



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Initial report submitted by Indonesia under article  
35 of the Convention, due in 2013<sup>\*</sup>, <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document are on file with the secretariat and are available for consultation.

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## I. Overview

### Indonesia, Disability and CRPD

1. Indonesia's Constitution has guaranteed the fulfillment and protection of human rights to all citizen including persons with disabilities. Within the last decade, and in line with the spirit of reformation taken place in Indonesia, the government has taken fundamental steps to strengthen its legal and institutional frameworks to promote and protect human rights for all. In this context, the breakthrough in the effort to promote and protect the rights of persons with disabilities is by changing the mindset of policy maker and community as a whole. The government mainstreams a rights-based perspective in the current development planning, budgeting and in the implementation of relevant policies and programs to overcome barriers and discrimination, as well as accommodate the rights and empower persons with disabilities.

2. Indonesia's ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2011 provides a strong foundation to formulate better legal frameworks and policies on disability. CRPD reinvigorates the movement of civil society and Disabled Persons Organizations (DPOs), as well as boosting government effort to address issues that continues to hinder the rights of persons with disabilities. CRPD stimulates the amendment of the disability law issued back in 1997, and the adoption of new law on persons with disabilities or the Law No.8/2016 on April 2016 contain provisions that are more in line with the commitment stipulated under CRPD.

3. Law No.8/2016 on persons with disabilities contains of 33 Chapters and consists of 153 Articles that translated the rights stipulated under CRPD into 24 specific rights. The law also includes general provisions as well as sanctions for violating the law. The law addresses various issues such as, inter alia: obligations of the state (61 Articles), disability identification and access card, sign languages, and the leading sector responsible for implementing the law.

4. Law No.8/2016 aims to transform Government approaches in realizing the rights of persons with disabilities, among others by:

- (a) Accommodating broader aspect of political, civil, economic, social and cultural rights of persons with disabilities;
- (b) Ensuring coordination and creating mechanism between national and local government in the implementation of the law;
- (c) Facilitating persons with disabilities to better access benefits and other relevant services, among others through the creation of a special and concession card;
- (d) Strengthening legal measures towards action that limit and deprive persons with disabilities of their rights; and
- (e) Improving government engagement with DPO on matters such as policy making, budgeting, planning, and provision of reasonable accommodation.

5. Disabilities have been mainstreamed in the development strategy as one of the national priorities. Various Ministries/Agencies have carried out programs to improve legal and institutional framework, implementation mechanisms as well as monitoring and evaluation of policies for persons with disabilities. These measures contribute to shifting the paradigm among policy makers, public servants and law enforcers from charity-based to rights-based approach and empower disabled people to fully participate as member of the society.

6. Indonesia also strengthen the action toward the fulfilment and protection of rights of persons with disabilities through implementation mechanisms such as National Action Plan on Human Rights (RANHAM) and National Medium Term Development Plan, that also set up various actions on disabilities as priority on the national development framework. The 4th Generation of RANHAM (2015–2019), has also strengthened its focus on disabilities

issues. In 2015 RANHAM, for example, there are 24 disability-related actions (out of total 88 actions), making disability as one of the major thematic actions in RANHAM.

7. Strengthen and promote disability-inclusive development through mainstreaming disability concerns in the work of various Ministries/Agencies at national and local level, by issuing a Guideline on Disability-responsive Budgeting and Planning in 2015. The Guideline aims to improve accountability of government leading-sectors on disability at national and local levels.

## **General Challenges**

8. Availability of a single, comprehensive, and disaggregated data on disabilities. At present, government institutions and DPOs use various disability data of different sources and focus theme. Most of current data only present the aggregated number of certain type of disabilities. Comprehensive and specific data is crucially needed to map out and address challenges on the development and implementation of policies and program on disabilities. Capacity to analyse and evaluate data on disabilities to formulate policies needs to be improved.

9. Social and cultural barriers still hinder mindset-changing process on disability issues. It is important to note that the Government has taken many steps to promote and advocate the rights of persons with disabilities in all sectors. On the other hand, some constraints remain on the stigma towards persons with disabilities, noting that Indonesia consist of people from diverse cultural and educational background that may affect their views on disabilities. To change the collective mindset, better campaign and advocacy strategies are needed to educate communities and families regarding the rights of persons with disabilities.

10. Physical and geographical barrier to render services for persons with disabilities. As an archipelagic country, most infrastructures (physical and non-physical, including information technology) for basic services are still heavily concentrated in cities and economic hubs. This present challenges for the government in improving its policies to provide adequate basic services (including civil administration) for persons with disability in many pockets of rural and remote areas, including outermost islands.

11. Inefficient usage and resource mobilization, including financing, to promote the rights of persons disabilities. The government has allocated budget to support programs on disabilities. However, the budget is disbursed in various relevant Ministries and local government. In this context, efforts are needed to improve monitoring on the effectiveness of budget utilization and disbursement. This is to ensure that programs, policies and the development of infrastructures are in line with government's commitments and priorities to promote the rights of persons with disabilities. In the coming years, with greater state responsibilities under the new Law, more efficient budget allocation and use are needed to realize disabled people's rights.

12. The dilemma of decentralization process and nationwide implementation of Law No.8/2016. The government must create coordination mechanism among government institutions from national to local level to monitor and evaluate the implementation of Law No. 8/2016 in all sectors. The Government needs to ensure that all relevant sectors is in compliance with their obligation under the Law No.8/2016. In this regard, the government need to establish monitoring procedure in which incompliance by individuals, public and private sectors are being addressed appropriately including through the existing criminal justice system. At the same time, monitoring and evaluation process can identify, reward and encourage replication of any innovations and good practices by individuals, public and private sectors at all levels.

## **Way forward**

13. In the next few years, the Government has to map out the implementation strategies of the newly adopted law on persons with disabilities. The revised law on persons with disabilities has covered critical issues on the fulfillment and protection of rights of persons

with disabilities that requires intersectoral approach on its implementation, which focus on three pillars among others: strengthening legal frameworks, institutional capacity, monitoring and evaluation mechanism.

14. On legal framework, the new law also mandated to formulate follow up laws and implementing regulations consisting of Government Regulations, Presidential Regulations and Minister of Social Affairs Regulation. In addition, a set of local laws must be formulated to support national regulations and meet the different needs faced by each region. In 2017, the government is scheduled to initiate the first drafting of 6 Government Regulations and 2 Presidential Regulations concerning among others education, finance, social, infrastructure and reasonable accommodation.

15. On institutional capacity, the new law mandated the establishment of National Commission on the Persons with Disabilities. This National Human Rights Institution is an independent institution that will address various challenges faced to fully implement the rights of persons with disabilities through national complaint mechanisms, as well as providing recommendations to relevant stakeholders including the Government. In addition, human resources in other relevant Ministries/Agencies responsible for implementing the new law should also be strengthened through training and capacity building.

16. On implementing mechanism, the government integrate disability perspective within National Action Plan on Human Rights and National Medium Term Development Plan. National Action Plan on Human Rights 2015–2019 will be translated into annual action plan. In 2015, 30 percent of its action plans have been allocated for disabilities issues. Our National Medium Term Development Plan 2015–2019 has integrated disabilities issues and focus toward inclusive development in Indonesia.

17. On improving disability data to help formulate evidence-based policies and decision-making, an instrument for disability data collection and analysis must be develop urgently. Better statistics will also help to promote visibility of disability elements in all sectors. The government is planning to conduct new disability survey in the next few years that will adopt, as appropriate, the statistical methods and international standard for disability measurement as develop by the Washington Group on Disability Statistics.

18. On ensuring that awareness and knowledge of disabilities will be reflected into disability-sensitive behavior and treatment by individual or collectively, that respect every aspect of persons with disabilities. For example, government need to promote publication of images of persons with disabilities that are empowering and respectful of their dignity and penalized any negative portrayal of persons with disabilities that perpetuated victimhood culture and being used for charity purposes.

19. On improving coordination and ownership of intersectoral line Ministries on disability issues, the government has taken note of recommendation from DPOs to appoint disability focal point unit in each relevant Ministry. The unit will help create interministry disability networking as well as will be tasked to develop disability program within their Ministry, and engage civil societies in their works.

## **Preparation of the report**

20. The Government of Indonesia's initial report on the implementation of CRPD was prepared in accordance with Article 35 of the Convention. It contains progress made and measures taken as well as challenges faced by the government in promoting the rights of persons with disabilities in Indonesia. The report covers the period after the adoption of Law No. 19/2011 on the Ratification of CRPD on 10th November 2011 to the second half of 2016.

21. Background information regarding the political, civil, economic, social and cultural landscape of Indonesia was contained in the core document of the Republic of Indonesia (HRI/CORE/IDN/2010) submitted on 15th October 2010.

22. On the preparation of the report, the government actively engages with all stakeholders, among others Parliament, Ministries/Agencies, local government, National

Human Rights Institutions (NHRIs), medias, and NGOs, particularly Disability Persons Organizations (DPOs) as direct representatives of individual with disabilities. The substances presented in the report have considered inputs from relevant stakeholders, bearing in mind that disability is an intersectoral issues.

23. Consultation process conducted through various formats such as formal coordination meeting, online data gathering through online reporting mechanism on the implementation of international human rights instruments (e-pelaporanham) and written input by various stakeholders. The government also conducted a reach out and dissemination programs with stakeholders at the local level.

## **II. General provisions of the Convention**

### **Articles 1 to 4**

#### **Definition of disability**

24. Law No. 8/2016 adopts CRPD's definition of persons with disabilities, which include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

25. The concept of "reasonable accommodation" under Law No. 8/2016 is defined as necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. This is also in line with CRPD's definition of the term.

#### **Implementation of general principles and obligations**

26. The general principles and obligations of the Convention have been adopted by the Law No. 8/2016. All of the Convention's principles, such as non-discrimination, equality, accessibility, and inclusivity, were reiterated under Article 2, and further explained in other articles within Law No. 8/2016. State obligations under the CRPD are also restated by various provisions under the disabilities law.

27. Before Indonesia's ratification to the CRPD, rights of persons with disabilities has also been promoted within the implementation of the eight main international human rights instruments to which Indonesia is a party.

28. CRPD's implementation and effective realization will continue to be taken gradually. Indonesia's National Mid-term Development Plan (RPJMN) and National Action Plan on Human Rights (RANHAM) for the period of 2015–2019 have included specific targets that need to be taken to fully realize the rights of persons with disabilities.

29. In 2015, some of these targets have been successfully implemented and realized, such as provision of sign language for national news program in several TV channels as well as internet access for persons with disabilities in 800 spots across Indonesia. Provision of 1.050 disability-friendly buses, as well as disability parking areas and disability-friendly services at first class category airports in Indonesia. The implementation of life skills training for 225 students from 45 schools at national and local level. The establishment of inclusive schools (371 elementary level, 97 junior high level, and 6 high schools) in forefront, outermost and border areas. The provision of mental health services in 11 provinces.

30. In 2016, the National Action Plan has working to achieve targets such as the follow up of MoU between National Police and Ministry of Social Affairs regarding the provision of assistance and appointment of legal guardian as well as legal experts for criminal cases involving disabled persons and older persons. Other target also include the provision of inclusive schools as well as teacher's training for disabled student in public school; early childhood education for disabled children; accessible polling stations during local election; access of credit and capital for small and medium enterprises run by disabled entrepreneurs,

capital assistances for disabled-inclusive entrepreneurship. Under National Action Plan, the government also continues its works to established MoU on sign language in news program with TV stations.

31. To ensure that provisions of the Convention are understood and implemented across Indonesia's 34 provinces, local governments are encouraged to develop by-laws on disability. Currently, 28 by-laws regarding persons with disabilities have been enacted. Several regions that have enacted such regulation include, among others, Jakarta, Yogyakarta, East Java, Bali, Padang, West Sumatera, Riau Islands, Bangka Belitung, West Kalimantan, Makassar, Southeast Sulawesi, and Papua. These by-laws cover various public services provided by local governments for persons with disabilities. For example, West Java Province's by-laws regulate the provision of social security for persons with disabilities, while Sleman Regency's by-laws regulate the provision of disability-friendly buildings and neighborhood.

