



Convention on the Rights of Persons with Disabilities

Distr.: General
19 November 2025

Original: English
Arabic, English, French and
Spanish only

Committee on the Rights of Persons with Disabilities

Initial report submitted by the Federated States of Micronesia under article 35 of the Convention, due in 2019*, **

[Date received: 28 April 2022]

* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



List of Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
ASL	American Sign Language
APR	Annual Progress Report
ASD	Autism spectrum disorder
BHW	Behavioral Health & Wellness Program
FSM Constitution	Constitution of the Federated States of Micronesia
CEDDERS	Centre for Excellence in Developmental Disabilities Education, Research and Service
CARS-II	Childhood Autism Rating Scale 2nd Edition
CHSCN	Children with Special Health Care Needs
CSO	Civil Society Organisations
GADI	Climate Adaptation Guide for Infrastructure
FSM Code	Code of the Federated States of Micronesia (Annotated)
CMI	College of Marshal Islands
CDCs	Community Health Centers
Amended Compact	Compact of Free Association Between the Federated States of Micronesia and the United States, as amended
FSM Congress	Congress of the Federated States of Micronesia
FSM Constitution	Constitution of the Federated States of Micronesia
State Constitutions	Constitutions of the FSM States
CMEs	Continuing Medical Education
CRPD	Convention on the Rights of Persons with Disabilities
COVID-19	Coronavirus disease
DOE	Department of Education
DECEM	Department of Environment, Climate Change, and Emergency Management
DOHSA	Department of Health and Social Affairs
DPS	Department of Public Safety
TC&I	Department of Transportation, Communication and Infrastructure
DV	Domestic Violence
ECE	Early Childhood Education
ECO	Early Childhood Outcomes
ECSE	Early Childhood Special Education
EHDI	Early Hearing Detection and Intervention
EMIS	Education Management Information System
FSM	Federated States of Micronesia
FedEMIS	Federated States of Micronesia Education Management Information System
FY	Fiscal Year
FASEG	Freely Associated States Educational Grant

FSMSSA	FSM Social Security Administration
FSM SC	FSM Supreme Court
FSM SC	FSM Supreme Court
HPDBP	Hawaii and Pacific Deaf Blind Project
HIV	Human Immunodeficiency Virus
HDR	Humanitarian Daily Rations
IEP	Individualized Education Plan
IDEA	Individuals with Disabilities Education Act
IDP	Infrastructure Development Plan
IOM	International Organization for Migration
LAUNCH	Linking Actions for Unmet Needs in Children's Health
LPP	Local Performance Plan
MCH	Maternal Child Health
MLSC	Micronesian Legal Services Corporation
MTEC	Micronesian Teachers Education Week
NBC	National Building Code
NDRP	National Disaster Response Plan, 2016
NSSP	Navigating Student Success in the Pacific
NCD	Non-Communicable Disease
OPD	Office of the Public Defender
OHDACA	Overseas Humanitarian, Disaster, and Civic Aid
PDF	Pacific Disability Forum
PIFS	Pacific Islands Forum Secretariat
PREL	Pacific Resource for Education Learning
PC	Personal Computer
PEDMS	Pohnpei Education Data Management System
PICS	Pohnpei Island Central School
PMU	Program Management Unit
RSA	Related Service Assistants
STI	Sexually Transmitted Infection
SEP	Special Education Program
CHSCN	Special Health Care Needs
SPP	State Performance Plan
SSC	State Supreme Court
SITS	Student Information Tracking System
SITS	Student Information Tracking System
SPC	The Pacific Community
US OSEP	US Office of Special Education Program
OHCHR	UN Office of the High Commissioner for Human Rights
UN	United Nations

UNICEF	United Nations Children's Fund
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
FAO	United Nations Food and Agriculture Organization
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
US DOE	United States Department of Education
UH	University of Hawaii
National Task Force	UPR and Human Rights Taskforce
DOD	US Department of Defense
OFDA	US Office of Foreign Disaster Assistance
WHO	World Health Organization

Overview

Preparation of this report

1. In keeping with its engagement with disabled people, the Government consulted widely in preparing this report:

(a) The report and the proposed consultation process were both considered from the outset by the standing disability sector reference group.

(b) A draft was circulated for comment at both the National Government and State Government and across the community as a whole, and consultation procedures also included series of formal meetings, a national disability forum. Several of the consultation meetings were targeted at groups including the disability groups in all the four states. Several hundred people and groups took up one or more of these opportunities.

General Provisions of the Convention

Articles 1–4

2. There are four distinct constitutions in FSM – the FSM Constitution and the four State Constitutions of the FSM states.

3. The FSM Constitution is the supreme law of the land, and the four separate State Constitutions subscribe to the principles of the FSM Constitution.

4. So, the purpose of the Convention is in line with the principles of universality of fundamental rights and duties, and of equality, as enshrined under Article IV of the FSM Constitution and basic tenets of our Constitutional system. The Declaration of Rights under Article IV of the FSM Constitution recognizes and protects traditional rights and local custom practices. The Bill of Rights' provisions under Title 1 of the FSM Code also recognize equal protection of the law regardless of sex, race, ancestry, national origin, language, or social status.

5. The five constitutions of the national and state governments in the FSM afford broad application to the protection of the rights of persons with disabilities and other various rights, including life, liberty, property, and freedom of expression, peaceful assembly, association, petition, and free exercise of religion. Constitutional guarantees of equal protection apply if there is any discrimination affecting the fundamental rights.

6. In the areas of education and health, several statutory measures in place are geared toward protecting the interest and wellbeing of persons with disabilities – for example, compulsory education for children with disabilities.

7. In addition, FSM has requested assistance from United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) to do a comprehensive legislative review in order to identify gaps and align them with the Convention. This legal review will take some time to be carried out and completed given the differences in legal settings between and among the four FSM States and taking into consideration the difficulties arising from the COVID-19 pandemic.

8. Regardless, the legal framework for persons with disabilities in the FSM adopts limited definition of the concept of disability but there is a tendency to tailor the definition to the specific situations in every FSM State where disability is addressed by state law.¹ For example, in one of the FSM's States, the term *persons with disabilities* is defined as "those individuals regardless of age who have been evaluated in the past and who are currently evaluated as having mental disability; hearing impairments, including deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance;

¹ FSM Social Security Benefits.

orthopaedic impairments; autism; traumatic brain injury; other health impairments; specific learning disabilities; deaf-blindness or multiple impairments; and who, because of those impairments, need special services to be accorded to them.² There is a somewhat similar definition found in Title 40 of the FSM Code but aims specifically towards children with disabilities from birth through age 21 who, because of those impairments, need special education and related services.

9. In 2019, Pohnpei State Legislature passed the *Pohnpei Disabilities Act of 2019*. This Act recognizes that persons with disabilities include those individuals, regardless of age, who have been evaluated in the past and who are currently evaluated as having mental health disability, sensory impairment, including a hearing, speech or language impairment; visual impairment, including blindness; mobility impairment, orthopaedic impairment; autism, traumatic brain injury, specific learning disability; deaf-blindness, multiple such impairments or other medically identified health impairment that affects mobility and the existence of such disability may hinder community integration, in terms of their effective participation within society on equal basis. By recognizing that disability is the result of the interaction between impairment and external barriers, the various legislations from both the National and States Governments gear towards aligning their legal definitions of persons with disabilities into that enshrined in the CRPD, implying a significant paradigm shift from the medical/charitable models, to understanding disability as a social phenomenon. Furthermore, of particular value is the recognition that physical, mental and sensory impairments, can all result in a disability.

10. On December 3, 2021, The Governor of Kosrae State sign into law the Kosrae Disability Act of 2021. The Kosrae State Legislature recognizes the importance of the FSM's ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD). The purpose of the Kosrae Act is to provide equal opportunity, promote gender respect for all persons' with disabilities that is necessary to formulate practical measures towards ensuring that accessible/ disability friendly reserved parking space, ease of access to building facilities, inclusive educational services, as well as employment opportunities, and expressly created supportive social services are readily available to accommodate the needs of all persons with disabilities.

11. On the 7th of February 2022, The Governor of Chuuk State sign into law the Chuuk State Disability Act of 2022. The Chuuk State Disability Act of 2022 was established to provide special services to people with disabilities and for the Chuuk State Governor to develop a plan for persons with disabilities.

12. The FSM Government is aware that some pieces of legislation at the National and State levels, particularly those enacted before the ratification of the CRPD, for example the Pohnpei State Pension Plan, Special Education, and the Social Security contain varying definitions of disability, which are not totally in tandem and fully supporting the objectives of the CRPD.

13. The FSM Constitution guarantees protection of individual basic rights including the right to due process and equal protection of the laws, which in their individually collective application, prohibit any form of discrimination against persons with disabilities requiring the government to carry out a national strategy and a plan of actions that are non-discriminatory in nature and application. As a result, the Government has developed the FSM National Policy on Disability which had been adopted by the FSM Congress. The policy is coordinated by the Youth Program Officer/ Disability Focal Point under the Department of Health and Social Affairs (DOHSA). The Disability Policy is the result of a nationwide stakeholder consultation involving all the FSM States that took place in March 2006. The DOHSA is mandated to monitor the policy, noting the need for a strong partnership between national and state focal points on disability issues. Civil society organizations (CSO) including churches, grass-roots organizations and community organizations involving persons with disabilities, the private sector and professional associations have important roles

² Chapter 8, Title 17, Pohnpei State Code.

to play in promoting human rights and supporting and delivering services for persons with disabilities.

