

ALTERNATIVE REPORT
SITUATION OF IMPLEMENTATION AND FULFILLMENT OF THE RIGHTS OF
PERSONS WITH DISABILITIES IN INDONESIA

RESPONSE TO THE IMPLEMENTATION OF THE UPR RECOMMENDATIONS OF
2017 IN INDONESIA

I. Assurance of regulations related to the rights of persons with disabilities, including derivative policies, the follow-ups of the CRPD

Recommendations of the 2017 UPR

1. Continue to promote and protect the rights of women, children, persons with disabilities, and older people in the program (Djiboti);
2. Continue the national efforts to improve the legal and organizational framework, implement policies and programs that focus on and promote the rights of women, children, persons with disabilities, and older people (Egypt);
3. Take necessary steps to implement the Convention on Persons with Disabilities (Vietnam);

A. The Development of Laws, Regulations, and Policies on the Rights of Persons with Disabilities

1. Between 2017 and 2021, the government had made several legal and policy products in Indonesia, including:
 - b. The Government Regulation (PP) No. 39 of 2020 is concerning Adequate Accommodations for Persons with Disabilities in the Judicial Process. The regulation has been re-enacted in several derivative internal regulations of the Supreme Court, including:
 - 1) The General Director of the General Court's decree No. 1922/DJU/SK/PS.00/12/2020 December 22, 2020, concerning Guidelines for the Implementation of Services for Persons with Disabilities in High Courts and District Courts.
 - c. The Government Regulation (PP) Number 13 of 2020 is concerning Adequate Accommodations for Students with Disabilities.
 - d. The Government Regulation No. 60 of 2020 is concerning the Disability Service Unit in the Employment Sector.
 - e. The Government Regulation No. 70 of 2019 is concerning Planning, Implementation, and Evaluation of the respect, protection, and fulfillment of the Rights of Persons with Disabilities. The regulation has been re-enacted through the derivative regulation of the Minister of National Development Planning/BAPPENAS Number 3 of 2021 concerning the Implementation of the Government Regulation Number 70 of 2019 regarding Planning,

Implementation, and Evaluation of the Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities.

- f. The Government Regulation No. 75 of 2020 is concerning the Habilitation and Rehabilitation Services for Persons with Disabilities. In the discussion process, DPOs were involved in the public trial process. The government accepted input from civil society, but habilitation and rehabilitation still refers to the previous regulations, which are biased because the care of persons with disabilities is referred to social care institutions. Therefore, this government regulation is not fully following the CRPD and Law no. 8/2016.
- g. The Government Regulation Number 42 of 2020 is concerning accessibilities to Housing, Public Services, and Protection from Disasters for Persons with Disabilities.
- h. The Presidential Regulation No. 68 of 2020 is regarding the National Commission for Disabilities. This regulation was the basis for the National Commission for Disabilities formation. The commission had been proposed to operate independently, but the Presidential Regulation placed the commission under the Ministry of Social Affairs. Being positioned under the MoSA makes the commission dependent because the ministry manages or supports the commission in terms of budget. The situation received criticisms from organizations of persons with disabilities.
- i. The Presidential Regulation No. 53 of 2021 is regarding the National Action Plan for Human Rights that makes groups of persons with disabilities one of the target groups for the Action. Accordingly, the Ministry of Law and Human Rights, Ministry of National Development Planning (BAPPENAS), and other ministries, members of the National Committee for RANHAM exercised the participation and involvement process in its preparation. However, the regulation's implementation, monitoring, and evaluation need to further involve persons with disabilities organizations, especially at the impact level of the implemented actions.
- j. The Presidential Regulation 59/2017 is regarding SDGs implementation. The regulation covers disability and includes DPOs and the VNR reporting process. However, a more constructive collaboration is needed within the practical framework of implementation to ensure that persons with disabilities benefit from development, especially in the absence of comprehensively disaggregated data regarding the indicator targets set by Indonesia.
- k. The Minister of Law and Human Rights Regulation No. 22 of 2021 is regarding the Assessment of Criteria of Districts/Cities that respect Human Rights. It includes indicators related to persons with disabilities. However, the implementation effort of the regulation still needs to be maximized and should include the organizations of persons with disabilities to participate in the assessment.
- l. The Minister of Village, Development of Disadvantage Regions Regulation No. 16/2018 is concerning the Priority for the Use of Village Funds. The regulation already has several articles mentioning persons with disabilities. The explanation states that the priority is the development of inclusive villages.