32. Most of the by-laws were adopted before 2016 and referred to Law No.4/1997, which has been replaced by Law No. 8/2016. In the future, these by-laws as well as newly drafted by-laws will be further harmonized with Law No. 8/2016 under the guidance of Ministry of Home Affairs and Ministry of Law and Human Rights, to ensure the substance and provisions on the by-laws are in line with the new Law.

33. Local stakeholders, including DPOs and Government, are pushing the inclusion of disability and human rights into policies and programs in their region by creating initiatives such as Human Rights City, Child-Friendly City, and Inclusive City/Regency. The inclusion of criteria's relevant to the fulfillment of disabled people's rights within the City initiative provides parameters for Local Government's units in planning and monitoring their programs.

#### **Involvement of persons with disabilities in decision-making**

34. Persons with disabilities, as represented by various DPOs, continue to be engaged in government policy-making process relevant issues. For example:

- DPOs took part in consultation process prior to the ratification of the Convention, as well as in monitoring the implementation and disseminating the Convention after being ratified by the government;
- DPOs played an instrumental role in drafting the revised law on persons with disabilities by actively contributing and conveying their inputs for the law's provisions. They were present throughout all steps of negotiations for the draft law, including during discussion sessions with relevant Ministries and members of House of Representatives;
- DPO's also being consulted in the formulation of National Action Plan on Disability in 2011 to 2013 before it was integrated into the National Action Plan on Human Rights;
- DPO's in also actively involved in the formulation of local regulations on disabilities. Some of which are reflected through the establishment of such laws in Papua, Bali, Yogyakarta, West Kalimantan, Lampung, Jakarta, Central Java, Riau, and some others Regions.

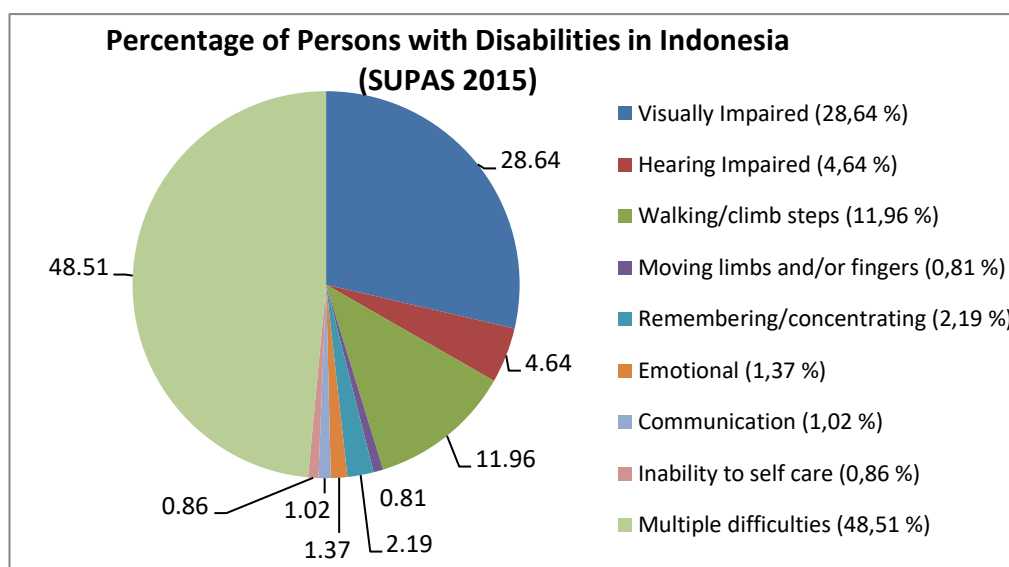
35. Nineteen DPOs have been established at the national level. Such DPOs provide a channel for diverse groups of disabled people to get involved in policy-making process as explained above.

- Some of the biggest DPOs include, among others, the Indonesian Disabled Persons Association (Persatuan Penyandang Disabilitas Indonesia), Indonesian Association of Women with Disabilities (Himpunan Wanita Disabilitas Indonesia), Indonesian Association for the Blind (Persatuan Tuna Netra Indonesia), and Indonesian Alliance of Community-Based Rehabilitation (Aliansi Rehabilitasi Berbasis Masyarakat Indonesia), Center on Access for Disabled Persons in Election (Pusat Pemilihan Umum Akses Penyandang Disabilitas). These organizations have all branched out in provincial/local level;

- There are also multiple associations for parents/families of children with disabilities (Persatuan Orang Tua dan Keluarga Anak Disabilitas Indonesia/ Portadin) in 34 provinces;
- A number of Ministries such as Ministry of Social Affairs contribute support including financially for activities and programs of those DPOs.

### Statistics

36. The National Intercensal Population Survey (SUPAS) 2015 indicated that the total number of persons with disabilities aged 2 years and over in Indonesia are 21,1 million which covers 8,56% out of the total population aged 2 years and over. The survey covers broader area of impairment, ranging from persons with physical and mental impairment through severe and multiple disabilities. Such indicator is used to extend the provisions of comprehensive health services for persons with disabilities as well as for non disabilities.



## III. Specific rights

### Article 5 Equality and non-discrimination

37. The equality of all Indonesian citizens as well as their right to non-discrimination is guaranteed under various legal provisions, namely:

- The 1945 Constitution of the Republic of Indonesia, in Article 28I Paragraph (2) on freedom from and protection against discriminatory treatment on any basis;
- Law No. 39/1999 on Human Rights in Article 3 Paragraph (2) on equality before the law, and paragraph (3) on freedom from discrimination.

38. Certain legal provisions specifically address disabled people's right to equality and non-discrimination, such as:

- Law No.8/2016 Article 2 and 5 on legal guarantees for equal rights and opportunities in all aspects of life and livelihood for disabled people;
- Law No. 10/2008 on the Election of Members of House of Representatives, Regional Representative Council, and Regional People's House of Representatives, Article 164 that guarantee the rights of persons with disabilities in general elections;
- Minister of Education Regulation No. 70/2009 on Inclusive Education stipulate disabled people's right to education.

39. Furthermore, persons with disabilities are not restricted by law to obtain education, health care services, and employment as enjoyed by other citizens. Disabled people who experience discrimination due to their disabilities can seek remedy against such discrimination through various legal avenues. For example:

- In 2004, the local government of the city of Surabaya did not allow a disabled person to undertake the civil servant recruitment exam due to her disability. She submitted a motion to the Surabaya State Administration Court to annul the prohibition, arguing that disability should not be a ground for discrimination in employment. The Court ruled in the claimant's favor, since the local government's action violated national laws on the rights of persons with disability, and she was then allowed to undertake the civil servant recruitment exam;
- When an employee of a private food and beverage company lost his arm due to a factory accident, his employer fired him as he was deemed to be no longer fit to do his job. The employee was then represented by a lawyer who fought and negotiated for the fulfilment of the employee's rights as a disabled person. The employee successfully got his job back and received his rights as a full-time employee.

40. Government take measures aim to provide the tools for disabled people to build their own capacity and achieve self-sufficiency, in order to participate in public life in equal footing with other members of the society. In education sector for example, taking note the importance education for persons with disability to participate substantively in public life, government promote inclusive schools. At present, 29.218 inclusive schools are available across 34 provinces in Indonesia.

## **Article 8**

### **Awareness-raising**

41. A broad range of dissemination and campaign activities have been undertaken by the various relevant Ministries/Agencies in cooperation with disability stakeholders, to raise awareness regarding the rights of persons with disabilities as well as combating stereotypes against them. These campaign measures have been taken in the form of seminars, publications, education and training, television and radio broadcasts, as well as intra-governmental coordination meeting among related institutions. Efforts have also been taken to make campaign programs accessible to disabled people. Examples of such programs include, among others:

- Indonesia's national radio station (Radio Republik Indonesia), sets up awareness-raising programs called "Voices of Persons with Disabilities" (Suara Disabilitas) and "Inspiring Disability" (Disabilitas Menginspirasi);
- Ministry of Social Affairs engage private companies to discuss the rights of persons with disabilities in the workplace, as well as encouraging companies to accept more disabled people as employees, through seminars, workshops, and trainings;
- Coordinating Ministry for Human Development and Culture, Ministry of Social Affairs, Ministry of Law and Human Rights and other relevant Ministries disseminate information regarding state obligations under Law No.8/2016 as well as conduct related training to other government agencies as well as provincial/municipal governments;
- Ministry of Foreign Affairs conduct seminars every year in various regions in Indonesia to disseminate CRPD, as well as to seek input and feedback from stakeholders at the local level regarding its implementation. Such seminars invited various stakeholders from government, academics and representatives of DPOs. In addition, Ministry of Foreign Affairs in cooperation with Center for Disabled Peoples' Access to Elections (Pusat Pemilihan Umum Akses Penyandang Cacat) translated and published disability-friendly book format on international and regional frameworks on disability;



- Ministry of Health develops parenting guidance for families with disabled children, which explains the rights of children with disability and how family members can support their growth and well-being;
- Sign language courses are available to the general public through classes at the University of Indonesia. Civil society organizations also gave sign language training during the weekly car free day sessions at the Jakarta city center;
- Ministry of Social Affairs support the establishment of Center for Disability Studies in Universities, for example, University of Indonesia.

## **Article 9**

### **Accessibility**

42. Law No.8/2016 Article 18 provides the main legal basis for disabled people's right to accessibility. Such provisions entail the Government to create a more appropriate condition and environment for persons with disabilities to be able to fully participate in society. In this regard, the Government of Indonesia has issued sectoral laws and regulations to ensure that accessibility is in place in various aspects such as infrastructure, transportation, as well as information and communication.

43. Government's efforts in this regard will include provision of inclusive and accessible public building, infrastructure, information and transportation. Promotion of accessibility to transportation and information will be further elaborated on the Article on Personal Mobility and Freedom of Expression and access to information.

#### **Access to building and infrastructures**

44. Law No. 16/1985 on Flats, Law No. 28/2002 on Buildings, and Minister of Public Works Regulation No.30/2006 on the Technical Requirements for Building Accessibility have included provisions requiring all developers or contractors for public infrastructure and facilities to provide accessibility for persons with physical limitations.

45. The requirement of building accessibility is implemented through monitoring building development permit. Each proposal for the design of buildings or public infrastructure and facilities must obtain permit from the city planning office. Such permit will be issued if all requirements are fulfilled, including the accessibility for persons with disabilities, elderly, and persons with physical limitations.

46. From 2005 to 2013 the Ministry of Public Works have implemented pilot projects on the accessibility of government premises as well as public buildings and environments in 196 regencies/cities. Government Regulations No. 43/1999 on Fundamentals of Employee Affairs stipulates that every development of public services to provide accessibilities for disabled persons.

47. Facilities in main international and domestic airports across various regions Indonesia, such as in Jakarta, Banten, North Sumatera, West Sumatera, East Java, Bali, and South Sulawesi, continue to be improved to expand accessibilities for persons with disabilities.

48. Furthermore, the availability of accessible buildings and public facilities has also become one of the criteria for cities to be granted awards such as Inclusive City Award and Environment-Friendly City Award. These awards become a strategy to encourage competition among local leaders to improve their public services including for persons with disabilities.

## **Article 10**

### **Right to life**

49. Under Indonesian law, the right to life is protected by the 1945 Constitution of the Republic of Indonesia, Article 28A and Law No. 39/1999 on Human Rights, Article 53. These provisions guarantee the enjoyment of the right to life and survival for every person,

including persons with disabilities. Furthermore, Article 5(1) of the Law on Persons with Disability specifically guarantees disabled people's right to life.

50. In Indonesia, respect for the right to life is granted even before one's birth. The right is guaranteed by Law No. 39/1999 on Human Rights, Article 53, which states that every child has the right to life since inside the womb, the right to survival and the right to improve their living standard. This is a very important provision since not only does Indonesia recognize the right to life, but also recognizes the beginning of life in the womb. Under the Penal Code, death penalty shall not be imposed to vulnerable groups, including pregnant women and children, and it should only apply to the most serious crimes and only as the last resort.