14. Following the ratification of the CRPD, the Government has made a commitment to consult and work in partnership with all the relevant stakeholders to address issues relating to persons with disabilities. It is through this partnership, that the first Disability Forum has been conducted with different stakeholders attending, including those representing the disability groups. At the forum, it is also discussed that there is a need for more advocacies amongst governments in the nation to allow for persons with disabilities to be mainstreamed in decision making. There is also a need for the Government to make budgetary allocation to progress the implementation of the CRPD.

15. The Government indirectly and directly provides financial support to persons with disability through disability-related income support in the form of social security benefits, support services for those with long-term impairments and those over 65 years old. The financial benefits include personal support and housing assistance through a competitive process given that the resources available are very limited. The FSM Government and individual State Governments also introduced separate initiatives towards making public buildings such as schools, hospitals, and governmental buildings and facilities more accessible for persons with disabilities, but these initiatives need more time to fully implement and will be subject to the availability of funding to ensure sustainability.

16. The UPR and Human Rights Taskforce (National Task Force) continue to carry out its core functions and responsibilities in monitoring the implementation of the CRPD. The National Taskforce is well informed of the obligation of the FSM Government to report to the UN Committee on the Rights of Persons with Disabilities to be able to demonstrate progress in implementing the Convention.

17. During the first Disability Forum held in August 2010 in Chuuk State, members of CSOs, nongovernmental organizations and other stakeholders shared their views regarding issues concerning rights of persons with disabilities and endorsed their full support in joining the Convention.

18. Also present during the Forum were regional partners from the Pacific Islands' Forum Secretariat, Pacific Disability Forum, the United Nations Economic and Social Commission for Asia and the Pacific, and Disability Right Fund. Recommendations made during that Disability Forum were taken into consideration in this State report. Among the recommendations endorsed by the Disability Forum was the formulation of strategic action plans towards the implementation of the FSM Disability Policy as previously adopted through a resolution by the FSM Congress. The Disability Forum also recommended a call for action towards improving awareness, advocacy, and policy that will recognize the fundamental rights of persons with disabilities throughout the nation. The Forum also called for the creation of a national disability council to coordinate activities related to disability issues. National efforts are ongoing to bring these recommendations into actual implementation.

Specific Articles

Article 5 Equality and non-discrimination

19. Article IV, section 4 of the FSM Constitution recognizes equal protection of the law regardless of sex, race, ancestry, national origin, language, or social status. The FSM Constitution and the State Constitutions protect the basic fundamental rights of persons with disabilities, in the context of due process of law and equal protection of the laws. These protections prohibit discrimination directed against persons with disabilities.

20. In the areas of education and health, several statutory measures in place are geared toward protecting the interests and wellbeing of children with disabilities – for example, compulsory education.

21. The FSM Constitution and the State Constitutions afford broad application to the protection of persons living with *persons with disabilities*. Whereas the FSM Constitution is the supreme law of the land, the four State Constitutions reinforce the application of the protection of rights and liberties in the FSM Constitution.

22. The Equal Protection Clauses are incorporated in all the five State Constitutions that guarantee the fundamental rights and freedoms conferred upon all FSM citizens regardless of sex, race, ancestry, national origin, language, religion or social status. FSM Constitution, article IV, section 4 states that, “Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.”

23. Kosrae State Constitution, Article II, Section 1(c) states that, “Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.” Pohnpei State Constitution, Article IV, Section 3 states that, “No law or other government action may deny or impair the equal rights of all persons on account of gender, race, ancestry, national origin, religion, language, or social status. No person may be denied the equal protection of the law.” Chuuk State Constitution, Article III, Section 2 states that, “No person may be deprived of life, liberty, or property without due process of law, be denied equal protection under the law, be denied the enjoyment of civil rights, or be discriminated against in the exercise of civil rights, on account of race, sex, religion, language, dialect, ancestry, national origin, or social status.” Yap State Constitution, Article II, Section 4 states that, “No person shall be deprived of life, liberty, or property, without due process of law, or be denied the equal protection of the laws, or be denied the enjoyment of his civil rights, or be discriminated against in the exercise thereof, on account of race, sex, religion, language, ancestry, or national origin.”

Article 8

Awareness raising

24. The FSM Government focuses on building strategic relationships with all relevant stakeholders from the Government and the NGOs in order to develop information and awareness raising activities and issues on the rights of persons with disabilities. Some awareness raising measures are already in place since the very first National Disability Forum conducted in 2010 with participants represented from the National Government, State Government, and NGO’s, specifically the State’s Disability Advisory Groups.

Article 9

Accessibility

25. Improving accessibility is a current priority for the FSM Government, and there is ongoing discussion to develop guidelines on accessibility and to enact a National Building Code (NBC) that will address the needs of persons with disabilities. A building code will mandate detailed construction requirements for new buildings to ensure accessibility for persons with disability, particularly people who use wheelchairs or have limited vision.

26. Plans are also underway for a disability audit for all public buildings and facilities. This will be done jointly with FSM Department of Transportation, Communication and Infrastructure (TC&I), FSM Department of Health and Social Affairs, and FSM Department of Education. The result of this disability audit will provide the necessary information to enhance access for persons with disabilities in all public buildings and facilities.

27. In January 2021, the FSM President directed a working group to be formed, comprised of Department of TC&I, the Program Management Unit (PMU) and representative of the Four FSM States. The purpose of the working group is to develop the FSM Building Code.

28. According to the FSM Infrastructure Development Plan (FY2016–FY2025), that present projects are generally designed in accordance with international codes, standards and guidelines, but with only limited account taken of the specific circumstances of FSM. Some guidelines have been developed for specific aspects including seismic and wind loading and are summarized in Climate Adaptation Guide for Infrastructure (GADI). It is therefore

intended that a National Building Code will be developed, with State specific requirements where appropriate. The Code will be based on the International Building Code and other US based codes and standards, but take account of the requirements of FSM and incorporate existing state and national guidelines. Education and Health Sector Infrastructure Codes will be developed at State level, with coordination at National level, to set minimum spatial planning standards for education and health buildings, additional to Building Codes.

29. There are various legislations at the state levels with building codes provisions but with broader applications. For instance, under Chapter 21 of Title 11 of the Kosrae State Code, there is a Building Code law with broad applications with the notion to achieve and provide reasonable uniform standards and requirements for construction and construction materials, consonant with accepted standards of engineering and fire prevention practices. The other States have similar provisions which are in fact needed to be amended in order to address the issues and needs of persons with disabilities for better access to any buildings in the nation.

Article 10

Right to life

30. The FSM Constitution and the State Constitutions of Kosrae, Pohnpei, Chuuk and Yap guarantee equal rights and protection by the law, protect the right to life and prohibit the state from taking away life through capital punishment. The provisions are inclusive of persons with disabilities.

31. The Constitution of FSM Article IV, Section 4 provides that everyone has the right to equal protection by the law regardless of sex, race, ancestry, national origin, language or social status. Section 9 prohibits capital punishment.

32. The Constitution of Kosrae Article II, Section 1 sets out that no one may be deprived of their life and provides that everyone has the right to equal protection of the law. The section also prohibits capital punishment.

33. Article 4, Section 3 of the Constitution of Pohnpei provides that all persons have equal rights and no law or government action should deny this. The section also sets out that no person should be denied equal protection by the law. Section 11 of Article 4 sets out that no crime is punishable by death.

34. The Constitutions of Chuuk Article III, Section 2 provides that no person shall be deprived of the right to life, and that everyone is entitled to equal protection by the law. Article II Section 4 of the Constitution of Yap has the same provision on the right to life and equal protection by the law.

Article 11

Situations of risk and humanitarian emergencies

35. The Disaster Relief Assistance Act (1998) of FSM sets out the responsibilities of the FSM National Government to support States to respond to natural and man-made disasters.

36. National Government responsibilities in the Act include providing assistance to states to prepare, maintain and review their disaster plans, and set out minimum requirements for the disaster plans. The national government is also responsible to prepare and distribute to the States a list of foreign public and private disaster assistance programs available to them.

37. States responsibilities in the Act includes preparing disaster plans, appointing an officer to develop and maintain this plan, broadcast warnings and information concerning disasters, and communication for assistance for prevention, preparation and recovery from disasters.

38. The statutory responsibilities set out a framework for inclusion of specific measures for persons with disabilities in responses to disasters.

39. Further, the FSM National Government has a National Disaster Response Plan, 2016 (NDRP). The NDRP mainstreams disability giving ‘special attention to gender issues and the needs of marginalised groups, such as...persons with disability.’ A key principle of the NDRP is to take into account the needs of vulnerable and marginalised groups including those in remote atolls, persons with disabilities, and the elderly. The NDRP also strengthens national and state governance systems for management of disasters and disaster risk and takes a ‘whole of country’ approach, linking communities to state, national, regional and international frameworks. The three main parts of the NDRP are Policies, Principles and Purposes; Institutional Arrangements for Disaster Management; and Operational Arrangements for Disaster Management.

