



Convention on the Rights of Persons with Disabilities

Distr.: General
29 April 2026

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Samoa*

I. Introduction

1. The Committee considered the initial report of Samoa¹ at its 823rd and 825th meetings,² held on 12 and 13 March 2026. It adopted the present concluding observations at its 837th meeting, held on 23 March 2026.
2. The Committee welcomes the initial report of Samoa, which was prepared in accordance with the Committee's reporting guidelines.
3. The Committee appreciates the constructive dialogue held with the State Party's delegation, which included representatives of the relevant government ministries, and the additional information submitted by the State Party in writing following the dialogue. The Committee also appreciates the active participation of the Office of the Ombudsman in its capacity as the national human rights institution.

II. Positive aspects

4. The Committee welcomes the measures taken by the State Party to promote the rights of persons with disabilities and to implement the Convention since ratification in 2016. It notes with appreciation the ratification of the Violence and Harassment Convention, 2019 (No. 190), and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), of the International Labour Organization, both in 2024, and the adoption and establishment of the following:
 - (a) National Provident Fund Amendment Act (2023);
 - (b) National Policy for Persons with Disabilities (2021–2031);
 - (c) National Action Plan for Employment of Persons with Disabilities (2021–2031);
 - (d) Samoa Disability Partnerships Programme (2019–2023);
 - (e) Samoa Disability Monograph (2018).

* Adopted by the Committee at its thirty-fourth session (9–27 March 2026).

¹ CRPD/C/WSM/1.

² See CRPD/C/SR.823 and CRPD/C/SR.825.



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee notes with concern:

(a) That the State Party's Constitution and other relevant laws retain derogatory terminology such as "socially or educationally retarded class of persons" when referring to persons with disabilities and wording that equates disability with a disadvantage or restriction, thereby reinforcing negative and stigmatizing understanding;

(b) The absence of a comprehensive and coherent legal and policy framework to give full effect to the Convention, including fragmented and inconsistent references to disability across legislation and the use of medicalized terminology, and the lack of ratification of the Optional Protocol to the Convention;

(c) The lack of transparency on the results of the legislative compliance review that was conducted with regard to the Convention, and the lack of measures to promote the application of the Convention by the judiciary and of domestic cases in which it was invoked or applied;

(d) The lack of clear, transparent and standardized procedures for disability assessment and certification, including inconsistent eligibility criteria, which creates barriers to access to benefits and services for persons with disabilities, and the failure to ensure that, as planned, 20 per cent of the budget of the District Development Programme is allocated to gender equality, disability and social inclusion;

(e) The limited and inconsistent mainstreaming of disability rights into ministerial policies, sectoral strategies and national development frameworks, resulting in fragmented implementation of the Convention;

(f) The absence of systematic capacity-building on the Convention in communal governance institutions, weakening its implementation at the community level.

6. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Amend the Constitution and other relevant laws to remove derogatory and stigmatizing terminology;**

(b) **Adopt a comprehensive and coherent legal and policy framework to fully implement the Convention, including by expediting the issuance of the disability bill, reviewing and amending all legislation to eliminate medicalized language and to reflect the human rights model of disability, considering the ratification of the Optional Protocol to the Convention and promoting the application of the Convention by the judiciary;**

(c) **Render publicly available the legislative compliance review and any assessment of the implementation of the Convention, and ensure adequate and sustained budgetary allocations for legislative and policy alignment with the Convention;**

(d) **Implement clear and transparent procedures for disability assessment and certification, based on the human rights model of disability and on standardized eligibility, in alignment with the Convention, and ensure that, as planned, 20 per cent of the budget of the District Development Programme is allocated to gender equality, disability and social inclusion, with clear guidelines and effective oversight mechanisms;**

(e) **Systematically mainstream disability into ministerial policies, sectoral strategies and national development frameworks and strengthen coordination and accountability mechanisms;**

(f) **Establish continuous capacity-building programmes on the Convention in communal governance institutions.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

7. The Committee notes with concern:

(a) The State Party's failure to recognize disability explicitly among prohibited grounds of discrimination in its constitutional and legal framework, including the failure to recognize intersectional discrimination, and the absence of legal provisions establishing the denial of reasonable accommodation as a form of discrimination;

(b) The lack of accessible and effective procedures to report, investigate and redress cases of discrimination, including intersectional discrimination, in full compliance with the Convention;

(c) The lack of comprehensive measures to ensure the enjoyment by persons with autism of their rights under the Convention on an equal basis with others.

8. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) Explicitly recognize disability among prohibited grounds of discrimination, including intersectional discrimination, in the Constitution and other relevant laws, and recognize the denial of reasonable accommodation as a form of discrimination;

(b) Establish accessible and effective procedures to report, investigate and provide remedies for discrimination, including intersectional discrimination, and to sanction the denial of reasonable accommodation;

(c) Adopt comprehensive and coordinated measures to ensure that persons with autism enjoy the rights protected by the Convention on an equal basis with others.