51. Matters relevant to the growth and well-being children with disabilities will be elaborated in this report under Article 6 on Children with Disabilities.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

52. The protection of the persons with disabilities in times of crisis and emergency is guaranteed under the Law No. 24/2007 on Disaster Management, Law No. 7/2012 on Social Conflicts, and Law No.8/2016 on Persons with Disabilities. All vulnerable groups, including persons with disabilities, are entitled to special protection during the emergency action of rescue and evacuation, as well as in the provision of shelter, medical services, psychosocial services, and education.

53. The protection for disabled people in this context is also extended, not only to cover the needs of the persons during the times of crisis, but also to encourage their participation in disaster management (mitigation, preparation, response, and recovery). The engagement and involvement of persons with disabilities are a part of their fundamental rights of freedom and dignity. These measures are further elaborated through the Head of National Agency for Disaster Management Regulation No. 14/2014 on Treatment, Protection and Participation of Persons with Disabilities on Disaster Management.

54. Through close collaboration with DPOs, the National Agency on Disaster Management has conducted numerous seminars and capacity building programs to educate, train, and seek the contribution of persons with disabilities in disaster preparedness and management.

55. The lack of local data, particularly on number and type of disability in disaster and disaster-risk areas hinder the efforts for disaster first responders in providing specific assistance during emergency and evacuation. This circumstance also poses challenges for Agency on Disaster Management at national and local levels, in formulating disaster risk planning and management that will correspondence with the needs of persons with disabilities in disaster prone areas.

56. Direct engagement of persons with disabilities on planning and formulation of policies on disaster preparedness and management is deemed important. This engagement will provide comprehensive data and information on basic and specific needs on persons with disability before, during, and after disaster, including accessible shelter and infrastructure.

## **Article 12**

### **Equal recognition before the law**

57. Indonesia upholds the principle of equality before the law and elimination of all forms of discrimination. Those principles are stipulated in Indonesia's Constitution namely:

- Article 27 (1), states that "All citizens shall be equal before the law and the government, and shall be required to respect the law and the government, with no exception";

- Article 28D (1) states that “Every person shall have the right of recognition, guarantees, protection, and certainty before a just law, and of equal treatment before the law”;
- Article 28I (2) states that “Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment”;
- Article 28G (1) states that “Every person shall have the right to protection of his/herself, family, honor, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right”;
- Article 28H (2) states that “Every person shall have the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality and fairness”.

58. Provisions in this Constitution further emphasize that no citizen shall be subjected to any forms of discrimination on any grounds, including disabilities. Equality and Equal Opportunity are among the cardinal principles in which the Law No.8/2016 is built upon, as underlined in Article 2 and elaborated in Article 9 (Chapter 5) of the law.

59. Efforts are also being made to ensure that persons with disabilities are recognize as a full and independent legal personality in matter related to personal finance or banking activities. In 2014, the Government concluded MoU with several major banks (such as BRI, BNI 46, Bank Mandiri, BCA) to guarantee the right of persons with disability to open their own bank account. The Government also encourages the provision of accessible ATM machines that are equipped with braille keypads.

### **Article 13** **Access to justice**

60. The Government of Indonesia guarantees equal access to justice to all of its citizens including persons with disabilities. Since 2015, Supreme Court has conducted program to improve accessibility of court infrastructures. Under this program, up to 27 courts have been accredited for its accessibility for children, women and persons with disabilities.

61. As stipulated under Law No. 16/2011 on Legal Aid and as a part of the National Strategy on the Access to Justice, the Supreme Court and the Ministry of Law and Human Rights, respectively, provide free legal aid program and financing for numerous accredited Legal Aid Organizations, that also benefited persons with disabilities with legal problems. As stipulated in Article 5 of the Law No. 16/2011, beneficiaries of legal aid is any poor individuals or groups who are unable to access basic rights and provide for themselves. In practices, individual with disabilities through legal aid organizations may access government legal aid programs under this law. Some governments at the provincial level also provide similar legal aid program.

62. Article 29 of Law No. 8/2016 also stipulates the obligation of state to provide legal aid for persons with disabilities. In legal proceedings, assistance for persons with disabilities also includes provision of assistant, or sign language interpreter if required, by the Ministry of Social Affairs. Concerning the legal status of persons with disabilities, Article 32 Law No.8/2016 stipulated that legal capacity of persons with disabilities may be determined by district court decision. This will include among other, legal capacity of persons who are consider has not yet reached their intellectual maturity and/or still live under legal guardian (pengampuan). The court determination should be supported by evidences from medical doctor, psychologist and psychiatrist. The law also emphasizes that the presence of legal guardian should not in any way, add, reduce, or lose the right of possession of persons with disabilities without a court decision.

63. In the coming years, government needs to step up its efforts to gradually increase the funding, simplify the administration process, expand the access of persons with disabilities, and extend the reach of these legal aid programs to the rural and remote areas. In addition,

the governments have to increase the number of disabled-sensitive law officials, including legal counsellors and judges, through training and capacity building. The competence of sign language interpreters, psychoterapist, and personal assistants should also be improved by incorporating knowledge on legal language and terminology in their trainings.

## **Article 14**

### **Liberty and security of the person**

64. Individual rights for privacy, security and protection against any kind of threats is guaranteed in the laws such as:

- Indonesian Constitution in particular article 28G (1);
- Law No. 39/1999 on Human Rights, Article 4 on personal freedom and equality before the law, and Article 34 on right to be free from arbitrary detention, torture, repatriation and solitary confinement.

65. Under the law on Indonesian Penal Code Article 44 (2), special exemption for criminal proceeding maybe given to cases involving a person with mental illness. For example, in some cases where the suspect is proven to have mental disability, the criminal proceeding can be immediately halted and diversion approach can be implemented by rehabilitation program in mental institution or undergo medical procedure.

66. The Law No. 18/2014 on Mental Health protects personal freedom and security for persons with mental disabilities. Chapter IX Article 86 of the law stipulated that all person who intentionally shackled, neglect and commit violence against persons with mental health, can be criminalized in accordance to the prevailing Law.

67. In addition, Chapter VII article 71, 72 and 73 on Mental Health Law contain provisions to protect person with mental health in conflict with the law. For example, the obligation to conduct mental health check up for law enforcement purposes for suspect with indication of mental condition in order to determine their capacity for criminal responsibility and their fit for trial. A similar provision also provided by Law No.8/2016 on Persons with Disabilities Article 30 which extended the protection to all persons with disability.

## **Article 15**

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

68. The right to freedom from torture or cruel, inhuman or degrading treatment or punishment for all Indonesian citizens, including persons with disabilities, are protected by various provisions under the law, such as:

- The 1945 Constitution of the Republic of Indonesia, Article 28G (2), which states that every person has the right to be free from torture, cruel punishment and inhumane or degrading treatment;
- Law No. 5/1998 on Ratification of the Convention against Torture and Other Forms of Treatment and Cruel Punishment, Inhuman or other Degrading Treatment;
- Law on Persons with Disability, Article 6(f), which stipulates that disabled people have the right to be free from torture, cruel punishment and inhumane or degrading treatment.

69. As the implementation to the commitment of Indonesia to the protection of all persons from torture, and as part of bureaucratic reforms within the Indonesian National Military (TNI), TNI has issued Regulation No. Perpang/73/IX/2010 dated 27 September 2010 on Opposition to Torture and Other Cruel Act in the Law Enforcement by TNI.

70. Indonesian Police has enacted Chief of Indonesian Police's Regulation No. 8/2009 on the Basic Guidelines of the Implementation of Human Rights Principles and Standards

in the Exercise of Police Duties. The regulation has set the provision of human rights enforcement in the exercise of police duties, including measures of investigation and inquiry. The mechanism to supervise inquiry and investigation is set in Chief of Indonesian Police's Regulation No. 12/2009 on the Supervision and Control of Criminal Cases by the Police. In addition, the Indonesian Police has internal mechanisms to investigate its members suspected of committing an act of torture; violate professional code of ethics and disciplinary as well as criminal law.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

71. Law on Persons with Disabilities stipulates under Article 26 that disabled people have the right to be free from discrimination, abandonment, torture, and exploitation. Such rights entails that persons with disabilities must be protected from all forms of physical, psychological, economic, and sexual violence.

- Law on Persons with Disability, Article 145, states that violation of disabled people's rights, including acts of discrimination, abandonment, torture, and exploitation, are punishable by law with up to 2 years sentenced time and IDR 200.000.000,00 fined;
- Law No. 18/2014 on Mental Health, Article 86, states that every person who intentionally or through a third party committed shackling, neglect or abuse of person with mental health issues will be criminally prosecuted in accordance to the prevailing law.

72. Furthermore, Indonesia has adopted a series of laws to protect women and children, including those with disabilities, from all forms of exploitation, violence and abuse. These laws include, among others:

- Law No. 23/2004 on the Elimination of Domestic Violence. In Article 5, the Law of the Elimination of Domestic Violence explicitly states that it is prohibited for anyone to commit violence to persons in their household by means of physical, psychological, sexual violence or negligence;
- Law No. 23/2002 on Child Protection, as amended by Law No. 35/2014. This law has also specified special protection for children with disabilities;
- Law No. 36/2009 on Health, under Article 44 regulates that medical or scientific experiments on a human being could not be conducted without the subject's free and informed consent. Such protection is also applicable towards persons with disabilities;
- In the future, the new draft of Penal Code regulates that anyone performing torture or other inhuman treatments including biological experiments will be subjected to imprisonment of at least 3 (three) years and maximum 15 (fifteen) years.

73. To further protect the security of student with disabilities, the Reproductive Health Educational Program conducted by the government in schools and contain advocacy module on sexual harassment and abuse for teachers and students with disability.

74. The Government also step up its efforts in providing better access and services to vulnerable groups who became victims of violence through several measures:

- The Indonesian National Police has established 510 Women and Children Service Unit (Unit Pelayanan Perempuan dan Anak) in provincial and district police stations;
- Ministry of Women Empowerment and Child Protection has established 424 branches of the Center of Integrated Services for Women and Children (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak) across Indonesia;
- Special health service units that can handle cases of violence have been made available in 1.060 public and private hospitals in 34 provinces and 218 regencies/districts;

- Ministry of Women Empowerment and Child Protection has published a book on the guidelines for facilitators working with special needs children.

75. Nevertheless, the Government realizes that persons with disabilities are still prone to exploitation and abuse. There are several cases of physical abuse and/or neglect, where persons with schizophrenia or other forms of mental disabilities are being shackled by the family or their community. This forms of violence and abuse, are often triggered by lacks education and understanding on mental health and intellectual disabilities that create stigmatization, superstition and fears towards these types of disabilities, among family and member of community. In some cases, there are additional push factors such as poverty and inadequate numbers of mental healthcare facilities and healthcare workers as well as rehabilitation institutions that hinder family and surrounding communities to provide full and adequate care for persons with mental and intellectual disabilities.

76. To address this problem, the Government has taken concrete measures:

- Ministry of Health has launched the “Indonesia Free from Shackling” (Indonesia Bebas Pasung) program in several regions since 2011. Throughout the program, 8.690 persons with mental disabilities across 19 provinces were found to be shackled. In 2015, 7.961 shackling cases have been addressed and the victims have been set free and given medical treatment by the Government. This program also a part of National Action Plan of Human Rights;
- The Government has campaigned for the elimination of stigma of person with disabilities, in particular people with mental health issues, through training and education for 9000 health officers in 12 provinces with the highest number of mental health patients;
- At present, there are regional decree/regulation that prohibits shackling in Central Java and West Nusa Tenggara, as well 5 other areas with 3 more provinces to follow;
- The government has included the identification of shackling cases of persons with mental disabilities in Local Action on Human Rights 2016 and commits to increase the number and quality of treatment for persons with mental disabilities;
- Furthermore, to increase coordination and partnership in combating shackling, 6 Ministries/Agencies (Coordinating Ministry of Human Development and Culture, Ministry of Social Affairs, Ministry of Home Affairs, Ministry of Health, National Police and National Social Security Agency/BPJS) has recently signed a MoU on Elimination of Shackling (“Gerakan Stop Pemasungan”). Currently, the Government is identifying number of shackling cases in Indonesia, which will further enhance by awareness raising and workshop for officials as well as society.