40. The FSM Department of Environment, Climate Change, and Emergency Management (DECEM) is a statutory arm of the Government responsible for ensuring that FSM is prepared for natural disasters and other emergencies. Measures taken in instances of risk, disaster or emergency are extended to all people in the FSM, regardless of whether they are disabled or not.

41. FSM has a National Disaster Act and a National Disaster Plan but has yet to develop a National Action Plan. FSM National Disaster Act is an agreement to Amend Article X of the Federal Programs and Services Agreement between the Government of the U.S. and the Government of FSM. FSM’s disaster plan is a multistate multi-hazard mitigation plan for FSM.

42. United States Agency for International Development (USAID) is the lead United States federal agency that is responsible under the Compact of Free Association Between the Federated States of Micronesia and the United States, as amended (Amended Compact) in providing future disaster related assistance to FSM. The Amended Compact describes the response and notification procedures for the disaster relief process. Pursuant to 10 U.S.C. 404, the DOD can assist foreign countries to respond to manmade or natural disaster situations when necessary to prevent loss of lives. After the local U.S. Embassy has officially declared a disaster, the OFDA assesses the needs and priorities of the country and may request DOD assistance. The assistance may be in the form of transportation, excess property items, Humanitarian Daily Rations (HDR), or some other commodity. The Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) appropriation or USAID may fund transportation of disaster relief.

Article 12

Equal recognition before the law

43. Equality before the law recognized as a fundamental principle of the FSM justice system, and it is embodied in both the FSM Constitution and the State Constitutions, and this principle is implemented at all levels of government, and affirmed and reaffirmed by court decisions. It is guaranteed in the FSM Constitution, which states in Article IV, Section 3 that: “*A person may not be...denied the equal protection of the laws.*” Section 4 of the same article further reinforces this guarantee of right, as follows: “Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.”

44. Persons with disability do enjoy equal protection of rights under national law. At state level, the protection of equality under law is reemphasized. For instance, Kosrae State Constitution, Article II, Section 1(c) states that, “Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.”

45. Pohnpei State Constitution, Article IV, Section 3 states that, “No law or other government action may deny or impair the equal rights of all persons on account of gender, race, ancestry, national origin, religion, language, or social status. No person may be denied the equal protection of the law.”

46. Chuuk State Constitution, Article III, Section 2, states that, “No person may be deprived of life, liberty, or property without due process of law, be denied equal protection

under the law, be denied the enjoyment of civil rights, or be discriminated against in the exercise of civil rights, on account of race, sex, religion, language, dialect, ancestry, national origin, or social status.”

47. Yap State Constitution, Article II, Section 4 states that, ”No person shall be deprived of life, liberty, or property, without due process of law, or be denied the equal protection of the laws, or be denied the enjoyment of his civil rights, or be discriminated against in the exercise thereof, on account of race, sex, religion, language, ancestry, or national origin.”

48. The equality under the law is among the guaranteed civil rights being enforced across the nation. Under national law, it is considered a crime for *any person who wilfully, whether or not acting under the color of law, deprives another of, or injures, oppresses, threatens, or intimidates another in the free exercise or enjoyment of, or because of his or her having so exercised any right, privilege, or immunity secured to him by the Constitution or laws of the Federated States of Micronesia....* A person convicted of this crime is subject to an imprisonment of not more than 10 years. See, §701 T.11, FSM Code.

49. Respect for civil right is enforced by the Secretary of Justice through his enforcement power under Section V of the Executive Order No. 1 (2008), as amended, in order to prohibit any discrimination or civil rights violation. Such right is also enforced by the FSM Supreme Court by authority granted under 11 FSCM §701. In several cases, the FSM Supreme Court applied §701 in making judicial determination by enforcing civil rights.

50. Moreover, in enforcing a civil right, the FSM Supreme Court may award attorney’s fees and costs in favor of winning litigants who rights were violated. The court explained the rationale for the award of attorney’s fee in civil rights cases, as follows: “Attorney’s fee awards to prevailing parties in civil rights litigation should be sufficiently high at a minimum level to avoid discouraging attorneys from taking such cases and should enable an attorney who believes that a civil rights violation has occurred to bring a civil rights case without great financial sacrifice. *Tolenoa v. Alokoaa*, 2 FSM Intrm. 247, 255 (Kos. 1986).”

Article 13

Access to justice

51. Access to justice is guaranteed and safeguarded for all people, without discrimination. This is a constitutional right that is not only recognized by the government, but it is also implemented in full. The FSM Supreme Court (FSM SC) is vested with this mandate in the national constitution. In administering justice, the court upholds the fundamental norm of equal treatment of all. Any person may come before the courts seeking justice through the enforcement of their rights. An independent judge is normally assigned to hear cases and decide based upon the facts and evidence using the rules of procedure established by the court.

52. There are three court systems that address access to judicial justice: (1) National court, which is the FSM SC, (2) State court, also called State Supreme Court (SSC) in each of the four FSM States, and (3) the municipal courts. All the courts are functioning with judges who are ready to resolve court cases.

53. Concededly, there are natural barriers to accessing justice, such as those that are indicated by the geographical configuration of the nation. Other barriers include financial, socio-cultural, and educational limitations. In order to minimize the impacts of these barriers, the National Government provided free legal services to those who cannot afford legal counsel. In criminal cases, the government provides legal services free of charge to defendants who are unable to hire private counsel. For this purpose, the Office of the Public Defender (OPD) is the national agency that funded by the FSM Congress to provide this service.

54. The Micronesian Legal Services Corporation (MLSC) is another organization subsidized by the National Government that is providing free legal assistance to those involved in civil and administrative cases. Special priority is given to persons with disabilities. In many cases, MLSC was instrumental in securing court restraining orders in order to provide protection to victims of domestic abuse. Although data are incomplete, persons with disabilities do benefit from free legal services and assistance. MLSC is also providing

awareness campaigns especially in the outer islands in order to educate all people of their rights under the law.

55. Moreover, the FSM Supreme Court has local offices in all the four FSM states in an effort to bring the court close to the people with legitimate business transactions of the court services and facilities.

56. The Judicial Branch of the Federated States of Micronesia, which is the FSM SC, is created by Article XI of the FSM Constitution. The judicial power of the national government is vested in a Supreme Court and inferior courts established by statute. Art XI, Section 1.

57. The Supreme Court is a court of record and the highest court in the nation. It consists of the Chief Justice and not more than five associated justices. At the moment, there are only two associate justices assisting the chief justice. Two justices recently passed, whereas, two others were appointed by the President but were unable to assume office.

58. Each justice is a member of both the trial division and the appellate division, except the sessions of the trial division may be held by one justice. No justice may sit with the appellate division in a case heard by him in the trial division. At least three justices shall hear and decide appeals. Decision is by a majority of those sitting. Art XI, Section 2.

59. The Chief Justice and associate justices of the FSM SC are appointed by the President with the approval of 2/3 of Congress. Justices serve during good behavior. Art. XI, Section 3.

60. If the Chief Justice is unable to perform his duties, he shall appoint an associate justice to act in his stead. If the office is vacant, or the Chief Justice fails to make the appointment, the President shall appoint an associate justice to act as Chief Justice until the vacancy is filled or the Chief Justice resumes his duties. Art. XI, Section 4.

61. The qualifications and compensation of justices and other judges may be prescribed by statute. Compensation of judges may not be diminished during their terms of office unless all salaries prescribed by statute are reduced by a uniform percentage. Art. XI, Section 5.

62. The trial division of the FSM SC has original and exclusive jurisdiction in cases affecting officials of foreign governments, disputes between states, admiralty or maritime cases, and in cases in which the national government is a party except where an interest in land is at issue. Art. XI, Section 6.

63. The appellate division of the FSM SC may review cases heard in the national courts, and cases heard in state or local courts if they require interpretation of this Constitution, national law, or a treaty. If a state constitution permits, the appellate division of the FSM SC may review other cases on appeal from the highest state court in which a decision may be had. Art. XI, Section 7.

64. Since 1981, the FSM SC has worked to anticipate and to respond to the needs of the courts and to support the Federated States of Micronesia's judicial systems.

65. Through the leadership and service, national and state perspectives on court issues, and collaborative work with the Chief Justices of the State Courts and other state court leaders, the FSM SC plays a crucial role in advancing and building public trust and confidence in the national court system.

66. There are a few private law firms operating across the FSM that are also available to provide legal services to their clients for a fee. The fee rate is regulated by the FSM Supreme Court. In one case, the Supreme Court ruled that "...the prevailing party customarily charges attorney's fees of \$100.00 per hour for legal services in the community in which the case is brought, and when this is at or near the hourly fee rate charged by other attorneys in the locality, the court may award the prevailing party an attorney's fee based upon the \$100.00 hourly rate." *Tolenoa v. Kosrae*, 3 FSM Intrm. 167, 173 (App. 1987). The \$100 per hour rate appears to be the prevailing rate.