Stagnant Legislation

- 2. Several regulations and policies have not been refined and continued by the government until today. As a result, the situation causes a legal vacuum, and the rights of persons with disabilities are not protected.
- 3. The regulations, among others are:

- a. Drafting of the Bill on the Elimination of Sexual Violence. There is no progress in the House of Representatives. Article 104 regarding contraception for persons with mental disabilities is to be removed. Furthermore, it does not regulate the prohibition of forced sterilization for persons with mental disabilities.
- b. The Government Regulation on Financial Concession draft has not been ratified until 2021 due to the Ministry of Finance's refusal to follow up on the mandate of Law no. 8 of 2016. Ministry of Finance considered that the regulation was not under their authority. The Ministry of Social Affairs and the Ministry of Finance have been still discussing the draft. However, the discussion has not shown significant progress to proceed with the ratification.
- c. **The DIY Regional Regulation** regarding persons with disabilities was in the House of Representatives and not ratified until the end of 2021. There are still aspects that do not follow the CRPD principles; for example, the Raperda (Regional Regulations Planning) does not include the APBD (Regional Revenues and Expenditures Budget) allocation for legal assistance dedicated to persons with disabilities. DPOs participated in the process. However, the participation has not significantly changed the regional regulations planning (Raperda), especially the regulations of legal aids and specific health services. The regulations regarding legal aids and specific health services are already in the current regional regulation (Perda) but would be integrated with national policies. The social security in the current regulation has worked effectively and has been the solution for persons with disabilities who need health services.¹
- d. In West Sumatra, DPOs already gave input to revise the existing Perda (the regional regulation), but the local government or the House of Representatives did not make any revisions yet. Special protection for women with disabilities is still absent from the current regulation. The protection is one of the gaps in the regulation.

Discriminative Policies

4. Several policies are still discriminatory against persons with disabilities in Indonesia, both at the national and regional levels. The following regulations show the discrimination:
 - a. Law 11/2009 regarding Social Welfare is discriminatory and has not been revised. This law still uses the criteria of being poor instead of being disabled to be entitled to assistance. In this case, a family with a child with a disability does not get services, even though families with members with disabilities have extra costs. For example, wheelchairs for CP children are not cheap.
 - b. Law no. 1 of 1974 is concerning marriage and related to the reason for divorce because the partner becomes disabled. Until 2021, the government or the House of Representatives did not revise or improve the law.
 - c. The Regulation of the Chief of Police of the Republic of Indonesia is regarding driving permits. The regulation includes psychological tests in obtaining the permit. The test

¹ Due to no progress made by the government, the local House of Representatives took over the discussion process. It issued a decree DIY DPRD Decree number 83/2018 regarding an organizational structure of leaders and committee members. The committee was assigned to implement regional regulation number 4/2012 regarding the protection and fulfillment of the rights of persons with disabilities in the material program number 40/2018.

prevents persons with psychosocial disabilities from getting the permit. Therefore, it does not accommodate the situation of persons with psychosocial disabilities.