77. Limited access for mental health services and treatment has always been a challenge for Indonesia. The number and distribution of health worker as well as mental rehabilitation institutions are still low. Currently, there are only 26 mental rehabilitation institutions among 34 Provinces. Moreover, the prevalence of professional health workers are only 3 per 100.000 population.

78. We also faced challenges to ensure the continued freedom of shackling victims. There are incident where re-shackling happened in the absent of supervision and monitoring from the authorities. Indonesia has to establish a more sustainable policies and programs for the provisions of mental healthcare and rehabilitation services as well as early detection and monitoring of mental health cases on the ground. Toward this, we need to create partnership with DPOs and local communities for quick response and referral procedures to relevant authorities.

79. Moreover, we need to improve our effort to combat sexual violence against persons with disabilities. At present, these cases are still addressed under the legal framework of existing Penal Code, Law on Elimination of Domestic Violence and Law on Child Protection. Persons with disabilities victim of violence, particularly women and children, are referred to the Special Unit for Women and Children and Center of Integrated Services for Women and Children. In the future, the government needs to create specific mechanism to handle these issues appropriately.

80. In addition to strengthening criminalization toward violence and abuse against persons with disabilities, we also need to change the mindset and behaviour of communities to engage the persons with disabilities in respectful and dignified manners. We also need to promote awareness and responsibility among member of community in reporting cases of violence against persons with disabilities to the authorities. Along this line, the government has provide various complaint mechanisms that are accessible to all, including persons with disabilities.

## **Article 17**

### **Protecting the integrity of the person**

81. Indonesia believes that every person with disability has the right to be respected for his or her physical and mental integrity on an equal basis with others.

82. Government guarantee the integrity of persons with disabilities as a part of right to life, as stipulated in Article 6 of Law No.8/2016 on Persons with Disabilities. This rights including rights to free from all forms of violence, discrimination, being-neglected, and exploitation. Similar principle also mentioned in Law No. 18/2014 on Mental Health.

83. In addition, Law No. 36/2009 on Health comprehensively regulates the protection for all, including persons with disabilities, from any harmful medical practices. The Law provides that any person is entitled to obtain complete information regarding their medical treatment, and also reject any medical treatment that they consider could harm them or their family member, especially those for person with severe mental disability.

84. Law No. 36/2009 on Health, under Article 44 regulates that medical or scientific experiments on a human being could not be conducted without the subject's free and informed consent. Such protection is also applicable towards persons with disabilities.

85. In the future, the new draft of Penal Code regulates that anyone performing torture or other inhuman treatments including biological experiments will be subjected to imprisonment of at least 3 (three) years and maximum 15 (fifteen) years.

## **Article 18**

### **Liberty of movement and nationality**

86. Indonesia believes that freedom of movement and nationality as an identity is a basic rights to all citizen, including to persons with disabilities. With regard to the citizenship, all children, including those with disabilities shall be registered immediately after birth and shall have from birth the right to a name, acquire a nationality and, if possible, to know and be cared for by their biological parents.

87. The Law No. 23/2014 on the amendment of Law No. 23/2006 on Civil Administration, has further streamlined bureaucracy and provided greater access to obtain all civil documents including birth certificate. The law also simplifies the requirement to obtain birth certificate for children whose parents are not legally married or their marriage has not yet legalized in civil registry. The Government continues to improve the civil registration services in full conformity with non-discrimination principle. To this end, the new Law on Civil Administration also instructed civil registry officials at all levels to provide equal and professional services for all citizens without distinction in obtaining civil documents.

88. Article 56 paragraph 1 of Law No. 39/1999 on Human Rights stipulates the rights of a child to have a name and nationality. Moreover, Article 5 of Law No. 35/2014 on Child Protection stipulates that a child should be entitled to possess a name, identity, and nationality. Identity refers to the name, sex, date of birth, relationship with his/her parents and his/her citizenship which is reflected in the birth certificate. The Government is responsible to provide free birth certificate within 30 days.

89. The government has established civil registry offices in all 34 provinces with its civil registry implementing agencies in 399 regencies, 98 municipalities, 6,994 subdistricts,

and 8,309 administrative villages and 72,944 villages across Indonesia. Up to now, there have been 42 regencies/cities in Indonesia that provide free birth certificates. In this regard, it is significant for stakeholders to conduct a campaign on this matter, especially to the grass root groups.

90. Furthermore, National Constitution affirms the right of freedom of movement for its citizens, including persons with disabilities. This includes the right of its citizens to seek asylum in another State. At the same time, restriction on foreign travel may apply on individuals under criminal investigations and will be implemented under strict procedures and court order.

91. The Government has the obligation to protect all citizens regardless of their place of residence. In exercising this obligation, the Government from time to time may issue travel warnings under safety considerations for their citizens. This should not be construed as a travel prohibition measure, but instead as an advice or public service for its citizens.

92. There are no prohibitions of entering Indonesia based on disability or other discriminatory reasons. Nevertheless, Indonesia like many other countries may prohibit certain individuals from entering Indonesia as listed under the banning record of Immigration, based among others on involvement in criminal activities such as terrorism, drugs or human trafficking, as well as previous violation of immigration laws.

93. To facilitate travel, all Indonesian citizens including persons with disabilities has the right to be issued with travel documents such as passport, as long as they fulfill all of the administrative requirements. To obtain a passport, persons with disabilities as well as older persons and children are provided with special line at the immigration offices or they may use online registration. There is also pilot project in Surabaya Immigration Office called Home Services Passport. This service allows the immigration officer to reach applicants living in Surabaya's surrounding areas. This service is a more practical alternative for applicant who prefers to have their passport processed without leaving their houses due to sickness or disabilities.

## **Article 19**

### **Living independently and being included in the community**

94. National Constitution has guaranteed that every citizen have the rights to actively participate in the communities on the non-discrimination basis. The Law on Persons with Disabilities has shift the paradigm of persons with disabilities from charity base to rights base, to restore their social function and able to participate on the development in Indonesia. Other laws and regulations such as Law No.39/1999 on Human Rights, Law No. 20/2003 on National Education System, Law No. 11/2009 on Social Welfare, Presidential Regulation No.75/2014 on National Action Plan on Human Rights 2015–2019 also provide basic elements to support the integration of persons with disabilities to participate in social life and communities.

95. Indonesia recognizes that parents and family still play crucial roles in supporting the wellbeing of persons with disabilities, including children with disabilities. The Government on its part, through Ministry of Social Affairs, established social care houses providing alternative care to treat and provides shelters to persons with disabilities with no families, or whose families are unable to provide the necessary caregiving. The social care house provides various services such as rehabilitation, counselling, therapy and diagnosis, basic needs, training to increase their individual capacities and self-empowerment, legal assistant and entrepreneurship to support the integration of persons with disabilities within the community. Families can also continue to visit and maintain relationship with their relatives living in such social care house.

96. The Government continues to allocate funding from the annual national budget to support social care houses to improving their facilities, services, and accessibility to persons with disabilities.

97. Government also cooperates with DPOs to broaden the reach of rehabilitation and social services for persons with disabilities and increase their participation in society. Until



2016, the Government has provided activity and operational support for 27 social organizations, consisting of 25 organization for persons with disabilities and 2 social care houses for persons with multiple disabilities.

98. Empowerment and training to persons with disabilities are also provided within the institutional level by Ministry of Education and Culture, particularly for students in Special Schools and social institutions, to enrich their skills as well as preparation for them to enter the world of work.

99. Since 2014, Coordinating Ministry for Human Development and Culture in cooperation with DPO organized “Inclusion Meeting” (Temu Inklusi) every two years, to gather various organization involved in promoting inclusion society, including disability right. The meeting also provide forum for government official to hold a discussion with civil society on matters related to inclusion in the community. The meetings produce a set of policy recommendation for both government and other stakeholders.

## **Article 20**

### **Personal mobility**

100. Indonesia recognizes that personal mobility for persons with disabilities requires the removal of obstacles in physical infrastructure, the establishment of inclusive environment and other related affirmative action measures.

101. In this regards, Law No. 8/2016 has mandated that persons with disabilities have the rights to enjoy inclusive public facilities and adequate accommodation on any public services, particularly on infrastructure. Law No. 22/2009 on Traffic and Transportation also guarantee that persons with disabilities could acquire special driving license for modified vehicle.

### **Access to transportation**

102. The Government has issued various laws and regulations on transportation that will accommodate the needs of persons with disabilities, among which:

- Law No. 23/2007 on Railways
- Law No. 17/2008 on Voyage
- Law No. 1 /2009 on Aviation
- Law No. 22/2009 on Traffic and Transportation
- Minister for Transportation Regulation No. 31/2005 on the Implementation of Indonesian National Standards (SNI 03-7049-2004) regarding airport accessibility to people with special needs
- Minister for Transportation Regulation No. 37/2015 on Minimum Service Standards for Watercraft Passengers
- Minister for Transportation Regulation No. 38/2015 on Minimum Service Standards for Airline Passengers
- Minister for Transportation Regulation No. 39/2015 on Minimum Service Standards for Ferry Passengers
- Minister for Transportation Regulation No. 40/2015 on Minimum Service Standards for Land-Transport Terminals
- Minister for Transportation Regulation No. 48/2015 on Minimum Service Standards for Train Passengers;
- Until 2016, there are around 281 municipalities/cities that issues local regulations regarding provision of facilities and accessibilities

103. The above mentioned laws contain provisions of special treatment such as accessibility and facilities for persons with special needs, including persons with disabilities,

elderly, children, and pregnant women, such as: private elevator, ramp, guiding block, and information (signs, symbols, and special markers for disability in transport services).

104. Airports in several provinces have also provided facilities and services for persons with disabilities, starting from physical infrastructure to providing special ground services in all terminals, including Terminal 3 opened in 2016.

105. National and private air carriers are also working to cater the need of persons with disabilities. Garuda Indonesia, the national airline, has also provided special services for passengers with disabilities and training for employees to give a correct and proper assistance for persons with disabilities. Sriwijaya Air, a private Indonesian airline, has issued flight guidance in Braille and improved cabin crew training in providing services for persons with special needs.

106. On the 2016 Eid Al Fitr, in order to support persons with disabilities on participating in homecoming tradition (mudik), Ministry of Social Affairs in cooperation with Bank Mandiri Syariah has launched “Disability-Friendly Homecoming”. This program provides accessible vehicles and services, especially for wheel chair, and also provides health services, to both drivers and clients.

107. Any persons with disabilities who received discrimination and/or wrongful treatment can file lawsuit toward national and private carrier based on this law.

108. To support personal mobility, the Government through Ministry of Social Affairs and Ministry of Health regularly distribute assistive devices for persons with hearing impairment, visual impairment and other type of disabilities. These measures also collaborated with various NGOs and State Owned Enterprises under their Corporate Social Responsibility (CSR) schemes. The provision and distribution of assistive devices including wheelchairs, cane, digital audio watches, and prosthesis limbs also conducted annually on the commemoration of International Day of Persons with Disabilities in various regions. State owned companies such as Pertamina Ltd. Co. and Timah Ltd. Co. under their CSR programs annually distribute a number of assistive devices for persons with disabilities. Furthermore, National Social Security Agency (BPJS) also includes assistive devices as a part of the insurance claim.

109. The Government also encourages the private sector and state-owned enterprises to come up with initiatives to expand accessibility and services towards persons with disabilities. For example, Transjakarta Bus services provide free rides for persons with disabilities and expand the number of accessible buses in their fleet. Private transportation companies such as Blue Bird Taxi and Uber also provide disability-friendly vehicles and mobile application.

## **Article 21**

### **Freedom of expression and opinion and access to information**

110. National Constitution, Law No.9/1998 on Freedom of Expression and No.14/2008 on Public Information Disclosure, guarantee the access to information as well as the freedom of expression of every citizen, including persons with disabilities. The Government’s program on information justice is further established to provide program on media assistance and access to public information for disabled people.

111. Another example of the enjoyment of the rights of freedom of expression and opinion by persons with disabilities in Indonesia is the dynamic participation of DPOs, especially as a pressure group in decision making process. Indonesia’s DPOs are very active in expressing their opinion directly or indirectly in important public policy and program. For example, in the discussion toward the adoption of CRPD, Law No. 8/2016 on Persons with Disabilities, formulation of National Action Plan on Human Rights as well as ensuring voting access for persons with disabilities in local and general election.

