Vanuatu National Statistics Office, 2014). While these are important steps towards implementing the CRC and CRPD, there remains a lack of legislative development regarding disability. With specific regards to children (with and without disability), a UN report noted that despite ratifying the CRC, Vanuatu has yet to domesticate the Convention into national laws (Office of the High Commissioner for Human Rights, 2012).

The human rights experience of children with disability in Vanuatu

There is very limited information and evidence as to the situation for children with disability in Vanuatu. Some information is available about the situation of children – with a focus largely on children without disability - which suggests that human rights needs of children overall are not yet met. Available evidence is minimal and tends to be circumstantial.

The precise number of children with disability in Vanuatu is not known. Official census data estimates that children under the age of 15 comprised 39% (90,973) of the total population (Vanuatu National Statistics Office, Ministry of Finance and Economic Management, 2009). Using the World Bank and WHO estimate of 15% of world population with disability (World Health

Organization and World Bank Group, 2011), this suggests that there is approximately 13,600 children with disability under 15 years of age in Vanuatu.

Kastom (traditional custom) plays an important part of Vanuatu life in defining many of the beliefs and practices. Child abuse is embedded in the gender and power relations that underpin the low status of Vanuatu women and children, with a general lack of understanding of women's and children's rights. *Kastom* is threatened by rights and freedoms such as children's right to be heard: 'Under *kastom* law, everyone is not equal' (Government of Vanuatu and UNICEF, 2005: 42). The report, *A Situation Analysis of Children, Women & Youth*, offers limited information about children with disability, but does note that children with disability appear to be 'more at risk of abuse, whether physical, emotional or sexual abuse, and neglect' (The Government of Vanuatu and UNICEF, 2005: 41). More recent figures indicate that children with disability are more likely to be subject to violent disciplinary measures than children without disability (UNICEF Pacific and National Statistics Office, 2014). A report by the Government of Vanuatu and UNICEF notes that:

Child rights are not a commonly accepted concept in Vanuatu and much work remains to be done to increase awareness. Regrettably, the incidence of abuse against children and women in Vanuatu seems to be high when judged against world standards. The causes of child abuse and domestic violence are complex and culturally woven in the status of women and men, *kastom* and substance abuse of alcohol and kava (2005: v).

The unmet rights of children with disability are evident in education with children with disability under-represented, with an estimate that 'only 13 per cent of disabled school-aged children attend school' (Government of Vanuatu and UNICEF, 2005: 41). This remains the case more recently with children with disabilities less likely to attend school than their peers without disability, while 'having a disability is also correlated with not having attended secondary school' (UNICEF Pacific and National Statistics Office, 2014: 33). Ministry of Education officials, when interviewed, strongly believed that children with disabilities were excluded from school, stating that parents were often ashamed to send their child out in public, and that schools were incapable of effectively responding to the needs of children with disability – particularly those with cognitive or hearing and vision impairments. Those with cognitive delays often encountered problems with curriculum - particularly at secondary level. There were also barriers such as inaccessible location of schools (UNICEF Pacific and National Statistics Office, 2014).

Further findings, in relation to barriers for children with disability's access to kindergarten in Vanuatu, highlight limited knowledge and understanding of disability amongst teachers, community leaders and parents which result in negative attitudes towards disability inclusion (e.g. parents may be ashamed or concerned or it may be deemed a waste of time due to the child's impairment). Also, the cost of schooling is often deemed prohibitive. Limited transport options and disability accessible facilities are further barriers to children accessing education. A recent Ministry of Education report evaluating Vanuatu's progress in education for all had virtually no reference to children with disability other than to note that access to education remained a problem for those with disability and that 'Girls with disabilities are a particularly vulnerable group and seldom receive an education; they are less visible than boys with disabilities' (Ministry of Education Vanuatu, 2014: 104).

Further barriers to education include limited access to rehabilitation services, while provision of assistive devices for children to aid in inclusion and learning is also inadequate (Robinson, Baker & Goulding, 2013). Limited resources also impact negatively on the reach and quality of primary health care services, with spending on the health system lower per capita than most Pacific neighbours (The Government of Vanuatu and UNICEF, 2005: 41).