Women with disabilities (art. 6)

9. The Committee notes with concern:

(a) The absence of comprehensive legislation and measures to address intersecting forms of discrimination faced by women and girls with disabilities, and the fact that disability is not mainstreamed into gender policies;

(b) The need for intersectional measures to protect girls with disabilities from early marriage and teenage pregnancy, to provide menstrual hygiene support and age-appropriate information on sexual and reproductive health, and the lack of targeted measures for widows with disabilities, who represent a high percentage of women with disabilities.

10. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) Adopt comprehensive legislation and policies to address intersectional discrimination against women and girls with disabilities and ensure the systematic mainstreaming of disability across frameworks on gender equality and the prevention of violence;

(b) Implement comprehensive measures to prevent early marriage and teenage pregnancy among girls with disabilities, ensure access to menstrual hygiene support and age-appropriate and accessible information and services on sexual and reproductive health and implement social protection measures for widows with disabilities.

Children with disabilities (art. 7)

11. The Committee notes with concern:

(a) That laws affecting children's rights are not fully aligned with the Convention and that disability is not mainstreamed into child-related policies;

(b) The persistent stigmatization of children with disabilities, including children with intellectual and/or psychosocial disabilities, reported cases of violent discipline against children with disabilities and the lack of a child-friendly reporting system;

(c) The lack of mechanisms to ensure the meaningful participation of children with disabilities, including those in rural areas and outer islands, in decisions affecting them.

12. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Review and align all child-related legislation with the Convention and ensure that disability is mainstreamed into child-related policies;

(b) Adopt comprehensive measures, such as awareness-raising measures and campaigns, to combat the stigmatization of and harmful practices against children with disabilities, prohibit all forms of violent discipline and establish accessible and child-friendly mechanisms for early identification, reporting and access to justice;

(c) Establish age-appropriate mechanisms for the meaningful participation of children with disabilities, including those in rural areas and outer islands, in all decisions affecting them and provide accessible information and support to enable their views to be freely and securely expressed.

Awareness-raising (art. 8)

13. The Committee recognizes the importance of the State Party's cultural values and of fa'a Samoa (the Samoan way of life), according to which strong emphasis is placed on protecting and caring for the most vulnerable members of society. However, it notes with concern:

(a) The prevalence of stigmatization, stereotypes and discriminatory attitudes towards persons with disabilities, particularly persons with intellectual disabilities, and of social and cultural practices that normalize segregation and exclusion;

(b) The limited awareness of the Convention among families, communities, churches and service providers, including practices whereby professionals address the relatives of persons with disabilities instead of the persons with disabilities themselves and the overreliance on organizations of persons with disabilities to disseminate the Convention.

14. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, implement awareness-raising measures and campaigns in order:

(a) To combat stigmatization, stereotypes and harmful practices against persons with disabilities and to promote their rights, dignity and inclusion in society, ensuring the engagement of all communal governance institutions, traditional and religious leaders, the media and the private sector;

(b) To increase awareness of the Convention among families, communities, businesses and service providers, highlight the strengths and contributions of persons with disabilities and affirm their right to be directly addressed and consulted on all matters affecting them.

Accessibility (art. 9)

15. The Committee notes with concern:

(a) The limited understanding of accessibility as an entitlement and a precondition for the enjoyment of rights, rather than as individual accommodation to be provided only

upon request, and the limited resources to implement accessibility measures, including the reliance on cost-related arguments to explain the lack of accessible transportation;

(b) The absence of comprehensive accessibility requirements, including for information and communications technology (ICT), and of effective measures to ensure compliance by businesses and service providers;

(c) The persistent inaccessibility of the physical environment and transport systems, including public buildings, housing, health facilities, footpaths, public spaces and public transportation, and the weak enforcement of the National Building Code (2017), including the absence of mandatory retrofitting of existing infrastructure and the non-binding nature of accessibility audits;

(d) The failure to systematically integrate accessibility as a mandatory and enforceable principle, following a universal design approach, in the development, procurement and regulation of goods, services, equipment and facilities.

16. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Ensure accessibility as an entitlement and a precondition for the enjoyment of rights, ensure the allocation of adequate and sustained public funding in that respect and adopt targeted measures towards the realization of accessibility in transportation;**

(b) **Enforce comprehensive accessibility legislation and binding standards, including for ICT, and establish effective monitoring and enforcement mechanisms to ensure compliance by businesses and service providers;**

(c) **Identify, remove and prevent barriers to access to the physical environment and transport systems, including school transportation, and ensure the full alignment of the National Building Code with the Convention;**

(d) **Integrate accessibility, preferably through a universal design approach, as a mandatory and enforceable principle in legislation, public procurement and regulatory frameworks governing the development of goods, services, equipment and facilities.**

Right to life (art. 10)

17. The Committee notes with concern the lack of disability-disaggregated data on mental health and the need to ensure that all mental health policies, including those providing crisis support for suicide prevention, are disability-inclusive.

18. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, ensure the systematic collection of disability-disaggregated data on mental health and integrate disability inclusion into all mental health policies and services, including on suicide prevention and crisis support.

Situations of risk and humanitarian emergencies (art. 11)

19. The Committee notes with concern:

(a) The lack of representation of persons with disabilities, particularly women and children with disabilities, in systems for disaster risk reduction, climate and emergency governance and decision-making;

(b) That persons with disabilities are disproportionately affected by climate displacement and relocation because of a lack of disability-inclusive disaster preparedness and response mechanisms, including inaccessible information and early warning and evacuation systems, insufficient training of first responders and limited availability of assistive devices and support services during emergencies;

(c) The limited participation of persons with disabilities in climate change policymaking, including in the submission of the third nationally determined contribution under the Paris Agreement, which does not explicitly address disability inclusion, and the absence of measures to ensure disability leadership in the State Party's international and regional advocacy and litigation on climate change.

20. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Ensure the representation of persons with disabilities, including women and children with disabilities, in the design, implementation and monitoring of frameworks for disaster risk reduction, climate and emergency governance frameworks, and mainstream disability into all climate policies and plans, including the Disaster and Emergency Management Act (2007) and the National Disaster Management Plan;

(b) Guarantee that climate displacement and relocation policies are disability-inclusive, ensure disability-inclusive disaster preparedness and response through accessible information and early warning and evacuation procedures, provide systematic, disability-inclusive training for first responders and guarantee the availability of assistive devices, support services and accessible shelters during emergencies;

(c) Promote the leadership and representation of persons with disabilities in the State Party's international and regional advocacy and litigation on climate change, including in the implementation of the Paris Agreement and submission of nationally determined contributions.

Equal recognition before the law (art. 12)

21. The Committee notes with concern the failure to amend legislation and policies, including the National Policy for Persons with Disabilities (2021–2031), to recognize the legal capacity of persons with disabilities, and to implement supported decision-making.

22. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Repeal all legislation under which the legal capacity of persons with disabilities is restricted on the basis of impairment, recognize the legal capacity of persons with disabilities on an equal basis with others in all aspects of life, develop procedures and safeguards to support the exercise of legal capacity, including assistance in understanding information, and provide capacity-building for judges, lawyers, public officials and other stakeholders on the recognition of legal capacity and supported decision-making;

(b) Abolish substitute decision-making regimes, including guardianship, and amend its legislative and policy framework, comprising the National Policy for Persons with Disabilities (2021–2031), to introduce supported decision-making with appropriate safeguards to respect the will and preferences of persons with disabilities.

Access to justice (art. 13)

23. The Committee notes with concern:

(a) The inaccessibility of police, prosecutorial and judicial systems, including the absence of procedural accommodation, the lack of accessible reporting channels at all stages of legal proceedings and the absence of disability-inclusive and gender-responsive services, and that the Evidence Act (2015) permits the exclusion of persons with disabilities from serving as witnesses;

(b) The shortage of qualified sign language interpreters, particularly in rural areas and outer islands, including reports that deaf persons have never been provided with interpretation when interacting with police or during legal proceedings;

(c) The reported discriminatory and dismissive attitudes within the justice system against persons with disabilities, resulting in the forced reliance of survivors on family intermediaries, the underreporting of cases and a chilling effect.

24. The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities and recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Establish disability-inclusive police, prosecutorial and judicial systems by guaranteeing procedural and age-appropriate accommodation at all stages of legal proceedings; ensure accessible, confidential and disability-inclusive reporting mechanisms in police, prosecutorial, court and victim support services and repeal the provisions of the Evidence Act that permit the exclusion of persons with disabilities from serving as witnesses;**

(b) **Ensure the availability and public funding of qualified sign language interpreters and other communication support, including in rural areas and outer islands, and guarantee their provision during interactions with law enforcement personnel and throughout judicial proceedings;**

(c) **Provide comprehensive and mandatory capacity-building on disability inclusion for law enforcement personnel, judges and prosecutors and address discriminatory attitudes that prevent persons with disabilities from reporting crimes and participating in proceedings.**

Liberty and security of the person (art. 14)

25. The Committee notes with concern:

(a) The lack of an explicit legal prohibition of deprivation of liberty on the basis of impairment and that the Mental Health Act (2007) allows for deprivation of legal capacity, involuntary treatment and substitute decision-making on the basis of impairment;

(b) Reports of “informal” deprivation of liberty by families and communities, including confinement in cages, sheds or locked rooms, restrictions on movement, relationships and social participation, disproportionately affecting persons with intellectual and/or psychosocial disabilities, compounded by the failure to establish community-based, rights-based support services, particularly in rural areas and outer islands;

(c) The isolation of persons with disabilities in prisons, the lack of accessibility and of disability-inclusive measures in places of detention and the lack of independent monitoring and oversight of detention centres.

26. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Amend legislation to explicitly prohibit deprivation of liberty on the basis of impairment, and repeal all legislation that restricts legal capacity on the basis of impairment, including provisions of the Mental Health Act;**

(b) **Identify, prevent and eliminate all forms of “informal” deprivation of liberty of persons with disabilities, including by families and communities, ensure accountability in such cases and establish accessible, community-based support services, particularly in rural areas and outer islands, to prevent such practices;**

(c) **Immediately stop the isolation of persons with disabilities in prisons and detention centres, ensure accessibility, reasonable accommodation and the collection of disability-disaggregated data in all places of detention and strengthen safeguards in and independent monitoring of detention facilities with the participation of organizations of persons with disabilities; ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; and implement the United Nations Standard Minimum Rules for the Treatment of Prisoners (the**

Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

27. The Committee notes with concern information received on physical restraint, isolation, deprivation of food and water, and other forms of coercion and degrading treatment of persons with disabilities within family and community settings, often justified as methods to manage behaviour.

28. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, abolish all forms of torture or cruel, inhuman or degrading treatment or punishment of persons with disabilities in all settings and, pending ratification of the Optional Protocol to the Convention against Torture, establish an independent monitoring and oversight mechanism to investigate such practices.

Freedom from exploitation, violence and abuse (art. 16)

29. The Committee notes with concern:

(a) That the Crimes Act (2013) and the Family Safety Act (2013) do not explicitly recognize persons with disabilities, in particular women and girls with disabilities, as being at heightened risk of violence; and that exploitation, violence and abuse by institutions, family members and communities remain significantly underreported owing to stigmatization, fear, dependency and barriers to access to justice, including reports of medical neglect and denial of appropriate care and support;

(b) The prevalence of gender-based violence against women and girls with disabilities and persons with disabilities identifying as fa'afafine (third gender), including technology-facilitated violence such as cyberbullying, the non-consensual sharing of intimate images and artificial intelligence-generated sexually explicit content, compounded by legal gaps in addressing emerging forms of digital abuse and by the lack of gender-responsive and disability-inclusive justice systems, including inaccessible police stations, courts, shelters and reporting mechanisms, resulting in low reporting and prosecution rates and inadequate protection for victims.

30. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Amend the Crimes Act, the Family Safety Act and related legislation to explicitly recognize persons with disabilities, particularly women and girls with disabilities, as being at heightened risk of violence, and adopt measures to prevent, identify, investigate and remedy all forms of exploitation, violence and abuse, including instances of medical neglect and denial of care, ensuring accessible reporting, protection measures, effective remedies and survivor-centred support services;**

(b) **Strengthen legal and policy frameworks, including through the extension of the Cybersecurity Strategy, to prevent and address all forms of gender-based violence against women and girls with disabilities and persons with disabilities identifying as fa'afafine, including technology-facilitated violence; and adopt gender-responsive and disability-inclusive investigation and prosecution procedures that guarantee the rights, agency, participation and non-retraumatization of survivors, ensure accountability of digital platforms and provide accessible, safe and effective reporting and protection mechanisms.**

Protecting the integrity of the person (art. 17)

31. The Committee notes with concern the persistence of substitute decision-making in healthcare and sexual and reproductive health services, enabled, among others, by the Mental Health Act, including cases of procedures performed without consent, the denial of pain relief

during labour, forced abortion and medical consent procedures that are not disability-inclusive.

32. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Repeal legal provisions, including from the Mental Health Act, and practices permitting involuntary detention, treatment and substitute decision-making on the basis of disability, and establish supported decision-making in all medical procedures;**

(b) **Implement disability-inclusive informed consent procedures with regard to all medical interventions and ensure accountability for medical abuses.**

Liberty of movement and nationality (art. 18)

33. The Committee notes with concern:

(a) Information received on challenges to ensure universal birth registration of children with disabilities, particularly in rural areas and outer islands;

(b) Reports that persons with disabilities, particularly women and girls with disabilities, face family-imposed restrictions on the liberty of movement and choice of residence, including control over their mobility;

(c) Information received on the de facto exclusion of persons with disabilities from overseas labour mobility schemes on the basis of discriminatory assumptions regarding their capacity to travel, work or migrate independently, and the absence of disability-disaggregated data to assess their equal access to such schemes.

34. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Strengthen civil registration systems to ensure universal birth registration of children with disabilities, particularly in rural areas and outer islands, by introducing accessible registration procedures, mobile services and registration campaigns;**

(b) **Implement measures to address family-imposed restrictions on the liberty of movement and choice of residence of persons with disabilities, particularly women and girls with disabilities, and ensure respect for their autonomy, will and preferences;**

(c) **Eliminate discriminatory barriers that de facto exclude persons with disabilities from overseas labour mobility schemes, and collect disability-disaggregated data to monitor their participation and prevent discrimination.**

Living independently and being included in the community (art. 19)

35. The Committee notes with concern:

(a) The insufficient information on disability-inclusive housing and social protection schemes to cover disability-related costs, and the lack of a comprehensive, rights-based framework to ensure access to community-based support services;

(b) The continued reliance on family assessments and resources to determine whether persons with disabilities can live independently and participate in community life, and the limited availability of community-based services and personal support.