### Access to information and communication

112. Provision for access to information and communication is stipulated in Law No.14/2008 on Public Information Disclosure and Law No. 11/2008 on Electronic Information and Transaction as well as Article 24 on Law No.8/2016 regarding the Rights on Freedom of Expression, Communication and Access to Information.

113. These laws provide legal basis for the implementation of several programs/activities to create better access of information for persons with disabilities, among others:

- Training and facilitation for IT devices in disability rehabilitation centers from the Ministry of Communication and Information (from 2008 up to present);
- Launching of website for the hearing and visually impaired by the state-owned telecommunication company, PT Telkom, in cooperation with groups of people with hearing and speech problems;
- Publishing holy books (Al-Qur'an, Bible, etc), books, and magazines into Braille and/or digital talking book through Indonesia Braille Publishing House (Balai Penerbitan Braille Indonesia) under the auspices of the Ministry of Social Affairs;
- Developing website and online game software for the visually impaired persons;
- Holding Training for Trainers and computer literacy trainings for the visually impaired; conducted by government along with groups of people visual disability;
- Establishing online Braille library through cooperation between National Library and Mitra Netra Foundation;
- Developing and distributing MBC v.5 computer software to 200 disability associations;
- Developing a pilot model of the Center for Information and Consultation in some areas. The Center provides information on the rights of persons with disabilities to social assistance, education, employment opportunities, internship and job skills. One of the Centres is The Centre for Information and Counseling on Women with Disabilities under State Ministry for Women Empowerment and Child Protection.

114. Despite the existence of various laws and regulation relevant to accessibility, their observance on the ground remains a big challenge. For example, the compliance of public and private sectors in providing accessibility on their transportation and building facilities as well as other public infrastructures, need to be enforced more by issuance of warnings, sanctions and penalties as appropriate. Simultaneously, government need to expand disability-awareness training and capacity building to reach those working on the frontline to provide services to the public.

115. Various measures are implemented to accommodate the persons with disabilities with better method of media communication. These include the establishment of disabilities rehabilitation center along with IT training and facility by the Ministry of Communication and Information, provision of information media such as disabled-friendly websites and literatures by the Ministry of Social Affairs, establishment of online interactive program and Braille library, distribution of disabled-friendly software to various related associations, and development of pilot program on center of information center for social, educational, and working opportunities.

116. The Ministry of Social Affairs and Ministry of Education and Culture are developing a MoU with private TV companies to provide access of information for persons with disabilities.

117. In order to provide accessible reading materials for persons with disabilities, Government has launched 1000 Books Movement for Persons with Disabilities along with IBM and Mitra Netra Foundation and individual volunteers. This program aimed to transform regular published book into more accessible forms in Braille and audio books without violating the copyrights of the book. The program has been conducted in several cities such as Jakarta, Bogor, Makassar and Bandung. In Makassar, the number of

volunteers for this program has reached 50.000 persons. In 2017, the program will be expanded to other cities such as Surabaya, Lampung and South Tangerang.

### **Sign Languages and Braille**

118. The regulation on the provision of interpreter for disabled people is currently being developed by the Ministry of Communication and Information. The Faculty of Culture in University of Indonesia provides sign languages class. Further, Government launched Indonesian Sign Language (BISINDO) as the effort to provide official communication language for persons with disabilities.

119. Indonesia Centre of Sign Language Development and Research Centre on Public Service for Persons with Disabilities are established by Ministry of Education and Culture to identify areas for improvement in sign language and disabled-friendly communication facilities. Ministry of Education and Culture in cooperation with Youth for Disabled also conduct Indonesia Sign Language Club for people who are willing to learn sign language once every week, with additional session on Sunday at Car Free Day event to raise public awareness on the use of sign language.

120. In December 2016, Indonesian Central Bank issued new design of bank notes. For the first time, the bank note design include blind code features in tactile effect format to enable persons with visual disability/impairment to identify different nomination in bank notes. The new design has been tested among persons with disabilities before formally launched.

## **Article 22**

### **Respect for privacy**

#### **The right not to be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence**

121. The National Constitution, in Article 28G Paragraph (1) stipulates that every person shall have the right to the protection of his/herself, family, honor, dignity and property, and shall have the right to security and protection against the threat of fear, to do or not do something. In the sense, privacy is recognized as a compendious and concrete concept, including family, honor, dignity and property. Hereby, the protection of the rights not to be subjected to arbitrary or unlawful interference to the privacy, family, home or correspondence of the persons with disabilities is well-assured.

122. Furthermore, the protection to these rights are also embodied in Law No. 39/1999 on Human Rights Article 31 paragraph (1), (2), and Article 32, where it is made clear that the protection to every person's right, including the persons with disabilities, is guaranteed to the extent of his or her home and correspondence.

123. Article 31 (1) in the Law No. 39/ 1999 on Human Rights states that no one shall be subject to arbitrary interference with his/her home. Furthermore, Article 31 (2) states that no one shall set foot in or enter the enclosure of a house or enter a house without the permission of the person who lives there, except for reasons provided under prevailing legislations. Meanwhile, Article 32 states that no one shall be a subject to arbitrary interference with his/her correspondence, including electronic communications, except upon the order of a court or other legitimate authorities according to the prevailing legislations.

124. More specific, the protection of such rights is also contained in the Law No.8/2016 article 8. It is mentioned that the respect to privacy of the persons with disabilities also covers the respect to his or her individual privacy, family, home, and correspondence.

#### **The right to protect the privacy of personal, health and rehabilitation information**

125. Law No. 14/2008 on Public Information Disclosure article 17 (g) also includes personal information – including personal secret, such as the history, condition and care of

physical and psychological medical treatment, and physic of an individual – as one part of public information that should not be disclosed without consent.

126. Similar principle also emphasized in the Law No.8/2016 that specifically guarantee the protection to such rights of the persons with disabilities. This protection to the privacy of personal, health and rehabilitation information is addressed under the article 8 (e) of Law No.8/2016.

127. The challenges faced by government in this regard, is in providing the necessary tools and environment for persons with disabilities to fully enjoy their privacy regardless of their type of disabilities. This especially challenging in ensuring that family and community including the care assistant continue to treat persons with disabilities with respect and dignity in any circumstances.

128. The rights to privacy for persons with disabilities in exercising political rights such as voting will be elaborated in Article 28.

## **Article 23**

### **Respect for home and the family**

#### **The right to form a family, to family planning and to have a descendant**

129. Indonesia recognizes that family is the most fundamental unit of society and entitled to protection from the society and the state. The right of every person, including persons with disabilities, to form a family is guaranteed by National Constitution Article 28B (1) that stipulated that every person has the right to form a family through a legal marriage. This rights further elaborated under Law No.39/1999 on Human Rights Article 10 (1 and 2) that stated every person has the right to form a family and has descendants through a legitimate marriage that shall only take place upon the free will of both prospective husband and wife in accordance with the provision of relevant laws and regulations without discrimination.

130. Law No.1/1974 on Marriage and Presidential Instruction No. 1/1991 on the Compilation of Islamic Law constitute comprehensive legal basis on marriage in Indonesia, including those concerning the rights of persons with disabilities to marry and form a family. The subsequent regulations such as Presidential Instruction No. 1/1991 Article 17 (3), also accommodate the persons with disabilities by stipulating that “To the bride or groom with hearing and speaking disability, their agreement can be in the form of an understandable writing or sign language”.

131. To promote the role of family in society and the rights for every family to reproductive healthcare, including family planning, the government issued Law No. 52/2009 on Development on Population and Family. The rights to form a family and have decedents for persons with disabilities elaborated further in Law No.8/2016 Article 8 (point b, c and d) concerning the rights to privacy.

132. Under these set of laws, that any measures prohibiting persons with disabilities’ rights to marry and form a family are considered unconstitutional and shall be punished according to prevailing laws.

#### **The right to guardianship, trusteeship, adoption of children**

133. The Government of Indonesia has taken measures to ensure that parents with disabled children, if so required, will be provided with support in their child-rearing responsibilities. In line with the Law No. 39/1999 on Human Rights Article 11, that affirms individual rights to develop and grow in dignity, children with physical and mental disabilities have the right to special care, education, training and assistance provided by the State. Article 5 (3) on Law No. 8/2016 further guarantees the rights of children with disabilities to grow and develop under the care of their family or foster family. Government Regulation No. 2/1988 on Social Welfare of Children in Article 10 also contained provision of special care and measure for children with disabilities including counseling, fulfillment of basic needs, specific assistance as well as vocational training and education.

134. Matters regarding guardianship, trusteeship, and adoption of children are currently regulated under various laws that in practice might also be applicable to situation where parents or children are persons with disabilities. The Law No.23/2002 on Child Protection and Minister of Social Affairs Decree No. 41/HUK/Kep/VII/1984 on Implementing Guideline to Grant Child Adoption contained provisions on guardianship, trusteeship and adoption of children that are based upon the best interest of the children. These provisions aimed ensure that any children including children with disabilities that are adopted or living under guardianship and trusteeship will grow and develop in a safe and secure environment.

135. Furthermore, under Article 12 of Government Regulation No.54/2007 on the Implementation of Child Adoption, adoption of children with special needs aged 12 to 18 may be granted.

#### **The right to have equal rights with respect to family life**

136. The Government of Indonesia has taken measures to support fathers and mothers, and the families of boys and girls with disabilities, in order to prevent abandonment, neglect or segregation as well as combat stigmatization and discrimination towards children with disabilities. It is reflected in Law No. 35/2014 on Child Protection, stipulating that children with disabilities have the equal rights with others to get social integration and self-development.

137. Indonesia has implemented specific measures in advancing the rights of children with disabilities through Children Social Welfare Program on 2010–2014. Indonesia is aware that parents and families play crucial roles in ensuring the wellbeing of the children, particularly those with disabilities. Therefore, the Government is determined to strengthen the capacity of families through the program which focuses on the information and community education in ensuring the children’s welfare.

138. Under the light of protection towards the right of the children with disabilities, Communication Forums for families with disabled children have also been initiated and established in 28 provinces in Indonesia, to enhance awareness among family member and paradigm shift on persons with disability toward the promotion and protection of their rights, especially for children with disabilities.

#### **The right to alternative care within the extended family**

139. In principle, the caring of children with disabilities, whose parents are unable to care for them, in a State foster and social house is a measure of last resort. The government will firstly look for alternative care for children with disabilities by their extended family, or when it is not possible, by the family setting in the wider context.

140. The same measure also emphasized under Law No.8/2016 on Persons with Disabilities, Article 5 paragraph (3) b, in which Government prioritizes the nurture and care children with disabilities by their family or by their extended or alternate family.

### **Article 24 Education**

141. The Government of Indonesia acknowledges and underlines that the rights to education is a fundamental human rights. As mandated by the National Constitution and regulated under relevant national laws and regulation, every citizen, including persons with disabilities, have the right to enjoy access to education of good quality without discrimination or exclusion. Indonesia continues to transform its national policy to promote equal opportunity, as well as affordable and quality education for all children, particularly children in specific situations and with special needs such as children with disabilities.

142. Furthermore, Article 5 of Law No. 20/2003 on National Education System affirmed the rights of persons with disabilities to education, including education that address their special needs that align with their interest and ability. Law No.8/2016 and Law No. 35/2014 on Child Protection, also ensure the provision of basic and primary education for all children, including children with disabilities and special needs.

143. Various laws and regulations are adopted to support the implementation of these commitment, such as Minister of Education Decree No. 34/2006 on the Management of Children with Special Needs and Special Abilities, Government Regulations No. 19/2005 on National Education Standard, and Minister of Education Decree No. 70/2009 on Inclusive Education, and Director General of Primary and Middle School Circular Letter No. 380/C.C6/MN/2003 that encourage every regents to provides inclusive schools in their respective regions.

144. On education institutions, Indonesia continue to promote schools that are accessible and inclusive education for persons with disabilities, including by issuance Regulation of the Ministry of Education No. 16/2007 on the Standards and Competence of Teachers, in which standardize different competence and skills of teachers in inclusive education institutions, in accordance to their responsibility as Class teachers, Counseling teachers and Special tutor teachers.