Article 14

Liberty and security of the person

67. Under the Declaration of Rights, everyone has the right not to be detained or arrested. Article IV, Section 8 of the FSM Constitution provides that the writ of habeas corpus may not be suspended unless required for public safety in cases of rebellion or invasion. The application for this writ provides the legal procedure allowing any person who is detained or imprisoned to challenge the legal basis of his detention before the court. No distinction is made on the basis of disability.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

68. Article IV, Section 8 of the FSM Constitution provides that no laws shall be construed or applied so as to impose or authorize excessive fines or cruel and unusual treatment or punishment of any person. Additionally, Article IV, section 9 of the FSM Constitution provides that capital punishment is prohibited. Three out of the four state constitutions also contain this prohibition.

69. In addition to the general protections of the criminal and civil law against assault or other ill-treatment, torture is prohibited except it still happens in any detention facility. It is an offence to neglect or ill-treat a patient or proposed patient subject to compulsory treatment. In *Metou v. Uwera*, 5 FSM Intrm. 139, 144 (Chk. S. Ct. Tr. 1991), the court held that a person's constitutional right to due process of law and his right to be free from cruel and unusual punishment were violated when an officer threw the person to the ground and beat the person in the jail instead of protecting the person from attack.

70. With exception to the mentally incompetent or emergency life-saving services, persons with disabilities are supported in their right to consent to medical or scientific procedures/treatments or experimentation in all 4 States. Chuuk State is developing alternatives to housing high-risk mentally ill patients at the State Corrections Facility and to rather be managed in the community with support by the family.

Article 16

Freedom from exploitation, violence and abuse

71. The FSM Government is working closely with all the states to enact Domestic Violence Legislations. Violence, particularly domestic violence, is an issue for all not just for disabled people.

72. Sexual offences are an area entirely with the state government as far as FSM is concerned. The National Government has little control over policy and legal reform.

73. However, the National Government has the leverage (money, capacity and regional and international connection) to work closely with the state governments and push on enactment of domestic violence laws. In fact, the National Government is still working with some of the states on certain related areas such as increasing the age of marriage for females, no drop policy of cases, increase of penalty for Sexual Gender Based Violence related crimes.

74. In August of 2015, Kosrae became the first state in the FSM to enact its domestic violence legislation entitled "Family Protection Act"; followed by the passage of the Pohnpei Domestic Violence Act of 2017. Yap and Chuuk are in the drafting stage of their own domestic violence legislations.

75. The national law against trafficking in persons sets a maximum penalty of 30 years' imprisonment and a \$50,000 fine for child trafficking. The states' statutory rape laws apply to children 13 years or younger in Yap and Kosrae and 15 years or younger in Pohnpei. On September 23, Chuuk State passed a law increasing the age of consent to 18 years. The maximum penalties vary by state. For example, in Chuuk and Pohnpei, it is five years'

imprisonment and a \$5,000 fine, while on Kosrae and Yap it is 10 years' imprisonment and a \$20,000 fine. Only Pohnpei has legislation for the prohibition of child pornography. Both Chuuk and Pohnpei have provisions against filming explicit movies of underage children, but Yap and Kosrae have no such provisions. Both Chuuk and Pohnpei impose a penalty of six months' imprisonment for violations.

76. Kosrae, and family protection legislation in FSM and Kosrae and the move to establish referral systems, Domestic Violence (DV) committees set up in Pohnpei and Kosrae, strengthen counselling services in Pohnpei and Chuuk. Pohnpei State set up a DV Unit with the Department of Public Safety (DPS).

Article 17

Protecting the integrity of the person

77. Under the FSM law, everyone has the right to refuse to undergo any medical treatment. This right is subject only to such reasonable limits as can be justified in a free and democratic society.

78. All people accessing health and disability services must be informed of their rights, be treated with respect and receive services in a manner that has regard for their dignity, privacy and independence. Under the state health related laws, there is a requirement that, apart from in exceptional circumstances, people must give informed consent before a service is provided, including sterilisation.

79. Involuntary confinement of a mentally incompetent requires a court order. This involves representation of the person by a legal counsel and consent from the family for such confinement. This protects their interest in earnest and provides for questioning and review of treatment procedures.

80. Informed Consent from the person or their legal guardian is required by the State Hospitals and Reproductive Health Programmes before any procedures are performed. There are no known protocols at all 4 States which mandate any of the above be conducted without consent. There was a country-wide Joint External Evaluation on International Health Regulations of State Health facilities and Programmes. This was conducted by World Health Organization (WHO) in August 2018. Pohnpei State had a review by WHO in July 2017 by Professor Llewellyn on the status of Disability Services.

Article 18

Liberty of movement and nationality

81. Article IV, Section 12 of the FSM Constitution provides that a citizen may travel and migrate within the FSM. The FSM has not yet had any situations arise where the right to leave or return to the FSM has come into issue. By this principle, it is the notion that all citizens of the FSM, including disabled individuals have the right of freedom of movement, which can only be constrained in accordance with the law.

82. The right to FSM citizenship and to hold an FSM passport makes no distinction on the grounds of disability. Birth registration and death registration exist in the FSM DOHSA and the FSM Office of Statistics, with regular monthly reports related to these registries submitted to those entities. Birth registration is not considered a major problem in FSM, because most births occur at hospitals and children are registered at birth, generally speaking. There is a general tendency of the population to register births because a certificate of live birth is required for passport application. Given that air travels (both domestic and international) do require valid passports, the policy of registering births appear to be fulfilled indirectly. There are few exceptions of births occurring in some outer islands with the help of traditional birth attendant or health assistant. However, any child including children with disabilities not registered at birth is registered at the age of five when the child enrols in primary school. The birth registration rate from the FSM DOHSA as of 2015 showed about 70% completion of birth and death registration. The government is requesting assistance in

the implementation of a civil registration to accurately capture relevant information regarding births.

Article 19

Living independently and being included in the community

83. There is no system in place which provides personal assistants for persons with disabilities. The FSM Government is currently working on what it can provide given its limited resources. The priority for the FSM Government is to ensure that persons with disabilities know their rights, better able to access public facilities and services and are integrated into public institutions such as schools.

84. The Government indirectly and directly provides both income support to disabled people through disability-related income support in the form of social security benefits, support services for people with long-term impairments and over 65 years old, which include personal support and housing assistance through a competitive process made available by the USDA.

Article 20

Personal mobility

85. In the FSM, the National and States Governments have implemented measures to facilitate personal mobility of persons with disabilities, including access ramps, designated parking areas, and wider sidewalks.

Article 21

Freedom of expression and opinion, and access to information

86. Freedom of expression is respected by both the FSM Government and State Governments. There are mechanisms in place to ensure full respect of this important constitutional right. The FSM Attorney General is vested with legal obligation to enforce civil right. The States Attorney General are vested with similar obligation at state level.

87. According to Article IV, Section 1 of the FSM Constitution, “No law may deny or impair freedom of expression.” Everyone has the right to freely express and divulge his thoughts in words, images or by any other means, as well as the right to inform others, inform himself and be informed without hindrance or discrimination. The right of citizens to express their views, including views critical of public officials, is fundamental to the development of a healthy political system.

Article 22

Respect for privacy

88. The FSM Constitution, in Article IV, Section 5, guarantees the right of persons to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures or invasions of privacy. These rights are reaffirmed in Title 1, Section 103, i.e., the Bill of Rights, of the FSM Code.

89. The right of the people to be secure in their persons, houses, papers, and other possession against unreasonable search, seizure, or invasion of privacy may not be violated. A warrant may not issue except on probable cause, supported by an affidavit particularly describing the place to be searched and the persons or things to be seized.

90. The four states Constitutions protect persons from an unreasonable invasion of privacy. The right to privacy depends upon whether a person has a reasonable expectation that the thing, paper or place should remain free from governmental intrusion. A person’s right to privacy is strongest when the government is acting in its law enforcement capacity.

Article 23

Respect for home and the family

91. As alluded above, Article IV of the FSM Constitution guarantees “people” to be secure in their houses and persons may not be violated. This guarantee extends to persons with disabilities because the term “people” is broad enough to cover the latter group. The constitutional right mentioned also recognizes the right to marry for persons with disabilities, as any other person.

92. The FSM Constitution, in Article IV, Section 1 guarantees that no law may deny or impair freedom of expression, peaceful assembly, association or petition.

Article 24

Education

93. Title 40 of the FSM Code requires the government to provide educational services to children ages 6–14 inclusive of children with disabilities. Children with disabilities are given special protection by establishing procedures designed to provide access to a reasonable, appropriate, and free elementary and secondary education for children with disabilities through twelfth grade or at the age of 21. For Kosrae, the applicable law regarding education is Title 12 of the Kosrae Code. Other relevant laws that ensure access for children with disabilities to early-stage education, and mandatory primary, secondary and higher education include the *Special Education Comprehensive Law, Accessibility Law, and Discrimination Law*.

94. Pohnpei Education Act of 1999, Section 1-2 states that the right of the people to education and the obligation of the state to take every step reasonable and necessary to provide education, in compliance with Article 7 Section 3 of the Constitution of the State of Pohnpei.