- d. The Presidential Regulation No. 82 of 2018 concerning JKN (National Health Services) discriminates against Persons with Psychosocial Disabilities. Article 52 letters i and j exclude health services/diseases due to drug and or alcohol dependence and disorders due to intentionally self-harm or self-harming hobbies.
- e. Cards for persons with disabilities. The Minister of Social Affairs' Regulation (Permensos) number 21 of 2017 was eventually replaced by the Ministry of Social Affairs' Regulation (Permensos) number 2 of 2021. The first regulation was revoked and declared invalid upon criticism regarding its ineffective implementation.² The regulation (Permensos) of 2021 provided better access by online registration, as emphasized by Article 7 paragraph (1) on the Ministry of Social Affairs' official website. In addition, the new regulation categorizes disability types more generally than the previous regulation. The previous regulation specified the disability types in detail and failed to accommodate all disability types. It will make it more difficult, though, to identify and provide special services for various disabilities. In addition, the followings are other notes related to the regulation (Permensos):
 - 1) The latest regulation of the Minister of Social Affairs provides limitations on subjects who are entitled to obtain cards for people with disabilities. Moreover, the integrated data concerning social welfare currently only shows around 1.2 million persons with disabilities throughout Indonesia, compared to the result of SUSENAS (National Socio-economy Survey), which mentioned that there were 24 million persons with disabilities.
 - 2) In practice, the KPD (cards for persons with disabilities) is not applicable yet in all provinces regardless of the presence of the regulation (Permensos). It is only applicable in DKI Jakarta province. Furthermore, it still referred to poverty for justification of the services. The government has not shifted to inclusive social protection for persons with disabilities. They have not considered the persons with disabilities' support needs and extra daily costs.
 - 3) NTT province has already provided ID cards for persons with disabilities for social assistance, cash support, assistive devices, and health services. In addition, there is also APBD (Regional revenue and expenditure budget) support to provide essential food items for residents of social care institutions every three months. However, the ease of accessing the ID cards has still been a constraint for persons with disabilities, while the card is the key for them to receive assistance. The problem is related to the government's data collection of persons with disabilities; the number is much less than the actual number.

Regional Regulation

5. There is some progress in drafting regional regulations, among others are:
 - a. The Regulation of Banda Aceh Mayor Number 1 of 2019 regarding fulfilling the rights of persons with disabilities to get decent work in Banda Aceh City.

² One of the differences lies in the clause of Article 2 of the Ministry of Social Affairs' Regulation number 20/2017 (Permensos 20/2017) "every person with a disability is entitled to get a KPD (Card for Persons with Disabilities)" changed to "Persons with Disabilities who are already listed in the national data of Persons with Disabilities are entitled to a KPD".

- b. The Qanun of the Regent of Aceh Besar Number 4 of 2021 concerning the Implementation and Protection of the Fulfillment of the Rights of Persons with Disabilities in Aceh Besar and the MoU of the Government of Aceh Besar and the NGO FBA on the Empowerment of Persons with Disabilities in Aceh Besar.
 - c. The Regional Regulation Number 5 of 2017 concerning Equality and Empowerment of Persons with Disabilities in East Flores and the East Flores District Head's Regulation Number 81, 82, 83 concerning the Implementation of Regional Regulation Number 5 of 2017. There was also an MoU regarding Inclusive Development in East Flores District by Accommodating the Needs of People with Disabilities (in 2018). Furthermore, a services unit related to employment for persons with disabilities was established in the East Timor district in 2019. In addition, in 2019, there were education sessions on the regional regulations and district regulations related to persons with disabilities for 19 chiefs of sub-district offices (Camat) and 252 villages in the East Flores district.
 - d. With the encouragement from BAPPENAS (Ministry of National Development Planning) to implement the government regulation PP no. 70 of 2019, several regions have been preparing Regional action plans related to persons with disabilities. The regions, among others, are Bulukumba and Bone districts. The provincial government of West Java, Aceh, and East Kalimantan also have made similar efforts.
6. Several regions already have Regional Regulations related to the protection and fulfillment of the rights of persons with disabilities. Although, these regulations can be divided into several conditions, namely:
- a. There are local regulations that do not follow Law no. 8 of 2016 and the CRPD Convention because they were established before 2016. Those regulations still have a charity perspective and are not rights-based, following the CRPD. The regulations, for example, were found in Yogyakarta. The four districts and the city have local regulations established before 2017. The revision was made only by the government and the House of Representatives at the provincial level to be in line with Law 8/2016. In Bali, the governor regulation Pergub No. 67 of 2017 as a derivative of the Bali Regional Regulation No. 9 2015 concerning Regional Committees for Persons with Disabilities has not been harmonized with the Law 8/2016. In West Sumatra, there has been a Regional Regulation since 2015, but it has not been revised to align with Law 8/2016.
 - b. The regional regulations have not been optimal and did not fully involve persons with disabilities in its processing discussion, for example, in West Nusa Tenggara. There is a regional regulation in East Manggarai, but it is not a derivative of Law no. 8/2016. In practice, the implementation has not been optimal, and DPOs have not participated. There is no regional regulation at the provincial level of NTT. Then, in DI Yogyakarta, there is the Decree of the Governor of DIY No. 124/Tim/2018 concerning the Establishment of a Coordination Team to achieve sustainable development goals in 2018 – 2022. The process was participatory, involving multi-stakeholders, but when the team was established, there was only one organization present, and it was not an organization of persons with disabilities. In Central Java: Gubernatorial Regulation 11/2017 regarding implementing the Regional Regulation 11/2014 on the protection and fulfillment of rights of persons with disabilities in Central Java. The DPO's participation was very minimum. DPOs were only involved in the final stages when discussing disaster risk reduction. The Central Java Regulation has not yet been implemented because the Regional Regulation will come into effect five years after its validation.