36. The Committee recalls its guidelines on deinstitutionalization, including in emergencies, and recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Ensure accessible housing, social protection to cover disability-related costs and sustainable funding for community-based services, and reallocate resources from institutional or family-based care to individualized and community support;**

(b) **Develop and expand community-based services, including personal assistance and peer support, and ensure that persons with disabilities can choose where and with whom they live, with concrete measures to prevent isolation, segregation and institutionalization.**

Personal mobility (art. 20)

37. The Committee notes with concern the absence of a comprehensive strategy to ensure that persons with disabilities can move freely with the greatest possible independence, including the limited and centralized availability of assistive devices, the high unmet need for mobility aids, particularly among children with disabilities, and the barriers faced by persons with disabilities in rural areas and outer islands to access to assessments, repairs and affordable mobility equipment.

38. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, ensure affordable personal mobility, including through the Mobility Device Service, by providing of mobility aids, assistive devices and technologies and access to assistance, including interpreters, human support and service animals. It further recommends that the State Party guarantee the accessibility of transport systems, services and information, including support measures such as discounted fares, and strengthen enabling environments for independent mobility across urban and rural areas and outer islands.**

Freedom of expression and opinion, and access to information (art. 21)

39. The Committee notes with concern:

(a) Social and family dynamics that restrict the autonomy and participation of deaf women;

(b) The lack of official recognition of Samoan Sign Language, the absence of a dictionary of Samoan Sign Language, the lack of an accreditation system for interpreters that is led by deaf persons and the overreliance on civil society for ensuring the rights of the deaf community;

(c) The disproportionate effect on persons with disabilities of the digital divide, particularly in rural areas and outer islands, the absence of a clear legal obligation requiring public authorities to provide information and communications in accessible formats, including on public websites, and the insufficient guarantees of accessibility in the draft policy on freedom of information policy.

40. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Eliminate social and family practices that restrict the autonomy of deaf women by addressing ableist and gender stereotypes, and guarantee their autonomy and full participation on an equal basis with others;**

(b) **Recognize Samoan Sign Language as an official language, issue a dictionary of Samoan Sign Language and promote deaf cultural and linguistic identity; establish a State-funded system led by deaf persons for the training and accreditation of sign language interpreters and ensure sustainable funding for organizations representing the deaf community;**

(c) **Bridge the digital divide by ensuring equitable access to Internet infrastructure and accessible digital services, particularly in rural areas and outer islands, and accessible public websites; implement legislation to guarantee access to information and communications in accessible and assistive formats and modes, including sign language, Braille, Easy Read, plain language, sign language, captioning,**

audio description, augmentative and alternative communication, tactile formats and accessible digital formats; and ensure that the draft policy on freedom of information fully incorporates these obligations regarding accessibility.

Respect for privacy (art. 22)

41. The Committee notes with concern the lack of comprehensive safeguards for the collection, storage and use of disability-related and health data, in particular data concerning deaf persons. It is further concerned about reports of cyberbullying and online abuse targeting persons with disabilities, in the absence of preventive measures, oversight and effective remedies.

42. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Ensure the confidentiality and protection of the personal, health and rehabilitation information of persons with disabilities, in particular deaf persons, and establish effective oversight and accessible complaint and redress mechanisms for violations of privacy;**

(b) **Implement measures to prevent and address cyberbullying and other forms of technology-facilitated abuse of persons with disabilities, including through the establishment of accessible reporting channels, monitoring mechanisms and protection and support for victims.**

Respect for home and the family (art. 23)

43. The Committee notes with concern:

(a) The persistence of discriminatory attitudes and stigmatization regarding the capacity of persons with disabilities, particularly women with disabilities, to marry and parent, and of social practices undermining their parenting capacity and autonomy;

(b) Intersecting gender and disability stereotypes and family-imposed restrictions that undermine the autonomy of persons with disabilities, including through interference in intimate relationships and marriage decisions, restrictions on movement, removal of mobility devices under the guise of “protection”, forced adoption, removal of children and forced abortion.

44. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Eliminate ableist and gender stereotypes that undermine the rights of persons with disabilities to marry, have a family and exercise parental responsibilities on an equal basis with others, including by amending the Family Safety Act to explicitly include the right of persons with disabilities to respect for home and the family and by conducting awareness-raising and capacity-building on intersectional discrimination;**

(b) **Ensure that persons with disabilities are able to make free choices with regard to intimate relationships and marriage, and that women with disabilities can retain custody of their children on an equal basis with others, by establishing safeguards against family interference, providing disability-inclusive parenting support and adopting measures to eliminate gender and disability stereotypes and prevent coercive practices, including forced abortion.**

Education (art. 24)