145. Indonesia is currently shifting mindset in education from promoting compulsory education to promoting the rights to education, as well as from provision of Special Needs School to increasing the number of inclusive schools. To expand access of persons with disabilities to education, Indonesia is working to establish inclusive education in all education level, from preschool to higher education, including Vocational Schools. In 2016, there are a total 9.130 inclusive schools at elementary to senior high schools, and 2.186 Special Needs Schools across Indonesia.

146. To support inclusive education, several measures are taken by the government. For example, provision of special assistance to students with disabilities and special needs during Final test/exam, as well as provision of a Braille version exam/test paper. The government also cooperates with contractor to provide accessible on school infrastructure. Government of Indonesia also linked inclusive education and job market by working together with private sectors that provides employment and job quota for persons with disabilities.

147. There are several challenges faced by government in fully realize the rights of education for persons with disabilities. One of the challenges is to promote inclusive school with excellent quality of infrastructure, teachers, curriculum, and supported by appropriate learning environment for student regardless of their type of disabilities.

148. In addition of the need to increase the number teachers with the right competence and skill, the implementation of inclusive school still hampered by social and other non-physical barrier. For example, there are some universities that still listed physical, cognitive and mental health as a requirement for student to enroll in higher education. These requirements are considered as a discriminatory against persons with disabilities. Those universities has try to redress the problem by only implementing these requirement on academic majors of jobs and/or professions that still required cognitive or physical abilities, such as for medical and engineering majors.

## **Article 25 Health**

149. The Government's commitment to provide accessible health services and rehabilitation for persons with disabilities is stipulated inter alia in Law No.36/2009 on Health, Law No.18/2014 on Mental Health in conjunction with Law No. 8/2016 on Persons with Disabilities. The legal guarantee for equal rights and opportunities in all aspects of life and livelihood, including rights to access health services, are further emphasized under Article 5, Article 6, and article 18 of the Law on Health.

150. The formulation of regulations in protecting the rights and ensuring the attainment of equal access to health services for person with disabilities has been widely discussed by many local governments in Indonesia. The Government of Yogyakarta Province for instance, has successfully adopted a Local Regulation No.4/2012 on the Fulfilment and Protection of the Rights of Person with Disabilities. The regulation stated that the local government of Yogyakarta and its subsidiary technical agencies has the obligation

guarantee the rights of persons with disabilities to equal access to health services and facilities, including ensuring information on reproductive health services and medical rehabilitation. This local bylaw has become a pioneer and being replicated and sometimes scaled up by other local government across Indonesia.

151. The Government is committed to provide sufficient early detection service and establish referral system for early intervention for disabled infants and children in every healthcare in the country. Ministry of Health has developed Congenital Hypothyroid Screening in 14 Provinces to prevent disabilities caused by Congenital Hypothyroidism and will be replicated in all other provinces in the future. To combat preventable forms of disability among infant and children, Ministry of Health also grants a free regular immunization program, including Iodine and Vitamin A for infant and children that is given in community-based health care service in rural and urban area.

152. The promotion of public health awareness campaign to increase the understanding of families, communities, including to health workers in rural area, also conducted on the collaboration with NGOs and local communities. For instance, Ministry of Health, Ministry of Home Affairs, Ministry of Social Affairs, and Ministry of Education established Society-Based Rehabilitation Program which targeted to train officers in 16 provinces on the dissemination of early detection and early intervention, including those related to disability, at the local levels.

153. Furthermore, medical rehabilitation for disabled person in Indonesia has gradually transformed to be more comprehensive on the provision of medical services that consist of psychological, educational, and vocational approach which encourage disabled person to achieve their optimum functional physical capability and intellectual capacity.

154. In providing access to information and education on sexual and reproductive health, the Government through the Ministry of Education, initiates the educational program on reproductive health for women with disabilities since 2010. The program offers a technology based interactive module that provides accessible information for persons with disability, particularly for visually and hearing impaired.

155. Other measures taken by the Government in ensuring equal access to health for persons with disabilities, namely free medical treatment for poor families, including persons with disabilities through Public Health Insurance (Jamkesmas) and Delivery Insurance Programme (Jampersal), and establish special hospitals and clinics for persons with lepers, tuberculosis, HIV, etc as well as training for medical workers.

156. Ministry of Health also conducts survey and research under the Center for Analysis Health Determinant on children with special needs and health determinant factors relevant to disabilities on children and infant.

#### **Access to reproductive health**

157. In terms of access to reproductive health, Law No. 36/2009 on Health emphasized importance of access to reproductive health services and family planning. Article 72 of the law stipulates that every individual shall have the rights to:

(a) Have a healthy and safe reproductive life and sexual life without any coercion and/or violence with a lawful partner;

(b) Determine his/her reproductive life and free from discrimination, coercion and/or violence that respect noble values and not degrading human dignity in accordance with religious norms;

(c) Personally determine when and how often to reproduce in a medically healthy manner and not contradictory to religious norms; and

(d) Obtain information, education and counseling regarding proper and accountable reproductive health.

158. Article 72 and 78 of the Law on Health No. 36/2009 also underlined the government works to expand availability of health information and reproductive healthcare facilities, including family planning services that are safe, adequate and affordable. In relation to this,



Indonesia adopted Government Regulation No. 61/2014 on Reproductive Health, aimed to ensure the provision of quality and responsible reproductive health services to all person.

159. Protection of reproductive health rights of women with disabilities is ensured under the Law No.8/2016 on Persons with Disabilities. Article 5 paragraph 2 of the law, further ensure the freedom for women with disabilities to personally decide on the use of contraception, as well as to ensure protection of women with disabilities against discrimination and violence, including physical and sexual violence.

## **Article 26**

### **Habilitation and rehabilitation**

160. Indonesia guarantees access for rehabilitation and habilitation for all persons with disabilities both in learning and developing new skills and abilities as well as in regaining the lost skills and disabilities, to empowered them to actively participate in social life.

161. In 2005, Indonesia establishes the National Coordinating Team for disability, in the Ministry of Social affairs appointed as focal point coordinating with other Ministry/Agency, in providing rehabilitation and social services for persons with disabilities. The coordinating team is working among other to establish administration procedure for persons with disabilities to apply and become part of rehabilitation program. This procedure includes process from initial assessment to provision of advance rehabilitation with involving experts. Through this procedure, government may monitor the condition of persons with disabilities, and provide further interventions or treatment if necessary. Under this arrangement, since 2005, up to 22.500 persons with severe disabilities have been receiving rehabilitation program.

162. The government also launched the Community-Based Rehabilitation (RBM) Program, aimed to mobilize assistance and support for persons with disabilities through society and their families as the support system in the community. The RBM Program is carried out by a team which consists of various related stakeholders such as community leaders, families and persons with disabilities groups. Its main activity is performing early detection on disability condition and referencing to potential resources according to the needs of persons with disabilities. This program has been carried out in 29 Provinces.

163. Government also distributes fund for rehabilitation centers to support the basic needs of the patients. There are approximately 379 community rehabilitation centers in 31 provinces and around 14.000 patients of the rehabilitation centers received the fund.

164. At the national level, Ministry of Social Affairs also administered Institution based social rehabilitation namely 2 Center Unit (Balai Besar) and 21 Technical Unit that provide rehabilitation and services for persons with vision, hearing, speaking, and physical impairment; as well as persons recovered from chronic diseases and mental health condition. In addition, there are 22 centers/agencies administered by local government and 321 social institutions ran by the communities.

165. Through Mobile Social Service Unit, government is working to reach out and deliver rehabilitation services and social welfare assistance for persons with disabilities in rural and remote areas in a timely manner. At present, the mobile service has been operated in 33 of 34 provinces in Indonesia.

166. There are also Vocational Training Facilities Program that aimed to assist persons with disability to access social services and rehabilitation in regards to develop their skills and expertise through vocational training. The main benefit of this program is enabling persons with minor disabilities to find employment suited to their skills, interest and abilities as a part of their rehabilitation.

## **Article 27**

### **Work and employment**

167. On work and employment, the Constitution stipulated that everyone is entitled to equal opportunity to work and adequate living, including persons with disabilities. Law No. 8/2016 on Persons with Disabilities, Article 11, further obligates companies to give equal treatment towards disabled people. Other national laws and regulations relevant on the promotion of the rights of persons with disabilities to work and employment namely:

- Law No. 13/2003 on Labor stipulated that the employer shall make no distinction on access to work and labor rights based on disabilities. The law stipulated 2 percent minimum quota for employment of persons with disability in public sectors, including state-owned companies;
- Government Regulation No. 43/1998 on the Improvement of Welfare of Persons with Disabilities regulates that private companies should employ a minimum of one disabled person for every 100 workers. In 2013, National Board of the Employers' Association of Indonesia (APINDO) signed an agreement with the Ministry of Social Affairs and Ministry of Manpower and Transmigration to further increase private sector's role in facilitating the deployment of their worker with disabilities;
- Law No. 8/1974 on Fundamentals of Employee Affairs mentioned that everyone has equal opportunity to register as a civil servant based upon availability of position and fulfillment of required competencies of the said position. In line with this principle, the Ministry of Empowerment of State Apparatus and Bureaucratic Reform in 2014 opened 300 civil servant positions for persons with disabilities;
- Although Law No. 21/2000 on Labor Union did not mentioned distinctive provisions for persons with disability, but this law guarantees the rights to form a labor union without any distinction. Nevertheless, there has yet to be a labor union specifically established by and for worker or employee with disabilities;
- Ministry of Manpower and Transmigration issued a regulation on Job Training and Placement, stipulating that workers with disabilities have equal opportunity to participate in both public and private organized as well as job training.

168. Under these set of laws and regulations, gradually, more persons with disabilities are successfully passed the recruitment process as the civil servants in government institutions and agencies. In 2015, the civil servant recruitment process, has recruited around 31 persons with disabilities to be employed by 10 Ministries/Agencies namely Ministry of Social Affairs (19 persons), Coordinating Ministry for Human Development and Culture (1 person), Ministry of Law and Human Rights (2 persons), Ministry of Finance (1 person), Ministry of Energy and Mineral Resources (1 person), Ministry of Education and Culture (2 persons), Ministry of Communication and Information (1 person), Ministry of Home Affairs (2 persons) and Agency for Meteorology, Climatology and Geophysics (1 person).

169. In line with national labor law and other relevant international instrument on labor, Indonesian government is committed to establish a decent working condition for all workers. Private sector employers are also regulated by these laws and obliged to include provision of decent working condition, including for its workers with disabilities within the company regulations and Mutual Work Agreement.

170. The Ministry of Manpowers also established complaint mechanism in which all workers, including those with disabilities, can report cases of disputes in workplace such as discrimination based on disabilities, to seek remedies and mediation.

171. Ministry of Social Affairs also signed MoUs with several companies to conduct training, internship, and employment opportunities for persons with disabilities. One example is the annual vocational training for 100 students with disabilities at Rehabilitation Center called Balai Besar Rehabilitasi Vokasional Bina Daksa (BBRVBD) in Cibinong, West Java.

172. The government also promotes disabilities issue among private sectors through awards and incentive. For example, during the celebration of International Day of Persons

with Disabilities, Government awarding companies such as PT Omron Faktoring, PT Redi Print, PT Indonogotimi, PT Rajawali Mulia Perkasa, PT Sonof Pasifik, PT Wijaya Karya to recognize their efforts to increase employment opportunities by employing more than 800 workers with disabilities that year.

173. The Local Office of Employment and Transmigration in South Jakarta has launched recruitment for persons with disabilities. Since 2015, this program has facilitated more than 1200 persons with disabilities to find job at various field such as retail, bank, TV station to be positioned as administrator, marketing, call center, graphic designer, editor, and other relevant positions. The candidates also equipped with skills prior to the recruitment.

174. In addition, since 2008 to 2016, there are 178 multi-sectors companies across Indonesia hired persons with disabilities as their employee up to 1.749 to be deployed and in various positions. To further boost this number, Local Government in Bandung and Yogyakarta in cooperation of NGOs has establish a website that provides information of job offers for persons with disabilities ([www.kerjabilitas.com](http://www.kerjabilitas.com)).