According to the website for the Office of the High Commission for Human Rights, Vanuatu has submitted only one report on child rights to the U.N (in 1997) as part of its Convention obligations (UN Committee on the Rights of the Child, 1997). In its response to Vanuatu's Initial Report, the U.N Committee on the Rights of the Child noted a large number of serious concerns regarding Vanuatu's progress in implementing the CRC, including that the rights of children were yet to be fully covered in the Constitution. In 2012, the United Nations Human Rights Council Universal Periodic Review (UPR) made 48 recommendations about Vanuatu including; 'Amend the Constitution to prohibit discrimination against people with disabilities' and 'Ensure access to free compulsory education for all children...' (Office of the High Commissioner for Human Rights, 2012: 46). The report also notes that there exist instances of commercial exploitation of children (Office of the High Commissioner for Human Rights, 2012).

The human rights experience of children with disability in Papua New Guinea

As with Vanuatu, there is limited information as to the situation for children with disability in Papua New Guinea. The precise number of children with disability in PNG has not been established but, using the World Bank and WHO estimate of 15% of world population with disability (World Health Organization and the World Bank Group, 2011) there are estimated to be more than 408,000 children with disability under 15 years (calculation based on figures from the United Nations Statistics Division, 2015). Estimates suggest that only 2% of people with disability receive services (National Disability Resource and Advocacy Centre, n.d.), therefore the bulk of people with disability receive no support.

According to the website for the Office of the High Commission for Human Rights, the last report for the CRC was received in 2003 (UN Committee on the Rights of the Child, 2003) with no State Report filed by the PNG Government since (or at least made publicly available). The United Nations Committee on the Rights of the Child, reporting on PNG's State Report, notes that many children experience disabilities that could be 'remedied or alleviated with early screening, intervention and treatment' and that 'neglect of many common, treatable health problems causes serious disability' (UN Committee on the Rights of the Child, 2003: 64). Government provides few, if any, services in many provincial centres and NGOs, church and service groups provide the majority of funding for services. Institutionalisation of children with disability is being gradually phased out as NGO programmes become more efficient and linked with government health and education services. There is, however, uneven distribution of services across provinces with many rural people missing out on the most basic of health services. Attitudes remain a major barrier with children with disability often subject to taunts and discrimination, while they are often secluded and prevented from developing their potential (UN Committee on the Rights of the Child, 2003).

In 2012, the United Nations Human Rights Council Universal Periodic Review (UPR) made 146 recommendations for PNG including; 'Take steps to ensure the rights of people with disabilities are protected and effective' and 'Implement the National Disability Policy and promote the creation of a

database regarding persons with disabilities, with the objective of guiding relevant policies to make their rights effective' (Office of the High Commissioner for Human Rights, 2012: 22). The report also notes that there have been 'numerous reports of child abuse, particularly by police officers' (Office of the High Commissioner for Human Rights, 2012: 25).

As with Vanuatu, a further consideration in attempting to understand disability issues in PNG is to consider the role of culture. A 2003 study concluded that 'an understanding of cultural factors is fundamental to implementing rehabilitation services that are culturally appropriate and address the social dimension of disability' (Byford & Veenstra, 2004: 166) and that that cultural or religious beliefs can contribute to widespread segregation of people with disability.

Overall, there is a noticeable lack of data regarding people with disability in PNG, and specific data pertaining to children with disabilities is virtually non-existent. Additional information, which is general in nature, can be gleaned from a handful of advocacy websites particularly the National Disability Resource and Advocacy Centre:

Generally, the status of people with disabilities within PNG is extremely low and their voices unheard. The key underlying causes are the attitudes and structures that exist in society that not only negatively affect the health and social well-being of people with disabilities, but limit their opportunities and participation in society...Factors such as education and remoteness contributes further to people with disabilities and their communities lacking information on the rights the persons with disabilities have (National Disability Resource and Advocacy Centre, n.d.).

Conclusion

There is a serious lack of comprehensive and rigorous evidence about the situation of children with disability in Vanuatu and Papua New Guinea. While the evidence overall is sketchy, the general picture is one of significant disadvantage for children with disability including; low school attendance, poverty, abuse, discrimination, and scarce access to health services. In addressing these challenges, consideration also needs to be given to the separate forms of discrimination faced by females (Stubbs & Tawake, 2009: 9).

As development proceeds and governments continue to grapple with the practicalities and issues in supporting children with disability, further robust evidence is vital to ensure a more thorough understanding of the issues involved to allow evidence-based practice that can inform policy and interventions. In particular, it is vital that, in order to understand the lives of children with disability, children need to be provided the opportunity to speak for themselves in order to more fully understand their needs and priorities.

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