95. Pohnpei Constitution Article 7 (Health & Education), Section 3 provides, “The Government shall provide for public education and schools. Public elementary schools shall be free. Traditions and customs of the people of this State shall be taught in public schools as provided by law.”

96. Chuuk Constitution X, Section 1 provides, “Free compulsory public elementary and free public secondary education shall be provided in the State of Chuuk as prescribed by statute.”

97. Chuuk Constitution Article X, Section 2 states, “The State Government shall provide for the establishment, management, and support of a statewide system of public schools which shall, within the limits of its resources, provide an education of quality and relevancy, free from sectarian control and available to all persons in the State of Chuuk.”

98. Yap Constitution Article XII, Section 2 states, “The State Government shall provide for public education and schools. Public elementary education shall be free. Traditions and customs of the people of this State shall be taught in public schools as provided by law.” The same Article XII, Section 3 further states that Standards for education for the State of Yap shall be prescribed by law.

99. FSM has data systems which set out disaggregated information on boys and girls with disabilities in early-stage education. This is possible with a tracking system, the Student Information Tracking System (SITS). The purpose of SITS is to track new students through the Individualized Education Plan (IEP) process, monitor existing special education students throughout the school year, and be a tool for creating reports for schools and the US Department of Education. The primary goals of SITS are to synthesize data into summary for annual submissions to the United States Department of Education (US DOE), to provide general supervision of state to implement requirements of the Individuals with Disabilities Education Act (IDEA), and provide state-level case management information that ensures timely completion of procedural requirements related to the identification, evaluation, placement, and re-evaluation of students with disabilities.

100. The Education Management Information System (EMIS) is used in Kosrae, Chuuk and Yap. Pohnpei has adopted the Pohnpei Education Data Management System (PEDMS). Previously, State Department of Education data systems are primarily based on the Pacific Education Data Management System that was developed through assistance from the Pacific Resource for Education Learning (PREL) organization as part of the Freely Associated States Educational Grant (FASEG) program (U.S federal education program). The PEDMS is primarily based on the MS Excel program. Technical assistance, training, and support have been provided by PREL using funds provided by the US Department of Education. Currently, FSM is using the Federated States of Micronesia Education Management Information System (FedEMIS) which is new and while data from previous years has been processed and loaded into it, the quality of data for previous years varies. In addition, the data collection method and tools have changed over the years which affected the reconstructed cohort calculation method in use in the system. The FedEMIS brings in a new consistent data collection annual census tool, and a centralized data management system and improved data collection processes. The Special Education Program (SEP) in the FSM also are operating databases called Student Information Tracking System (SITS) to allow reporting to the funding agency, the US Office of Special Education Program (US OSEP). The FedEMIS has six main sections: Indicators, Students, Schools, Teachers, School Accreditation and Student Assessment. However, the Special Education Program is not highlighted in the current edition. The Student Information Tracking System (SITS) a database used to collect information on students with disabilities ages 0–21 will be incorporated in the next phase of work for FedEMIS.

101. Specific analysis of laws is necessary to ensure that schools and materials are accessible for children with disabilities, and provide narrative on whether or not there is provision for individualized reasonable accommodation (i.e., specific programs depending on the needs of the child/person with disability).

102. The IEP is a process that is used to evaluate all students in schools with disabilities. Parents must give their consent to the evaluation process.

103. Before an IEP is developed, Child identification thru Child-Find activities is carried out in the schools and communities. The purpose of child find activities is to identify at-risk students and students who may have a disability that will impact their school performance. Community based Child Find activities are coordinated with other government agencies such as the Department of Health. Community based intake referrals are transmitted to SDOE and completion of intake process take 14 days. In addition to community-based Child Find activities, a State may decide to conduct each year within each school to support early identification and intervention of at-risk students.

104. When a child is suspected to have a disability, the child is referred for initial evaluation which requires consent from parents. Evaluation includes assessment and eligibility procedures in all areas of suspected disability. The initial evaluation refers to the first special education evaluation and must be conducted within 60 days of receipt of parental consent for initial evaluation, unless IDEA exceptions apply. Re-evaluation refers to the evaluation requires every three years or sooner if requested by a parent or teacher.

105. An eligibility determination meeting comes after this process and the purposes behind this include the following: (1) review data collected by the multidisciplinary assessment team and determine if the data support the presence of a disability under IDEA and FSM regulations, (2) determine whether a student has a particular category of disability, (3) determine the educational needs of the students, and (4) determine whether the student needs special education and related services to benefit from his/her education.

106. A meeting to develop the IEP for the child must be conducted within 30 days of determination of eligibility that the child is in need of special education and related services. There are two types of IEP meetings. The first is the initial IEP that is developed when a student is determined to be eligible for special education and related services. The second is an IEP Review Meeting. Typically, an IEP must be reviewed and if necessary revised at least once each year. Once an IEP has been completed, the placement of the student is determined based on the requirements of the IEP. The Placement decision is part of the IEP meeting.

107. FSM is building the national capacity for 13 in-service students who are currently under the Navigating Student Success in the Pacific (NSSP) program studying for Bachelor's degree in the areas of Deaf Education and Severe Disabilities Specializations. Of the 13 in-service students, 4 are from Pohnpei, 1 from Chuuk, 4 from Yap, and 2 from the state of Kosrae. The NSSP program is a joint effort between the University of Hawaii (UH) and College of Marshal Islands (CMI) which was made possible through the NSSP grant.

108. The Hawaií and Pacific Deaf Blind Project (HPDBP) provides technical assistance to children and youth who are visually impaired and hearing impaired from birth through to 21 years old, their families and service providers.

109. Pohnpei State Program for visually impaired students is being implemented. There are three students at Kolonia School, three from Mand School, three from Pingelap Elementary School and three from PICS High School all of which whom have low vision. In addition, one student from PICS, one from Pehleng, three from Madolenihmw High School and three homebound students who are totally blind. Pohnpei State program for visually impaired provided direct services to all of these students on a weekly basis and add some weekly consultation to their parents and teachers on how to help these children. Pohnpei State has an ongoing training on Braille.

110. The American Sign Language (ASL) is used in FSM. The Deaf Centre in Pohnpei provides training on sign language. Pohnpei State is implementing the ASL program and the staffs are serving 11 students; 3 boys and 8 girls. In addition, there are currently 8 sets of parents who are participating in this particular program.

111. In 2017 there was an Early Childhood Training in Kosrae. Also in 2017, there was a national FSM training for parents (from Pohnpei) and service providers from Kosrae, Chuuk and Yap on Autism.

112. Recently, a follow-up on-site technical assistance and training visit to Pohnpei State and Kosrae State, to continue the support to school personnel and family members in an effort to improve educational results for children with autism spectrum disorder (ASD). Entrance meeting with FSM Assistant Secretary and State Special Education Coordinator was held upon arrival to finalize on-site activities. The activities included classroom observations and home visits concluded with debriefing and consultation. Parent and community workshop was held in both states. In Pohnpei, a psychologist conducted a follow-up parent workshop to the March 2019 visit. Also, meeting with Pohnpei parent group to discuss supports to parent of children with autism spectrum disorder (ASD). In Kosrae, she conducted a Parent and Community Workshop: This workshop provides a brief overview of the diagnosis of ASD. Information about evidence-based practices was discussed, and caregivers learned to critically analyse information available online about ASD. Strategies and tips that will help children to thrive in light of their limiting condition were also shared. Finally, caregivers had the opportunity to talk and learn about the importance of self-care. Due to limited time, classroom observation, home visit, staff training with school personnel on observation and debriefing took only one day.

113. A follow up visit was held in March 21, 2019 by the same psychologist on "Helping Your Child Manage the Demands of the Home Environment" focusing mainly on Autism was held in Pohnpei for parents and service providers. About more than 50 participants (service providers such as Related Service Assistants (RSAs), Special Education Teachers/Resources, School Principal & V. Principal, Program Data Managers, and parents) attended the workshop. There were representatives from the 3 sister-states. As part of the training, the psychologist visited and observed schools and home-bound services. Recommendations on how to improve services and one-on-one consultation with parents and service providers is advised as a result of each visit. Following are some of the activities highlighted during her visit.

114. In 2017, the initial Autism Syndrome Disorder (ASD) visit by the psychologist included school & home visits on suspected ASD cases for observation and consultation. After each school and home visits, verbal recommendations and/or informal debriefing were provided to the ASD team including service providers working with the students. Training sessions were conducted to teachers and resource specialists with a focus on the early identification of autism, red flags, typical/atypical development, administration &

interpretation of CARS-II, identification of ASD symptoms/behaviour in school-age children, and intervention strategies to address the needs of children with ASD in the classroom setting. She also conducted parent training sessions focusing on supporting child's functioning in the school and community for ASD symptoms awareness and building personnel capacity for identifying and implementing appropriate interventions for children with ASD. Her visit concluded with a debrief meeting with the FSM Assistant Secretary, Special Services Division, and State Special Education Coordinators.