175. Government also continues to develop a data on skill and competencies of persons with disabilities to explore their potential in labor market. For example, Law No. 6/2014 on Village mandate local government to create Village Information System (SID), which among other, collect data of all persons of productive age, including persons with disabilities. Creation of database becomes one of the indicators required to be acknowledge as an “Inclusive Village”.

176. Indonesian government has gradually adopted practical policies to fulfill the rights and achieve de jure equality of persons with disabilities in various sectors such as employment, education, and accessibility. For example, under the regulation, the Government opened civil servant recruitment for disabled persons and reserved certain quota for their employment. Nevertheless, the number of persons with disabilities that meet the requirement standard are still under the reserved quota, and mostly consist of persons with physical and sensory impairment than any other type of disability. To address this, the Government will continue to promote recruitment and career of persons with disabilities in government institutions. The efforts including the provision of accessible infrastructure in working place, as well as improve recruitment system to be more inclusive, reserved a number of positions for persons with disabilities in government institution.

## **Article 28**

### **Adequate standard of living and social protection**

177. In 2011, the government announced the establishment of affordable housing program for the next 5–10 year. Persons with disabilities are among the priority group within this scheme in accordance with Law No. 11/2009 on Social Welfare.

178. Government noted that around 3,8 million of 8 million Indonesian indicated as persons facing social welfare challenge, are persons with disabilities. In this light, the Government initiated several programs specifically targeted to persons with disabilities who are also facing social welfare challenge. For example, the National Program for Community Empowerment (Program Nasional Pemberdayaan Mandiri PNPM Peduli), Children Social Welfare Program (Program Kesejahteraan Sosial Anak/PKSA).

179. Starting from 2015, Government also provides financial aid for persons with disabilities through special measures such as Social Assistance for Persons with Severe Disabilities Card, Indonesia Health Card and Indonesia Smart Card. The program provides around 22.500 persons with disabilities a monthly financial aid. Persons with disabilities can enter this long term program by registering and fulfilling necessary requirement at Social Affairs Local Office.

180. Indonesian Government has been providing assistance fund to 351 Social Welfare Institutions, as well as provide financial assistance to persons with disabilities under Healthcare and Social Security Scheme (Badan Penyelenggara Jaminan Sosial/BPJS) premium payment, and Family Welfare Card (Kartu Keluarga Sejahtera). Furthermore, the

Government also improved the program by initiating a new component under existing conditional cash transfer program to allow funding for family with disabled persons.

181. Local governments also provide assistance through local government's health care insurance (Jaminan Kesehatan Daerah/JKD) for persons with disabilities.

182. One of the main challenges in this sector is that most social assistance programs still take a charity-base approach. Furthermore, its delivery is prone to mismanagement at the local level. Moving forward, the government needs to improve the format and approach of these programs. Emphasis must be put on the empowerment of the beneficiaries and their family, as well as increasing efficiency in delivery, to ensure that the social assistance reached the rightful beneficiaries.

## **Article 29**

### **Participation in political and public life**

183. The government guarantees persons with disabilities' rights to participate in all aspect of life, including in political and public life through decision making process. Article 5 and Article 13 of Law No.8/2016 clearly stipulated that persons with disabilities have right to vote and run for the office without any discrimination.

184. The participation of persons with disabilities in the election, including their right to vote, is also recognized in Law No. 8/2012 on Parliamentary Election and Law No. 39/1999 on Human Rights. Under these laws, government is obliged to facilitate the persons with disabilities in exercising their right to vote. Although Article 12 (h) of Law No.8/2012 include the status of physical and mental health as one of the requirement for a candidate to run for an office or position, but the elucidation of the law stated that physical disability is not considered as a health problem.

185. This rights is further guaranteed under Article 12 of Head of National Commission on Election Regulation No. 10/2016, affirming that the physical and mental condition do not prohibited the full participation persons with disabilities in election.

186. In order to increase the participation of person with disabilities in the election, National Commission for General Election in cooperation with Center for Electoral Access for Persons with Disabilities (PPUA Penca) actively conducts awareness raising campaign and provide supports to expand access for persons with disabilities in the election. Both National Commission for general Election and PPUA Penca distributed publication material and conduct campaign before and during general election, presidential election and local election.

187. During election day, National Commission for General Election has established accessible facilities in polling stations, braille printed ballot for persons with visual disability and, if necessary, personal assistant to help persons with disabilities in polling stations. In 2014 Legislative election, all Regional Representative Council ballot has been printed in Braille. These standard of practices will continue be improved with input from DPOs in future local and general election.

188. Government also guarantees the privacy of voters with disabilities, particularly persons with visual disability to be free from interferences during voting process. The provision of assistant did not violate voter's privacy, because the ballot paper has been printed on braille and does not contain any visible images, symbols, photos. This measure will minimize possibility of any person to control or direct disability voters to vote certain candidate and/or political party.

189. While progress has been made, Indonesia still need to overcome some challenges. One of them is to maintain consistent level of voting accessibility across numerous polling stations across Indonesia. For example, a survey conducted by AGENDA in 2014 showed that only 60 percent of election officers in polling stations understand and implement the principles of accessible election for disabled voters. Across 470 polling stations in 5 provinces that were used as a sample in the survey, only 74 were considered to meet the international standards for voting accessibility. Such challenges are indeed a part of the

general physical and geographical barrier experienced by Indonesia as an archipelagic country.

190. Another challenge relevant to voting accessibility is to improve the turnout level of eligible voters with disabilities. In most cases, persons with disabilities did not exercise their rights to vote due to lacks of accessibility in voting process, among other administrative problems, limited access to information on the election, the political party platform and candidates. Moving forward, the government need to improve accessibility in voting process including by learning from some of the good practices in election from around the world, for example, early voting mechanism, voting by mail, or mobile voting services and other alternatives as long as they are in line with principle of a democratic election which are direct, public, free, secret, honest and fair.

191. Another challenge is to increase the electability of candidate with disabilities among political party and voters in Indonesia. On the 2014 general election, there were a few numbers of disabled legislative candidates from several Provinces such as West Java, Maluku and Papua, however they were not able to secured necessary vote to win a seat. The effort by DPOs to mainstream disability issue into the political party agenda will hopefully enhance and encourage political party to support candidates with disabilities to be a parliamentarian or other policy maker. Government needs to provide training on political and leadership to build the capacity and electability of disabled candidates in order to attract voters.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

192. Indonesia supports the participation of persons with disabilities in cultural and sporting activities, both at the local and international level. Disabled persons organizations and private companies also lend their support by sponsoring and taking part in such activities.

193. For instance, the Indonesian Ministry of Youth and Sports regularly send Indonesian athletes with disabilities to international Paralympic tournaments; such as the 2016 Summer Paralympics in Rio de Janeiro, the International Paralympic Championship Athletic World Championship 2015 in Doha, World Special Olympic Summer Game 2015 in Los Angeles, and ASEAN Para Games 2015 in Singapore. In 2011, Indonesia's city of Solo became the host of the ASEAN Para Games.

194. At the local level, national Paralympic competitions are held annually for professional athletes as well as student athletes. The government also provides training, financial and logistic support for paralympic athletes for their participation in international tournaments. Meanwhile, for the general public, government held accessible sport events such as disability march or fun walk.

195. Government is increasingly recognizing the achievements of athletes with disabilities in international sports events in equal terms as regular athletes. For example, the local government in Bandung City provides the same amount of financial bonus for both disabled and regular athletes who won medals in international sports event.

196. With regards to cultural activities, the government holds events that are dedicated for talented disabled artists, as well as making general cultural events more accessible to all. For example, to celebrate the International Day of Person with Disabilities, in 2011, around 100 disabilities of any kind performed a musical show "Sang Muriang" in Jakarta. The performance was supported by the Ministry of Social Affairs, the Association of Indonesian Disabled Persons (Persatuan Penyandang Disabilitas Indonesia), DPOs, and private companies. Meanwhile, local governments made their respective region's art and culture festivals accessible for persons with disabilities, either as performers/contributors to the event, or as participants.

197. The way forward would be to increase access of regular sporting and cultural activities for every individual with disabilities, beyond those who have had the chance to participate in international and national sporting/cultural activities. This requires local

government's initiatives and central government's support to allocate resources and develop adequate facilities for such purposes (e.g. by renovating/building local sport and cultural facilities that are accessible to disabilities, developing sports/arts curriculum for students with disabilities, etc). DPOs can also play a pro-active role in this effort, such as by raising the attention of government officials on the urgency for developing such policy.

## **IV. Situation of disabled boys, girls, women**

### **Article 6**

#### **Women with disabilities**

198. According National Intercensal Population Survey (SUPAS) 2015, there are 11.387.730 women with disabilities in Indonesia, which also covers number of women with cognitive and movement impairment.

199. Indonesia stresses the important on the promotion of gender equality and women empowerment align with national legal frameworks as well as internationally agreed document among others Beijing Platform for Action and Convention on the Elimination on Discriminations against Women. Indonesia's commitment to gender equality and women empowerment are continued to be mainstream into national development frameworks and translate into various programs and priorities that target women and girls in various situations and settings.

200. On the protection of women with disabilities, Law No.8/2016 on Persons with Disabilities recognize that women with disabilities are vulnerable to multi-layered discriminations and require continuous effort in addressing this issue. Related to this, the issuance of Law No.23/2004 on Elimination of Domestic Violence may provide an umbrella of legal protection for women with and girls with disabilities facing various forms of violence, abuse and neglect in domestic or private setting.

201. Other regulations related to the protection women with disabilities namely Ministry of Women Empowerment and Child Protection Regulation No. 23/2010 on Establishment of Consultation Center for Women with Disabilities, and Ministry of Women Empowerment and Child Protection Regulation No. 7/2012 on the Standard of Procedure for Center for Consultation and information for Women with Disabilities.

202. In addition, the government implemented several measures and programs such as mobile services for protection of women and children and the establishment of information center and counselling for women with disabilities. On the treatment of women victim of violence, 424 Integrated Service Center for Women Empowerment and Child Protection (P2TP2A) and 527 Women and Child Unit in Police Station has been established across Indonesia.

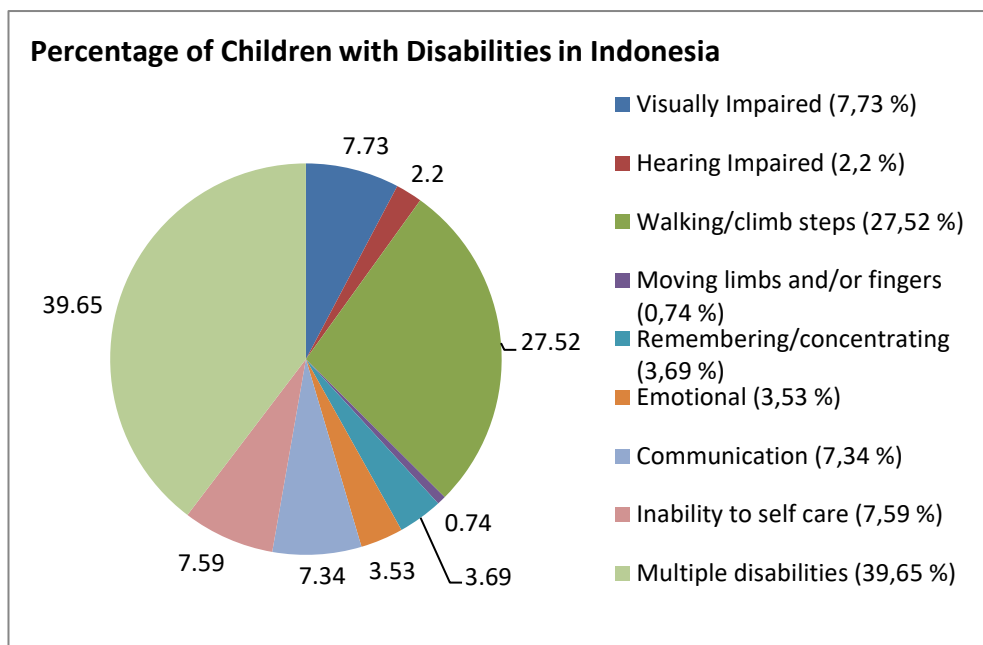
203. On the provision of data, the current data on violence against women comes from various sources, for example Ministry of Women Empowerment and Child Protection, Ministry of Health, Ministry of Social Affairs, National Survey Board and Integrated Services Center for Women and Children, National Commission on the Elimination of Violence against Women as well as various NGOs. Since there are no single integrated data on violence against women, including those of women disabilities, this year the government launched a nation-wide survey to collect more comprehensive data and information on violence against women, including their root causes.