45. The Committee notes with concern:

(a) That the State Party has not extended the Inclusive Education Policy of 2019, and that the Education Act (2009) does not comprehensively guarantee inclusive education, accessibility or reasonable accommodation and is rooted in project-based initiatives rather than systemic reform; and that there is a need to ensure inclusive education on climate change,

disaster risk reduction and emergency preparedness for children with disabilities, considering the risks that climate change, sea-level rise and extreme weather events pose to coastal communities and infrastructure in the State Party;

(b) Persistent high dropout rates among persons with disabilities, including the fact that 19 per cent of children with disabilities aged 5–17 have never attended school, limited transition to tertiary education and low literacy levels, compounded by limited teacher training, bullying and discrimination in schools and a focus on enrolment rather than learning outcomes, and barriers affecting access for women and girls with disabilities to education, particularly the lack of disability-inclusive menstrual hygiene measures;

(c) Structural and geographical barriers to education, particularly for persons with intellectual and/or psychosocial disabilities, including lack of accessibility, the concentration of specialized services in Apia, constraints with regard to rural infrastructure and transport, and situations whereby children with disabilities are formally enrolled but effectively excluded owing to lack of adequate support.

46. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Amend the Education Act and enact implementing programmes to explicitly guarantee the right to inclusive education at all levels, adopt time-bound measures to establish a single inclusive education system with accessible learning environments, individualized support, trained teachers and accessible learning materials, and ensure that inclusive education frameworks integrate climate change, disaster risk reduction and emergency preparedness;

(b) Address the root causes of high dropout rates among students with disabilities by ensuring quality inclusive education and meaningful learning outcomes; guarantee access to water, sanitation and hygiene and implement menstrual health and hygiene measures, including through the provision of free menstrual products for girls with disabilities; promote access to tertiary education, including through scholarships, accessible admissions and increased engagement with the University of the South Pacific; and prevent bullying and discrimination through enforceable codes of conduct, prevention protocols and accessible complaint mechanisms;

(c) Remove all barriers to education by ensuring accessible school infrastructure, transport and learning materials, expanding inclusive support services beyond Apia and guaranteeing that learners with disabilities are effectively included and supported on an equal basis with others.

Health (art. 25)

47. The Committee notes with concern:

(a) The continued use of substitute decision-making in healthcare, particularly for persons with intellectual and/or psychosocial disabilities, and the absence of disability-specific safeguards in the patient complaints policy and related accountability frameworks;

(b) The limited dissemination of healthcare entitlements, weak referral pathways between health services and victim support mechanisms, the inaccessibility of health infrastructure and communication systems, particularly the absence of sign language interpreters, the failure to provide reasonable accommodation in practice and insufficient disability rights training for health professionals;

(c) The need to ensure that measures to address noncommunicable diseases are disability-inclusive;

(d) The lack of meaningful participation of organizations of persons with disabilities in the design, monitoring and review of policies on health and mental health, and the absence of disability-disaggregated data to identify and address violations of bodily and mental integrity.

48. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Eliminate substitute decision-making in healthcare and implement free and informed consent procedures in full alignment with the Convention, including by introducing appropriate safeguards within the patient complaints policy and similar accountability frameworks;**

(b) **Guarantee the dissemination of accessible information on healthcare, strengthen referral pathways between health services and victim support mechanisms and ensure the accessibility of health facilities and services, the availability of sign language interpretation, the provision of reasonable accommodation and the mandatory training of health professionals on disability rights and inclusive healthcare;**

(c) **Ensure that measures to address noncommunicable diseases are disability-inclusive;**

(d) **Guarantee the involvement of organizations of persons with disabilities in the design, monitoring and review of health and mental health policies and facilities, and collect disability-disaggregated data thereon.**

Habilitation and rehabilitation (art. 26)

49. The Committee welcomes the exemption of mobility devices from import duties. However, it notes with concern the absence of a comprehensive, coordinated and adequately resourced national habilitation and rehabilitation framework, and the persistence of financial and structural barriers, including high costs, limited maintenance of assistive devices and the centralization of mobility and assistive device services in Apia, leaving rural areas and outer islands underserved. It is further concerned about insufficient services for persons with acquired and psychosocial disabilities, limited psychosocial and peer-support programmes and the high unmet need for assistive devices, particularly for children, including in schools.

50. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Adopt a comprehensive and adequately resourced national habilitation and rehabilitation framework, including by ensuring public rehabilitation services, promoting research and innovation on assistive devices and guaranteeing that the provision of services begins as early as possible based on multidisciplinary assessments of individual needs;**

(b) **Expand community-based habilitation and rehabilitation services in rural areas and outer islands and make them available as close as possible to where persons with disabilities live, strengthen psychosocial and peer-support programmes and ensure timely access to assistive devices and technologies, including for children in schools;**

(c) **Guarantee affordable and sustainable access to habilitation and rehabilitation services and assistive products by reducing excessive costs, strengthening procurement and supply systems and improving repair and maintenance services and the training of rehabilitation professionals.**

Work and employment (art. 27)