115. In March 2019, a follow-up on the 2017 ASD training was conducted in collaboration with University of Guam Centre for Excellence in Developmental Disabilities Education, Research and Service (CEDDERS) and the psychologist where school/homes were visited to conduct follow-up and initial observations of children with ASD. In addition, follow-up trainings/sessions were conducted for parents and service providers to build personal capacity and ASD awareness. A total of 56 parents, in-service providers, the College of Micronesia rep, and interested college students attended these sessions. A total of 11 ASD students were placed under individual student observation from ECE to HS including homebound students. There were 2 initial visits conducted during this visit: 1 ECE student from Nett School and 1 homebound, which receives services from home.

<i>Student Number</i>	<i>Grade/School</i>	<i>Year visited</i>
001	2nd & 3rd Kolonia	2017–2019
002	9th & 10th PICS	2017–2019
003	4th & 5th Awak	2017–2019
004	5th & 6th Awak	2017–2019
005	ECE Nett	2019 initial visit
006	Homebound	2019 initial visit
007	Home visit	2017
008	ECE Enipein	2017
009	5th NMS	2017
010	1st Kolonia	2017
011	1st homevisit	2017

116. FSM National Early Childhood Special Education Outcomes Meetings: September 1–3, 2010: The purpose is aligned with the IDEA of 2004, §616(b), State Performance Plan requirements, the FSM National Special Education Programs is required to report "entry and exit" outcomes data for qualifying pre-schoolers with disabilities receiving special education and related services for each reporting period. The purpose for the FSM National Early Childhood Outcomes Meeting is to increase the knowledge and skills of special education early childhood providers from each FSM state on the procedures for collecting, analysing, and reporting child outcome data.

117. This is ongoing training for Early Childhood Special Education (ECSE) Teachers inclusive of General Education Early Childhood Education (ECE) Teachers organized and facilitated by FSM Special Education Program through University of Guam CEDDERS. The venue of training rotates from State to State to allow ECSE and ECE Teachers from the 4 sister-states the opportunity to participate. The current Early Childhood Training was held during the Micronesian Teachers Education Week (MTEC) in 2019. FSM Continues to provided technical support and trainings to the FSM States on the use of Early Childhood Outcomes (ECO) process for both general and special education early childhood education teachers. The FSM ECO procedures were updated to include specific instructions to ensure the ECO process is implemented with fidelity across the FSM States/LEAs. The training also included activities related to understanding child development and developmentally appropriate preschool evidence-based practices.

118. FSM National continues to support each FSM State to conduct Child Find activities to ensure that young children with disabilities are identified, located, and evaluated as early as possible so that, if determined eligible, can receive preschool special education services.

In collaboration with FMS Health Services and the FSM Early Hearing Detection and Intervention (EHDI) Program, FSM National co-sponsors the annual FSM Interagency Leadership Conference in one of the FSM States to build awareness about the early identification and service needs of young children with special needs.

119. On December 2018, the FSM EHDI Program facilitated an EHDI conference in Pohnpei with Special Education Program to strengthen the identification and intervention services to students with hearing impairment and developmental delay. Currently, the FSM Special Education Program and CSHN/EHDI Program co-facilitated another FMS Interagency Conference on August 7–9, 2019, hosted by Yap State. Like previous years, the conference gathered persons with disabilities, parents, service providers, School Administrators, Program staffs, Political, Cultural, Community, and Religious Leaders, and NGOs.

120. The 2019 theme was, “Strengthening Accessibility of Services, inclusive of Families and Persons with Disabilities in FSM. This FSM Interagency Conference is carried out biennially a joint effort between FSM NDOE and NDOH. Below is the count for the 3-day conference:

2019 FSM Inter Agency Committee Participants

<i>Day(s)</i>	<i>Kosrae</i>	<i>Pohnpei</i>	<i>Chuuk</i>	<i>Yap</i>	<i>National</i>	<i>Total</i>
Day 1	11	13	12	197	6	239
Day 2	11	13	12	120	6	162
Day 3	11	13	12	84	6	126

121. On March 2018, FSM National and State Leadership teams met in Yap. The meeting also included discussion on the State Performance Plan (SPP) and Local Performance Plan (LPP) related progresses and prioritization of areas requiring technical assistance for the States. Other stakeholders that attended this leadership meeting were general education teachers, specialists, and school administrator, and parents.

122. On July 31–August 3, 2017, the FSM Interagency conference was held in Chuuk State and National and State administrators, general and special education teachers and administrators attending the conference met and discussed the SPP and LPP implementation status, challenges, and preparation for the first FFY 2016 SPP/APR Leadership meeting.

123. FSM National and State Departments of Health and Education, representatives and non-government agencies such as Chuuk Women Organization, Chuuk Conservation Society, and Hawaii and Pacific Island Parent Training and Information Centre representatives from all four States, were provided a Special Education program update and an opportunity to plan on improving each States Interagency Services for Children with disabilities and their parents.

124. On September, 5–8, 2017, NDOE convened the FSM National SPP/APR Leadership meeting in Pohnpei. In attendance to assist in the effort to improve academic and functional outcomes for children with disabilities, were general and special education administrators (FSM State Directors of Education), specialists and teachers. State Advisory Council representatives also attended the SPP/APR meeting.

125. On January 23–26, 2018, the FSM National SPP/APR Leadership team convened in Kosrae for final considerations for FSM’s FFY 2016 Annual Progress Report (APR), including explanation of slippage for FSM’s FFY 2016 indicator performance that didn’t meet target. The team reviewed FSM’s performance on the established targets for indicators 1–16 and discussed reasons for slippage where applicable. Trend data of performance on all targets for all states and national were reviewed and discussion held.

126. Graduation Requirements: “Graduation with a high school diploma” is defined in the FSM as the completion of required course credits during high school, with each FSM State establishing the required total number of course credits to complete. The following are the graduation requirements for high school credits for each state:

High school credits requirements for graduation

<i>State</i>	<i>Credit Hours</i>
Chuuk	22
Kosrae	28
Pohnpei	23
Yap	22

127. FSM's drop-out definition is consistent for youth with IEPs and without IEPs. Each FSM State Department of Education has policies and procedures in place for counting those youth with IEPs and without IEPs who dropped out. Dropping out for all youth is defined in the FSM as excessive unexcused absences or self-withdrawal, consistent with the IDEA 618 definition of a drop out.

128. Each FSM State established procedures for self-withdrawal and determination of drop-out based on excessive unexcused absences:

Excessive unexcused absences for drop out

<i>State</i>	<i>Cumulative absence per year</i>
Chuuk	15
Kosrae	8
Pohnpei	25
Yap	20

129. From April 16 to May 11, 2018, FSM National conducted onsite monitoring and public hearings in all four FSM States. The public hearings included reviews of special education requirements, State's progress, and OSEP FFY18 grant application. Parents, general and special education administrators/teachers, state and local governmental officials, people with disabilities and community folks attended these public hearings. The dates of public hearings in the four States are as follows: Chuuk – April 16–20; Pohnpei – April 23–27; Kosrae – April 30–May 4; and Yap – May 7–11.

130. On July 19–22, 2016, NDOE convened a meeting for Special Education Coordinators and key staffs, teachers and parent representatives during the 2016 MTEC held on Kosrae. Considerations for systemic improvement were discussed based on FSM's performances on the indicators and other data reports reviewed.

131. In all the FSM states except Kosrae, from Early Childhood Education (ECE) to grade three, students are taught in their language. In Kosrae students are taught in Kosraean up to grade two. It is mandatory that information is provided in English and the language of the State.

Article 25

Health

132. There is no specific legislation that protects against discrimination and ensures that persons with disabilities have the same access to quality health services, including in the area of sexual and reproductive health. However, different bills are being proposed in the four states. In Yap, the two bills are for accessibility and disability which may incorporate provisions for access to health services. In Chuuk, the Community Health Centers (CHCs) have accessibility codes related to their facilities stipulated in their Federal grants and as such have taken steps to meet these requirements i.e., parking, ramps and building codes.

133. Some of the measures taken to ensure that persons with disabilities have access to disability-related health rehabilitation in their community for free and without financial cost included services Free of charge at their respective State hospitals and Public Health Programs (MCH, BHW, STI, NCD clinics) and Municipal dispensaries in the States of Yap,

Chuuk and Kosrae. Pohnpei State Public Health Programs and Dispensaries offer services Free of charge but Pohnpei State Hospital services does incur costs (Pharmacy, Laboratory and Imaging/Radiology fees) to members of the community, specifically those not covered by health insurance. There are no specialized disability-related rehabilitation services in any of the States at present, though most medical and allied health related needs are provided by the State Hospitals and/or Public Health Programs.

134. Provision of health services, early detection and intervention programs, as appropriate, to prevent and minimize the emergence of secondary disabilities, paying attention to children, women and the elderly, including in rural areas are as follows. Pohnpei State has the 'Linking Actions for Unmet Needs in Children's Health' (LAUNCH) Project which facilitates early detection and referral for children with Social and Emotional deficits. The program also provides monitoring for identified children from two months to eight (8) years of age for prevention of secondary issues. All four States have the Maternal Child Health (MCH) Programs set-up within the Public Health Programme/Divisions which provides early detection and medical interventions and/or referrals to the necessary division for further support (Special Education, State Hospitals, Overseas Referral networks, Visiting Specialist teams). And all four States have the Behavioural Health and Wellness Programmes set-up within the Public Health or Social Services Divisions which provide Mental health and Substance Abuse related services (interventions and prevention of secondary problems such as depression, substance use disorders etc).