- c. Regional policies were made only based on specific aspects of the rights of persons with disabilities and did not cover all the components stated in Law 8/2016. For example, in DKI Jakarta. The DKI Governor Regulation No. 77/2018 related to odd-even (vehicle-plate-number coding restriction), persons with disabilities' vehicles were exempted from the rule. Then, the DKI Governor Regulation on the 2018 SDGs also included the participation and involvement of persons with disabilities organizations in it.
- d. In Klaten, Central Java, the local regulation Perda No. 4 of 2015 has been revised. It has been good in participation and in general. There are local regulations specifically regulating the village funds for persons with disabilities, including their involvement in Musrembang (participation) in Klaten, Sukoharjo, and Karang Anyar. Karang Anyar has allocated a budget of up to 50 million for each village, depending on the number of persons with disabilities and their participation.
- e. Arrangements related to the needs and rights of persons with disabilities were not comprehensive. For example, in Makassar, South Sulawesi, there is already a regional regulation dedicated to persons with disabilities at the City and Provincial level No. 6 of 2013 concerning the fulfillment of the rights of persons with disabilities. In addition, there is an article that regulates legal protection for women and children with disabilities. However, the legal aid organization (LBH) could not access the entire funds dedicated for legal assistance from the APBD (regional revenues and expenditures budget) because only 30 million per year was available, even though 3 billion was budgeted.

B. Improvement of Regulations and Policies

7. Some regulations have not been revised and refined to comply with the principles in Law 8/2016 and the CRPD. However, some policy improvements were made following the CRPD due to the involvement of DPOs. For example, the South Kalimantan Province revised Perda 17/2013 regarding the protection of persons with disabilities. The revision has been discussed by the Regional House of Representatives. DPOs have been fully involved and have provided many essential points.

8. In Central Java, the Regional Regulation Perda Kabupaten Sukoharjo No. 7 of 2009 regarding the inappropriate term in 'Empowerment of Handicapped People.' The regulation was changed into Perda no. 18 of 2007 regarding Persons with Disabilities. It was good in general and in terms of participation. Sukoharjo is currently preparing a District Regulation with DPOs' participation.

II. Implementation of Protection Policies and Regulations for Persons with Disabilities

Recommendations of UPR 2017

1. Accelerate the establishment of the Indonesian National Commission for Disabilities (KNDI) (Morocco #2);
2. Strengthen the measures to promote the rights of persons with disabilities in political life (South Africa);
3. Continue the implementation of the National Action Plan for Disabilities 2013-2022 by emphasizing the situation of children who face various forms of discrimination (Colombia);
4. Further guarantee the rights of persons with disabilities (China);

- | |
|---|
| 5. Continue the efforts to increase the representation and participation of persons with disabilities (Cuba); |
|---|

A. Programs and Implementation of Government Policies related to protection of persons with disabilities

9. The government made several programs to improve the protection and fulfillment of the rights of persons with disabilities in Indonesia. FOR EXAMPLE, in DI Yogyakarta, the government prepared RAD (Regional Action Plan) for SDGs, which included aspects of persons with disabilities. DIY also developed an SOP of protection for persons with disabilities who are conflicted with the law. In addition, an MoU between the Disability Committee of DIY and the Regional Police has been established. A technical guideline for assisting women with disabilities who are victims of violence has been established based on the MoU.³

10. Banjarmasin city, South Kalimantan, developed a Roadmap for an inclusive city based on a Mayor's Decree in 2018. In Central Java, as the implementation of Governor Regulation, a Disability Inclusion Service Unit was established for disaster management by the BPBD (regional disaster management agency) of Central Java. As of 2018, 7 districts/cities have formed service units.