51. The Committee notes with concern:

(a) That the Labour and Employment Relations Amendment Act (2023) does not establish a legally enforceable duty to provide reasonable accommodation and lacks strong mechanisms for labour inspection and enforcement, and that there is an absence of systematically collected, disability-disaggregated data on employment to inform policy and monitor compliance;

(b) The very low labour force participation (12.6 per cent), high economic inactivity (87.4 per cent) and almost non-existent representation in the public sector (0.03 per cent) of persons with disabilities, accompanied by income disparities and concentration in low-income sectors;

(c) Persistent barriers to employment, including inaccessible workplaces and recruitment processes, employer bias, substandard working conditions, underpayment and intersectional discrimination, particularly affecting women with disabilities, combined with limited availability of inclusive vocational education and the absence of targeted measures to promote access to open, inclusive and accessible labour markets and work environments.

52. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Amend the Labour and Employment Relations Amendment Act to explicitly prohibit intersectional discrimination, establish the denial of reasonable accommodation as a form of discrimination and strengthen mechanisms for labour inspection and enforcement;**

(b) **Adopt targeted measures to increase the participation of persons with disabilities in the open labour market, including through inclusive public sector employment policies, employment incentives and support measures, with a particular focus on women with disabilities;**

(c) **Remove barriers to employment for persons with disabilities by ensuring accessible workplaces and recruitment processes, enforcing equal pay and protection against labour exploitation and discrimination, including intersectional discrimination, strengthening inclusive vocational education through partnerships with local employers, the provision of training materials in accessible formats, job placement support and targeted employment quotas.**

Adequate standard of living and social protection (art. 28)

53. The Committee notes with concern:

(a) The lack of a clear legislative framework on the disability benefit scheme and the lack of transparent eligibility criteria, registration procedures and complaint mechanisms;

(b) Administrative delays and inconsistencies in the delivery of benefits and the absence of disability cash benefits tailored to children with disabilities;

(c) The high levels of multidimensional poverty experienced by persons with disabilities, with information showing that at least 66.8 per cent of persons with disabilities do not have access to clean energy resources and reported cases of inhuman or degrading living conditions linked to insufficient social and community-based support;

(d) The lack of rights-based social protection measures and the limited inclusion of persons with disabilities, particularly older persons with disabilities, in programmes concerning livelihood, pensions and income generation, particularly in rural sectors such as agriculture, fisheries and small-scale entrepreneurship, which restricts their access to economic opportunities and sustainable livelihoods;

(e) That older persons with disabilities are not permitted to receive both the older persons' pension and disability benefits, resulting in reduced income support and increased risk of poverty.

54. The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Adopt a clear legislative framework for disability benefits, with transparent eligibility criteria, accessible registration procedures and effective grievance and appeals mechanisms;**

(b) **Ensure timely and consistent delivery of disability benefits through rights-based social protection schemes, introduce disability cash benefits tailored to children with disabilities to cover disability-related costs;**

(c) **Address the root causes of multidimensional poverty among persons with disabilities through disability-inclusive social protection programmes, disability cash benefits, access to affordable housing and community-based support; and eliminate the disparities in access to clean energy affecting persons with disabilities by ensuring that policies and plans for the energy sector, including the renewable energy project launched in 2025, are disability-inclusive;**

(d) **Ensure the inclusion of persons with disabilities, particularly older persons with disabilities, in programmes concerning livelihood, pensions and income generation, particularly in rural sectors such as agriculture, fisheries and small-scale entrepreneurship, including through accessible training, financial support and participation in rural development and climate-resilient livelihood initiatives;**

(e) **Remove legal and administrative barriers preventing older persons with disabilities from receiving both the older persons' pension and disability benefits and guarantee that they enjoy an adequate standard of living and social protection.**

Participation in political and public life (art. 29)

55. The Committee notes with concern:

(a) The insufficient representation of persons with disabilities in and participation as candidates for elected and appointed bodies, the absence of targeted measures to address their underrepresentation, including that of women with disabilities, in public and political decision-making and the limited availability of disability-disaggregated data on their political participation;

(b) Barriers to accessible voting for persons with disabilities, including long travel distances to polling stations, lack of full accessibility of polling stations and the lack of measures to allow blind persons to vote independently;

(c) The need to strengthen the inclusion and representation of persons with disabilities in communal and public decision-making, and to address barriers linked to requirements under the matai system to stand for parliamentary election, which may create structural barriers and limit the effective participation and representation of persons with disabilities in Parliament;

(d) Information received indicating that decisions by village councils, in practice, may result in the exclusion of persons with disabilities from community decision-making and may affect their participation or residence, in the absence of effective safeguards or accessible mechanisms to challenge such decisions.

56. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Promote the representation of persons with disabilities, including women with disabilities, in public and political decision-making through targeted measures such as temporary special measures, and collect disability-disaggregated electoral data;**

(b) **Review electoral laws and policies, including the national policy on inclusive governance, to ensure full disability inclusion and accessibility in voting, polling districts and stations and political processes and implement measures to allow blind persons to vote independently;**

(c) **Strengthen the inclusion and representation of persons with disabilities in all decision-making systems, including in communal governance structures and family decision-making processes, by addressing structural and social barriers to their participation and leadership and by reviewing requirements linked to the communal system to stand for parliamentary election;**

(d) **Ensure that decisions by village councils fully comply with the Convention in law and in practice and do not discriminate, directly or indirectly, against persons with disabilities, including by establishing safeguards and accessible mechanisms to challenge such decisions.**

Participation in cultural life, recreation, leisure and sport (art. 30)

57. The Committee notes with concern:

(a) That the State Party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;

(b) The incomplete integration of disability sport into national legislation and policy frameworks, including in the National Sports in Education Policy (2018–2023);

(c) The limited accessibility of tourism infrastructure and services, and the insufficient inclusion of persons with disabilities in tourism-related employment and entrepreneurship opportunities and in the promotion of culture and craftsmanship.

58. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Ratify the Marrakesh Treaty;**

(b) **Fully integrate disability sport and inclusive recreation into national legislation and policy frameworks, including the National Sports in Education Policy;**

(c) **Ensure accessibility in tourism infrastructure and services and promote the inclusion of persons with disabilities in tourism-related employment and entrepreneurship opportunities and in the promotion of culture and craftsmanship.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

59. The Committee notes with concern the absence of the comprehensive, disability-disaggregated data necessary to inform effective disability inclusion and evidence-based policymaking and the limited involvement of organizations of persons with disabilities in data governance, as well as the need to strengthen the implementation of the Washington Group short set of questions on functioning, disability awareness and the rights of persons with disabilities.

60. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, adopt a comprehensive and multisectoral system for the regular collection, analysis and publication of disability-disaggregated data covering all areas of the Convention and strengthen the implementation of the Washington Group short set of questions on functioning.**

International cooperation (art. 32)

61. The Committee notes with concern that disability initiatives remain largely donor-driven and time-bound, with limited government ownership and sustainability, that there is a lack of data on international cooperation resources allocated to disability-specific initiatives, that accessibility and universal design are insufficiently applied in development projects and donor-funded infrastructure and that organizations of persons with disabilities are not systematically involved in international cooperation initiatives. It also notes the need to strengthen regional awareness of the Jakarta Declaration on the Asian and Pacific Decade of Persons with Disabilities, 2023–2032, the operational guide on the implementation of the Jakarta Declaration, the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific and other regional disability standards.

62. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Through human rights-based budgeting, adequate and sustainable domestic funding for disability inclusion and social spending, reduce reliance on external donor support and ensure programmes continuity;**

(b) **Mandate and monitor the application of standards on accessibility and universal design in all donor-funded initiatives on infrastructure and development;**

(c) **Ensure the meaningful participation of organizations of persons with disabilities, including organizations of women and girls with disabilities, in the design, implementation, monitoring and evaluation of international cooperation programmes;**

(d) **Exert regional leadership to promote awareness and the implementation of regional disability standards, including the Jakarta Declaration on the Asian and Pacific Decade of Persons with Disabilities, 2023–2032, the operational guide on the implementation of the Jakarta Declaration and the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific, in order to promote the Convention regionally.**

National implementation and monitoring (art. 33)

63. The Committee notes with concern:

(a) The fact that the mandate of the Office of the Ombudsman does not explicitly include the promotion and monitoring of the Convention and that cooperation with the Government on implementation remains limited;

(b) The State Party’s narrow interpretation of the participation and involvement of persons with disabilities, which is not fully aligned with the Convention.

64. **The Committee recommends that the State Party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Ensure that the mandate of the Office of the Ombudsman explicitly includes monitoring of the Convention, strengthen cooperation mechanisms and ensure the participation of organizations of persons with disabilities in advisory structures;**

(b) **Align with the Convention its understanding and implementation of the participation of persons with disabilities, including by ensuring their direct participation, representation and leadership, removing barriers to such participation and systematically reflecting their views in the development, implementation and monitoring of laws, policies and programmes affecting them.**

IV. Follow-up

Dissemination of information

65. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State Party’s attention to the recommendations contained in paragraphs 6, on general principles and obligations, 20, on situations of risk and humanitarian emergencies, and 46, on education.

66. The Committee requests the State Party to implement the recommendations contained in the present concluding observations. It recommends that the State Party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities, members of professional groups, such as education, health and legal professionals, and the media, using modern communication strategies.

67. The Committee requests the State Party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

68. The Committee strongly encourages the State Party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its next periodic report.

Next periodic report

69. The combined second to fifth periodic reports are in principle due on 2 January 2035, under the simplified reporting procedure. The Committee will establish and communicate the exact due date of the combined periodic reports of the State Party in line with a future clear and regularized schedule for reporting by States Parties³ and following the adoption of a list of issues and questions prior to reporting for the State Party. The combined periodic reports should cover the entire period up to the time of their submission.

³ General Assembly resolution 79/165, para. 6.