135. All four States have consent protocols in place which allow for free and informed consent of adult community members including persons with disabilities and vulnerable groups for health treatments.

136. Legislative and other measures to ensure that any health treatment is provided to persons with disabilities on the basis of their free and informed consent is covered in the consent protocols in the four state health departments for health treatments. This also covers other vulnerable groups. However, separate provisions exist in SOPs and State guidelines on Consent acquired for Minors, mentally incompetent and forensic/court mandated exceptions to the above.

137. Legislative and other measures that ensure protection against discrimination in the access to health insurance and other insurance, when these are required by law is ensured through the open enrolment for health insurance package(s) or plans that exist in country without discrimination. However, specific guidelines exist on the insurance policies and premiums which apply; acquired versus developmental disabilities etc. Health Insurance providers are available in all 4 states.

138. Measures taken to ensure that sanitation facilities are not simply available, but fully accessible include discussions that are currently taking place in Pohnpei State on revisions of building codes in State-run facilities including sanitation facilities.

139. Measures taken to increase awareness and information in various accessible formats, including in Braille, for HIV/AIDS and malaria prevention awareness in various platforms including but not limited to radio, print and internet/PC) formats and are available across all four States. Pohnpei State Division of Social Services is developing policies to ensure that these mediums of public awareness are utilized. Currently, no Braille or ASL (Sign language) services are available during these activities but are being considered by Public Health Programs specifically STI and NCD in collaboration with Special Education.

Article 26

Habilitation and rehabilitation

140. General habilitation and rehabilitation programmes for persons with disabilities, in the areas of health, employment, education and social services, including early intervention, peer support, and the availability of these services and programmes in rural areas.

141. Public Health Programmes across the four States provide varying degrees of habilitative (MCH, School Health) and Rehabilitative (NCD, BHW and Dispensaries) services for persons with disabilities. This is often in the form of community outreach

services and awareness activities. Certain State Hospitals and larger Community Health Centres (CHCs) provide rehabilitative Physical therapy, Psychotherapy and Counselling etc. Informed consent is a requirement for services.

142. Pohnpei State Department of Health has on-going face-to-face and online Continuing Medical Education (CMEs) sessions. These include rehabilitative and disability related topics as well.

143. Most assistive technologies (wheelchairs, crutches, lower limb prosthesis, hearing aids) are available by donation and are usually free of charge. This also means that they are not always available and with extended waiting periods. Training (education, guidance and preparation) is not always available or consistent so the FSM Government will continue to work with the various assistance from International and regional partners (UN agencies, PIFS, etc.) and its diplomatic relations with various countries willing to assist with various aides.

Article 27

Work and employment

144. The FSM has no legislation that regulates the employment of children and the minimum age of employment. The Protection of Resident Workers Act, as codified in FSMC 51, only applies to non-resident (i.e., alien) workers.

145. The FSM Social Security Administration (FSMSSA) manages a program, which protect employees from income loss due to disability. However, eligibility for the program is highly restrictive as only formal sector wage earners or their dependents might qualify. For example, children of wage earners might qualify if an active insured person who was eligible to receive a pension dies. Benefits are then payable to a child who was disabled before reaching the age of 22. A large and growing proportion of the population lives off subsistence activities such as production of breadfruit, coconuts, bananas, betel nuts, cassava, taro, and kava.

Article 28

Adequate standard of living and social protection

146. There are adequate measures of living exist to ensure that persons with disability are physically, mentally, spiritually, morally, and socially developed. Diagnostics treatment are free and accessible all the people including persons with disability.

147. Under the National Department of Education Special Education, children from zero to 21 medical costs are covered. Faith Based Organizations, Non-Government Organizations, private and government clinics provide free services and medical equipment at various times.

Article 29

Participation in political and public life

148. Under the Revised National Election Act of 2005, every citizen of the Federated States of Micronesia is eligible to vote for members of the FSM Congress if that person is 18 years of age or older on the day of the election; a resident or domiciliary of any of the States of Kosrae, Pohnpei, Chuuk, or Yap; a registered voter for at least 30 days immediately preceding Election Day; not currently under a judgment of mental incompetency or insanity; and not currently under parole, probation, or sentence for any felony for which he or she has been convicted by any court of the Federated States of Micronesia. There is no distinction on the basis of disability.

149. Every citizen of the Federated States of Micronesia has the right to take part in Government, directly or through freely chosen representatives and has the right of equal access to public service. Pursuant to Article VI, Section 1 of the FSM Constitution, it provides that a citizen 18 years of age may vote in national elections and that voting shall be secret. The FSM Congress has enacted detailed statutory provisions governing the conduct of

national elections in Public Law No. 14-76. Each of the states of the FSM have its' own statutory procedures governing their state elections too.

150. In the FSM, every citizen who meets the age requirement is eligible to vote and run for public office. The FSM Constitution provides an equal right to vote. Article VI, s 1. provides that "A citizen of 18 years may vote in national elections."

Title 9, Section 102 of the FSM Code provides that "Every citizen of the FSM is eligible to vote for Members of the Congress of the FSM if (1) 18 years of age or older on the day of the election (2) a resident or domiciliary of the State of Kosrae, Pohnpei, Chuuk, or Yap and a registered voter therein for at least 30 days immediately preceding the election (3) not currently under a judgment of mental incompetency or insanity (4) not currently under parole, probation, or sentence for any felony for which he or she has been convicted by any court of the FSM. There is equal eligibility for political representation. Under 9 FSMC 2, s. 202 it provides that "To be eligible for election as a Member of the Congress of the Federated States of Micronesia, a person shall (1) have attained the age of 30 years on the day of the election; (2) be a resident for at least five years of the State from which he is elected; (3) be a citizen of the FSM for at least 15 years (4) not be under a judgment of mental incompetency or insanity; and (5) not have been convicted of a felony."

151. Pohnpei Constitution, Article 6, s1. A citizen of the Pohnpei who has attained the age of eighteen, and has not committed a felony for which he is on parole or probation or under a sentence shall be entitled to vote.

- (i) 4 Pohnpei State Code, Sec. 4-101(1). A citizen of Pohnpei, 18 years not on parole, mentally competent is qualified to vote in elections.
- (ii) 10 Pohnpei State Code Sec.5-101(1). To be elected governor or lieutenant, citizen of Pohnpei by birth, at least 35, and not convicted of a felony.
- (iii) Sec. 5-101(2). To be eligible for the legislature at least 25, citizen of Pohnpei for 25 years and not convicted of a felony.

152. Chuuk – Constitution of the State of Chuuk 1989, Article XII, s 2. A citizen of the FSM who is a resident of the State of Chuuk and has attained the age of 18 may vote in the State.

- (i) 13 Chuuk State Code, Sec.1102. Every person not confined to a mental institution, nor judicially declared insane, nor committed under a sentence of imprisonment, who is a citizen of the FSM over 18 years of age, who is a resident of Chuuk is entitled to vote at any primary, general, runoff, special, or local election to be held within the State of Chuuk.

153. Kosrae Constitution, Article III, Section 1. A citizen of the FSM who is a domiciliary of the State, has attained the age of eighteen, and is registered to vote in the State is entitled to vote in secret in all State Government elections, subject only to a residence requirement and disqualification for mental incompetence and conviction of a crime which shall be prescribed by law.

154. Kosrae State Code [Title 3, Part I, Chapter 1] 1997, Section 3.1204(1). To register to vote a person is (a) a citizen of the FSM and (b) a domiciliary of the State; and (c) at least eighteen years of age on or before the next election and (d) a resident of the district of registration for any ninety consecutive day period prior to the date of registration.

155. Yap State Constitution, Article IV, Section 1: A citizen of the FSM who has attained the age of 18 years and is registered to vote in the State shall be qualified to vote in state elections.

156. Title 7 Section 102 of the Yap State Code states: Every citizen of the FSM shall be entitled to vote in every election conducted under the provisions of this title who (a) Is 18 years of age or older on the day of an election (b) Has fulfilled the residence requirements for registration (c) Is not currently under judgment of mental incompetency or insanity entered in a court of competent jurisdiction (d) Is not currently under parole, probation, or sentence for any felony and (e) Is registered to vote under the provisions of this title.

157. Title 9, Section 202 of the FSM Code states, “To be eligible for election as a Member of the Congress of the Federated States of Micronesia, a person shall (1) have attained the age of 30 years on the day of the election; (2) be a resident for at least five years of the State from which he is elected; (3) be a citizen of the FSM for at least 15 years (4) not be under a judgment of mental incompetency or insanity; and (5) not have been convicted of a felony.”

158. Constitution of Kosrae, Article IV s 6. No person is eligible to serve as a Senator unless he has been, at the time of election or appointment, a citizen of the FSM for not less than 10 years, a resident of the State for not less than 5 consecutive years immediately preceding the election, and a resident of his electoral district for a period of not less than one year immediately preceding the election or appointment, and is able to read and write, and is not less than twenty-five years of age on the day of election.