11. Followings are several efforts and programs that have been carried out by regional governments related to the fulfillment of the rights of persons with disabilities:

- a. The establishment of Disability Service Units in several regions has begun. For example, in DI Yogyakarta, there is a Disability Service Units for the Religious Courts, Labor office, Sleman District Police Office (in the process), UIN Sunan Kalijaga, and UGM.
- b. In Sikka, BPBD (the district disaster management agency) has confirmed the cluster of refugees with disabilities.
- c. Circular in Situbondo district regarding the involvement of people with disabilities in Musrenbang from the village to sub-district level.
- d. In Yogyakarta, there is a forum for handling violence cases against children and women (Difabel/persons with disabilities) from the provincial to village levels (there is a referral system) so that the case management is more systematic. Sleman district (DIY) has a system that integrates case handling and social rehabilitation (Social Office and Women Empowerment and Children Protection Office/P3AP2KB) to ensure social protection. In addition, there is an MOU between DPOs and law enforcement officials to accommodate the disability perspective and provide appropriate accommodation (to facilitate the referral system in the cases management of persons with disabilities who are conflicted with the law (CIQAL, SAPDA, SIGAB).
- e. Jambi has a system for managing cases of women victims and children with disabilities. HWDI (Women with disabilities association) accompanies them when they are conflicted with the law.
- f. Related to disasters management, Difagana (a group of volunteers with disabilities who are ready to respond to disaster) has been established to involve people with disabilities in the pre, during, and post-disaster in DI Yogyakarta. However, the government (Social Office) has not fully supported this group.

³ This program is a collaboration program between the Regional Government, Law Enforcers, and organizations of people with disabilities in DIY.

Challenges in the Implementation of Policies

12. The government issued several PP (government regulations) as follow-ups of Law 8/2016. However, those regulations could not be implemented because the ministries has not issued the relevant technical guidelines in Permen (Ministerial Regulations). Furthermore, only several Permen (Ministerial Regulations) are available. In addition, PP (government regulations) have not been adequately presented, so the central government, regional government, and DPOs do not know the essential points of the regulations. In many situations, DPOs have to explain the key points in the government regulations (PP) to the local government. Most of the time the local governments do not understand the context, substance, and implementation mechanism of the regulations (PP). As a result, the government regulations (PP) cannot be implemented in the regions. Furthermore, there is no system to monitor the implementation of the regulations (PP) and their integration with other regional policies.
13. Regarding PP No. 39/2020 concerning Adequate Accommodation in Courts. Makassar, South Sulawesi, did not involve persons with disabilities when planning or renovating buildings. As a result, accessibility is not yet adequate in the offices/judicial institutions. In the process of seeking justice for persons with disabilities, the State has not yet accommodated their needs, resulting in strong discrimination when there are cases involving persons with disabilities. One of the discriminations is the stigma attached to persons with disabilities. In addition, the limitations of sign interpreters and the requirement of certified sign interpreters present to assist with the case cause delay in the judicial process and even prevent the cases from being processed.
14. At the regional level, most of the time, regulations stopped with Perda (regional regulations) without technical guidelines. As a result, it is not possible to implement the regulations. The case happened in Jambi. They have a Perda (regional regulation), which eventually does not have any impact on persons with disabilities.⁴
15. In many situations, regional governments do not see Law 8/2016 and its derivative regulations (PP) as mandatory to implement because there are no regulations to confirm the implementation. For example, further regulations in circulars or any other policies from the Ministry of Home Affairs.
16. **Implementation of policies from the central to regional levels.** Despite Government Regulation Number 42 of 2020 concerning Accessibility to Housing, Public Services, and Protection from Disasters for Persons with Disabilities, as well as Minister of PUPR Regulation No. 14/2017 regarding the accessibility of persons with disabilities, the implementation have not been optimal at the central and regional levels, especially in the efforts to build accessible infrastructures. Furthermore, the PUPR technical units at the central and regional levels are not aware of the regulations, so the development program has not fully implemented the accessibility principles set out in the government regulations (PP) and the PUPR Ministerial Regulation. In addition, the absence of a review and involvement of persons with disabilities in the development process at the central and regional levels also causes the non-inclusiveness of the facilities and infrastructure available for various types of disabilities.
17. The results of a social audit conducted by OHANA on public facilities in Yogyakarta in 2018 showed that in terms of physical accessibility, physical facilities were still limited to the entrance area of the first-floor office. Meanwhile, there were still stairs with dozens of stairs to get to the second and third floors. While non-physical accessibility, such as braille instructions and