204. Lacks of national legal instrument or policy that specifically address women with disabilities that vulnerable to multi-layered discrimination, present a great challenge to government, particularly at local level. Government also needs to improve protection services in order to enhance their capacity in responding to cases of violence against women and girls with disabilities.

## Article 7

### Children with disabilities

205. The estimated number of children with disabilities from 2–17 years old in Indonesia based on National Intercensal Population Survey (SUPAS) 2015, are 1.904.298 or 2,52% from total population aged 2–17 years, which consists of 998.962 (2,58%) boys, and 905.336 (2,46%) girls.



206. For comparison, according to “Profile of Indonesian Children”, based National Socio-Economic Survey 2012, it is estimated that there are around 532,130 children with disability or around 0.63% of all Indonesian children, with boys 285,330 (0,66%) and girls 246,810 (0,60 %). Based on domicile, the numbers of children with disabilities in rural areas are around 0.64%, higher than the numbers of children with disabilities living in urban area with only 0.61%.

207. Indonesia has enacted several laws and regulations in order to promote and protect children that directly relevant to the situation of children with disabilities such as Law No 23/2002 on Child Protection, Law No.35/2014 on the Revision of Law No.23/2002 on Child Protection, Government Regulation No.1/2016 in lieu of Law No. 35/2014 on Child Protection, Minister of Education Regulation No.70/2009 on Inclusive Education for Children with Special Needs, Ministerial Decree No.10/2011 on Policy for Children with Special Needs, Regulation of Governor of East Kalimantan No. 463/2012 dated 27 July 2012 on the establishment of a Forum for Caring Children with Special Needs.

208. To accelerate ownership of birth certificate, including for children with disabilities, measure has been taken to address the issue, for example the enactment of Presidential Regulation No. 25/2008 on the Procedure and Requirement on Civil Registration which stipulated that all children, with or without any parents, should be registered to the Office of Civil Administration.

209. According to data in 2010, participation of children with disabilities in elementary school is only 30%. To encourage and increase the school participation of children with disabilities at all level of education, government has enacted several strategies and program such as increase the number of inclusive school from elementary to high school, various scholarships for students with disabilities, Operational School Aid and Family Hope Program for poor students, including students with disabilities.

210. In order to provide a forum to exchange ideas as well as increase active participation of children in communities, National Children Forum (FAN) is established by the government to facilitate interaction between central and regional government with children

all over Indonesia. The National Child Forum also includes representatives of children with disabilities and children with special needs. In many Provinces, forum for children is frequently included as an active participant in the discussion to formulate Local Development Planning.

211. According data from PMSK 2011, disabilities in Indonesia are occurring from birth (70.22%); due to sickness (15.63%); and result of accidents (10.89%). The data also noted that disabilities that are occurring from birth comprised almost all type of disability. In responding to this issue, government through doctors and health workers in Local health center conduct early detection during pregnancy and infancy medical checkup. For example, by medical assistance to prevent congenital abnormalities such as Neural tube defect, Thalassemia, Congenital Rubella Syndrome, Syphilis Congenital, Club Foot and Hypothyroid Congenital. This program has been developed in 14 provinces only and will further be implemented in all province. Government will continue to promote measures to avoid preventable disabilities during pregnancy.

212. In addition, the government provides, whenever possible, early rehabilitative care for infants and children with disabilities. As part of early intervention, the Ministry of Health has conducted Congenital Hypothyroid Screening Program, Stimulation, Early detection and Intervention of Child Development (SDIDTK) to detect and intervene developmental problems in children as early as possible.

213. School Health Unit and Community Health Center can also provide childcare service, in particular children with disability, within the school and family. Ministry of Health also distributes Vitamin A and Sodium for mothers. This effort has resulted in decreasing number of cases of the lack of sodium among mothers from 19% in 2007 to 15 % in 2009.

214. The government has also continuously conduct disability awareness program through Community-Based Rehabilitation program (RBM) in 16 provinces in Indonesia. In relation to this, Ministry of Health published General Guidelines for the protection of Children with Special Needs in 2010.

215. Indonesia is also of the view that parents play extremely crucial roles in ensuring the wellbeing of the children, including those with disabilities. The program also focuses on the information and community education, as well as the strengthening of family resilience in ensuring the children's welfare. In line to this, 167 Communication Forums for parents with disabled children have also been established in 28 provinces as a way of raising awareness and building a new paradigm toward the promotion and protection of the rights of persons with disabilities, especially for children. There are also thematic disability forums for parents of children with specific disability, such as PORTAS (Children with Down Syndrome), Portunda (Children with Physical Disability), and Communication Forum for Family of Children with Disabilities (FKKAK).

216. With regards to the right of identity, all children in Indonesia including children with disabilities are entitled to receive a Children Identity Card.

217. One of the challenges in protecting the rights of children with disabilities is to ensure that the community treats them with respect and dignity, especially in school environment. It is also important to provide children with disabilities the opportunity to grow and develop in parallel with children without disabilities

## **V. Specific obligations**

### **Article 31**

#### **Statistics and data collection**

218. Indonesia is of the view that provision of a comprehensive data on persons with disabilities is critical in ensuring the formulation of evidence-based policies and programs that are inclusive and sensitive to the needs of persons with disabilities at national and local level. Chapter 7 of Law No.8/2016 on Persons with Disabilities mandated government, at



national and local level, to collect data and statistics on persons with disabilities, including data based on their disabilities. These data and statistics will further used to identify obstacles and challenges faced by persons with disabilities. Government also mandated to periodically verified and validated at least once every two years.

219. At present, government Ministries/Agencies are using variety of sectoral data and statistics collected to formulate and implement specific policies and programs related to their respective duties and responsibilities. Some of the sectoral data namely:

- Ministry of Social Affairs through Center for Data and Information (PUSDATIN) collected data of the number of persons with disabilities, in relation to delivery of various social assistance programs. According this data, there are up to 11.580.117 persons with disabilities in Indonesia in 2010;
- Ministry of Manpower and Transmigration collected data in 2010, the number of persons with disabilities in productive age. According to this data, there are around 7.126.409 persons with disabilities of different level capacity to contribute on the workforce;
- International Labour Organization (ILO) indicates that 10 percent of the Indonesian population or 24 million people live with disabilities in Indonesia in 2010;
- National Socio-Economic Survey (SUSENAS) in 2012 estimated 6.008.661 persons with disabilities in Indonesia based on its social and economic status;
- National Intercensal Population Survey (SUPAS) 2015 indicated that total of persons with disabilities in Indonesia are up to 21.107.575. This number covers not only persons with disabilities, but also persons with cognitive, physical, movement impairment, as well as psychiatric and memory problem.

220. The differences of the statistic and data of persons with disabilities in Indonesia reflected some challenges in data collection and analysis. Different definitions on “disability” as well as different data collection methodology and procedure used by respective Ministry/Agency have produced varied results. In addition, Indonesia’s archipelagic structure also presents another challenge for data collection in remote and outermost areas.

221. Government continues its efforts to address such challenges, for example, the establishment of Local Office of National Statistic Agency in Provincial and City/Regency level, to reach out the forefront, outermost and remote areas across Indonesia. In matter related to disability survey, National Statistic Agency is planning to allocate IDR 300 billion to support future disability data collection, including by conducting training for data collectors as well as to develop disability questionnaires. This questionnaire will be related to government effort to provide enabling environment for persons with disabilities and will include questions related to type and cause of their disability, type of assistive device used by the respondent, accessibility to public facilities, as well as relevant status such as education and employment.

222. Government also made the data and statistic available for public by posting such data and statistic on Ministry/Agency website, for example, National Statistic Agency website, as means of accountability as well as dissemination and awareness raising campaign. In the future, government also needs to made these data and statistic available through accessible media for persons with disabilities.

## **Article 32**

### **International cooperation**

223. The Government of Indonesia established cooperation on disability issues at the bilateral, regional and multilateral level.

224. The Government has worked with several bilateral partner countries to provide capacity building for the Disability Vocational Training Center (Balai Besar Rehabilitasi Vokasional Bina Daksa/BBRBVD) in Cibinong, West Java, to improve their ability in

delivering vocational trainings for persons with disabilities. Most graduates from BBRVBD have worked in various companies in Jakarta, Banten and West Java. Furthermore, capacity building cooperation has also been held with partners from international organizations, development agencies, and NGOs such as ILO, UNESCAP, UNICEF, JICA, Handicap of International, and Japan Society.

225. In Southeast Asia, the cooperation takes place under the framework of ASEAN. ASEAN have successfully adopted the Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community during the 2011 ASEAN Summit in Bali, Indonesia. The Summit also decided that the 2011–2020 periods are designated as the ASEAN Decade of Persons with Disabilities. Furthermore, Indonesia has initiated the formation of ASEAN General Election Network for Disability Access.

226. In Asia and the Pacific, Indonesia is involved in UN-ESCAP initiatives and activities on disability issues. For example, Indonesia actively participated in the 2012 High-Level Intergovernmental Meeting on the Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons 2003–2012 in Incheon, South Korea. Recently, an ESCAP disability working group was established for the 2013–2017 period, in which Indonesia is a member. In relation to this, Indonesia will host the Third Asia-Pacific Meeting on Disabilities in 2022.

227. At the international level, Indonesia regularly takes part in the annual CRPD Conference of State Parties. Indonesia also continues to support the mainstreaming of disability issues in various multilateral cooperation frameworks, including during the negotiation and future implementation of the Sustainable Development Goals.

### **Article 33**

#### **National implementation and monitoring**

228. Indonesia underlined the importance of monitoring and evaluation of the implementation of policies and program relevant to persons with disabilities to be in line with CRPD and Law No.8/2016 as well as other legal framework and implementation mechanism. Article 42 (4) Law No.8/2016 mandated local government to establish Disability Services Unit, which tasked, among other, to monitor and evaluate policies and programs relevant to the provision of reasonable accommodation.

229. Noting the cross-sectoral nature of the issues, Government has appointed Ministry of Social Affairs as focal point Ministry on disability issues at the national level. However, technical ministries are also responsible for implementation of specific policies and programs relevant to their respective function and responsibilities related to persons with disabilities.

230. National Action Plan on Human Rights (RANHAM) 2015–2019 also provides its own monitoring and implementation mechanism that conducted every three months, and present assessment to relevant Ministries/Agencies responsible on protection, promotion and fulfillment of human rights, including rights of persons with disabilities. The report will be submitted to the President as part of respective Ministries/Agencies achievement, accountability and assessment of forthcoming challenges.

231. Law No. 8/2016 also earmarked the establishment of National Commission of Persons with Disabilities as one of Indonesia's NHRIs, which will be regulated through follow up regulation.

232. While the establishment of National Commission on Persons with Disabilities are under deliberation, the other existing NHRIs namely National Commission of Human Rights (Komnas HAM), National Commission on the Elimination of Violence against Women (Komnas Perempuan), National Commission on Child Protection (KPAI), and relevant agencies such as Witness and Victim Protection Agency (LPSK), and Ombudsman RI has created a network of national complaint mechanism procedure that are also available for handling complaints related to disability issues.

233. Relevant Ministry also received individual complaint, such as Ministry of: Law and Human Rights through Directorate of Public Communication Services (Yankomas), and also develop Public Communication Services on violation of Human Rights Information System/SIMAS HAM accessible through websites ([simasham.kemenkumham.go.id](http://simasham.kemenkumham.go.id)).

234. On the formulation of the report, government continuously conduct consultations with DPOs to gather data, information and challenges remains for the government relevant to the protection and promotion of rights of persons with disabilities. A National consultation has also been conducted to disseminate the report to public through member of House of Representatives, NGOs, particularly DPOs, and academics.

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