159. Title 10 of the Pohnpei State Code states, as follows:

“[Title 10, Cap 4] 2006,

s 5.101(1). To be elected governor or lieutenant, citizen of Pohnpei by birth, at least 35, and not convicted of a felony.

s.5-101(2). To be eligible for the legislature at least 25, citizen of Pohnpei for 25 years and not convicted of a felony.

13 Chuuk State Code, s. 1304(1). No person is eligible to serve as a Representative unless at least 25 years of age, or as a Senator unless at least 35 years of age, on the day of election; was a born Chuukese, has been a resident and registered voter of the Representative District or Senatorial Region from which elected for at least 5 years prior to the day of election, and is a citizen of the FSM.”

160. There are no specific prohibitions in FSM against Persons with Disabilities to vote and stand for elections. While there are elected persons with disabilities in the National and State governments, none of the governments has promulgated laws or policies that provide for minimum quotas for persons with disabilities in legislatures.

161. There are no specific laws barring NGOs from registering and mobilizing to promote the advancement of persons with disabilities without political interference. There are no legal barriers to person with disabilities having equal opportunity to represent governments at the international level and participate in the work of international organizations.

Article 30

Participation in cultural life, recreation, leisure and sport

162. The Government supports cultural and recreation activities both directly through specialized agencies and through health, education and other activities, and indirectly through local government, which is required to support sport, culture and leisure for all members of the community. This article recognizes the right of persons with disabilities to take part in cultural life, develop and utilize their creative, artistic and intellectual potential, recognition and support of their specific cultural and linguistic identity, and to participate in recreational, leisure and sporting activities on an equal basis with others.

163. Schools have also increased extra-curriculum activities such as physical exercise, interscholastic games, and cultural days for students to encourage recreational activities in school. Some schools incorporate cultural heritage in their special events, including graduations.

164. The FSM National para-Olympic Office was established to support the FSM participation in the Para Olympic and an FSM delegation was able to participate in the 2019 para-Olympic game in Abu Dhabi.

Situation of boys, girls and women with disabilities

Article 6

Women with disabilities

165. Although gender aspects should be mainstreamed in each of the articles where applicable, under this specific article the report should include information regarding measures taken by the State Party to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the Convention rights and fundamental freedoms, and the elimination of all forms of discrimination.

Article 7

Children with disabilities

166. US federal funds support special programs for children with disabilities in the FSM, along very similar lines to programs operating in the US. Programs include special preschool and school classes; transition programs between the home, school and work; training for parents and other care-givers; and related services such as speech or physical therapy and vocational guidance. Developmental screening is an effective means of detecting disability in children. The purpose of screening is to identify children at risk, to refer them for further assessment and intervention as needed, and to provide family members with vital information on disability.

167. Screening involves vision and hearing examinations as well as assessments of children's progress against developmental milestones such as sitting, standing, crawling, walking, talking or handling objects (UNICEF, 2013).

168. In the FSM, screening of infants and children by various public health program nurses such as the maternal and child health care nurse and immunization nurse taken place at Well-Baby Clinics, during annual Child Find Surveys at community mobile clinics and during school physical examinations using development and behavioural screening tools, autism screening tools, and Asperger syndrome/high functioning autism tool. Between 2007 and 2011, approximately 17 percent of children with identified development difficulties were after a comprehensive assessment—admitted to the Children with Special Health Care Needs (CSHCN) Program (an average of 56 children annually).

169. This program is a collaborative interagency effort among the MCH Program, the Special Education Program, the Early Childhood Education (ECE) Program, the state hospital, and community nutrition programs. In 2011, a total of 1,160 children (0–21 years) were recorded in the CSHCN Registry and eligible for individualized clinic and follow-up services. However, it has been recognized that there remain many gaps in the service delivery system for children with special needs because of a critical shortage of appropriately trained professionals as well as transportation problems (DHSA, 2010).

170. The Special Education Program, entirely funded by grants from the US under the Individuals with Disabilities Education Act (IDEA) and supported by FSM public law, is a successful program in the FSM directed at supporting students with disabilities. In 2012, the Special Education Program catered for nearly 1,900 children (3–21 years), mostly with learning disabilities and speech impairments. A challenge remains in strengthening the transitioning of students and adults with disabilities between home, early childhood education, school, college and work. IDEA funds are limited to provide special educational and related services to children and youth with disabilities from ages 3–21 only. With no FSM annual budget supplanting special education services as early as at birth and beyond age 21, educational supports and interventions to infants and toddlers with developmental disabilities are limited and not consistent. School systems will then only be able to enrol and provide special education services to these children when they are of age to be enrolled in early childhood public schools.

171. In addition, educational supports for college or job readiness can only be provided for youth with disabilities before they graduate from secondary school or when they reached the maximum age of 21, for eligibility under IDEA-funded services. The IDEA terminated its funding once youth with disabilities exited the special education program, either by completion of secondary school (high school) or reaching maximum age of 21.

Specific obligations

Article 31 Statistics and data collection

Disability Labour Statistics

Indicator

1. Number of employed persons by sex, age and disability status

Disabled

Age	Male	Female	Total (for both sexes)
15–24	104	104	208
25–39	394	355	749
40–59	1 442	1 261	2 703
60+	396	69	765
Total	2 336	2 089	4 425

Non-disabled

15–24	2 572	2 613	5 185
25–39	5 823	5 680	11 503
40–59	4 955	4 866	9 821
60+	435	419	854
Total	13 785	13 578	27 363

2. Number of unemployed persons by sex, age and disability status

Disabled

15–24	56	42	98
25–39	83	59	142
40–59	156	123	279
60+	26	10	36
Total	321	234	555

Non-disabled

15–24	1 300	1 018	2 318
25–39	1 239	969	2 208
40–59	560	449	1 009
60+	17	22	39
Total	3 116	2 458	5 574

3. Number of persons with disabilities employed by main sector

Manufacture	35	64	99
Agriculture	467	429	896
Services	947	693	1 640
Other(s)	887	903	1 790

Indicator			
4. Number of persons with disabilities employed by employment status			
Full-time employed			
Part-time employed			
Formal sector	1 187	872	2 059
Informal sector	1 149	1 217	2 366

Source: 2010 Census, StaStatistics, SBOC Office.

Article 32

International cooperation

172. The FSM continues to seek technical assistance from international organizations organisations. This organisation includes the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the United Nations Food and Agriculture Organization (FAO), the United Nations Educational, Scientific, and Cultural Organization, the United Nations Economic and Social Commission for Asia and the Pacific, the United Nations Development Programme, the UNFPA, the OHCHR, and International Organization for Migration (IOM).

173. The Regional Organisation includes PIFS, the Secretariat of the Pacific Community/Regional Resource Rights Team and the Pacific Disability Forum. In December 2018, FSM government hosted the National Disability Forum with the support from Pacific Community, WHO and Pacific Disability Forum. The Forum provides an opportunity for the States to assist the National government to put together the FSM initial report for the CRPD. The Pacific Community and Pacific Disability Forum also support the initial consultation on the CRPD Implementation plan.

Article 33

National implementation and monitoring

174. The FSM Department of Health and Social Affairs is the Government's focal point for matters relating to the implementation of the Convention on the Rights of Persons with Disabilities. The Department of Health and Social Affairs currently employs an FSM National Youth and Disability Program Manager who is mandated to advance the Convention on the Rights of Persons with Disabilities.

175. The Department of Health and Social Affairs works in partnership with other Departments as mandated pursuant to a Presidential Executive Order establishing a Human Rights and UPR Task Force with its members from Department of Education, Department of Foreign Affairs, Department of Justice, Department of Resources and Development for matters relating to the implementation of any Human Rights Convention including the CRPD. While each Department has responsibility for specific areas of the CRPD, all work in close partnership. The Social Affairs Division within the Department of Health and Social Affairs also works in partnership with disability focus organizations in advancing the CRPD by developing work plans and activities.

176. In 2017 the FSM National team began its initial consultation on the CRPD implementations Plan in the four states. The objectives of the state's consultations are to create a platform for engagement between Government and Civil Society Organisations (CSO) on the need for CRPD ratification, to familiarize the participants with the Convention on the Rights of Persons with Disabilities, to develop the participants' skills on disability inclusive development, and to develop a CRPD Implementation plan for the State of Pohnpei.

177. According to the CRPD national action plan, it will continue to be an advocacy body for persons with disabilities, and a convening and coordinating body for disability stakeholders in the FSM including government agencies, NGOs, traditional leaders, and

church groups to ensure the issues affecting persons with disabilities are adequately addressed and implemented.

178. In the preparation of the CRPD report the Department of Health and Social Affairs conducted several meetings with relevant disability stakeholders on the government report. In 2018, a FSM CRPD National Disability Consultation was conducted in Chuuk, with all the FSM State governments' representatives, regional and international partners such as the Pacific Community (SPC), Pacific Disability Forum (PDF), United Nations Office of the Human Rights Commissions and the Disability organisation in FSM. The Social Affairs Division also liaised with Members of Congress and members of the State's Legislatures with their views on the government report. Questionnaires were developed and circulated to participants at each meeting for their input to the national report. Women and girls with disabilities were also interviewed with regards to their views on disability issues in FSM.