⁴ Result of Jambi HWDI's monitoring/observation

information in the form of sound, information for the deaf was still minimal.⁵ Nevertheless, Yogyakarta is one of the areas that has been a role model in advancing the rights of persons with disabilities. The advancement, unfortunately, illustrates significant accessibility gaps in other areas 18. Another problem that arises in the implementation is the conventional understanding of the responsible stakeholders. They see people with disabilities as recipients of social welfare programs. As a result, they consider the aids provided for persons with disabilities as social assistance. Instead, they should have regarded the aid as social protection. They should see persons with disabilities as recipients of rights, not objects of charity assistance.

Recommendations

- It is essential to increase the active participation of persons with disabilities starting at the village, sub-district, and national levels. Citizens should be involved in the planning, budgeting, monitoring, and evaluation of government policies.
- Increase awareness of government officials and the public/community to open up space for persons with disabilities to be involved in planning, budgeting, implementation, monitoring, and evaluation, from the central to the village level.
- It is necessary to have a centralized and integrated data system for persons with disabilities.
- A cooperation between the Population and Civil Registration Office and Social Office is necessary to provide disability identity card
- The ministerial regulation (Permen) for KND (National Commission for Disability) should be revised to favor people with disabilities in terms of composition structures

B. Assurance of Political Rights of Persons with Disabilities

19. With several notes, the Indonesian government has carried out several reforms related to regulations and the general election system that accommodated the interests of persons with disabilities. For example, the Commission for General Election (KPU) regulations, which stipulated the right to vote for persons with mental disabilities, was revised. In addition, the government collected data on persons with mental disabilities in the community or social care institutions to ensure their voting rights. Furthermore, in terms of the supervisory process, the general election supervisory agency (Bawaslu) included principles of inclusion in their monitoring system to report cases immediately to the agency (Bawaslu) for processing. Even in some regions, people with disabilities started to be involved in organizing elections.

20. Data and accessibility at TPS (voting place) were adequate. Although a specific campaign dedicated to persons with disabilities, taking into account the variety of disabilities that require assistive devices, was still absent. In practice, people with disabilities have been led to choose specific candidates. Therefore, the aim of persons with disabilities for voting on their own choices is not achieved yet.

21. DIY has an election program that is accessible. It provides assistive tools/devices at the polling place. However, the limited information sessions and capacity building of KPPS (voting organizing group) officers in the field make it difficult to implement the principles of inclusive elections. As a result, even though KPPS has provided assistive devices for persons with

⁵ The audit was carried out by the OHANA Association in collaboration with the Architecture Department of the Sepuluh November Institute of Technology (ITS) Surabaya and representatives of DIY and East Java organizations of persons with disabilities, from September 11 – 13, 2018.

disabilities, KPPS officers often do not know about the tools and do not use them most of the time. In addition, facilities are often not accessible. For example, the officers put the ballot boxes on a high stage/place. As a result, wheelchair users cannot reach them. The failure has come from the data collection that did not follow the various types of disabilities and their needs.

22. Another obstacle is the policy of bringing the election to the residences of the voters with disabilities versus the election principles and validity. Even if several of the district commissions for general elections in the regions have agreed to bring the ballot boxes to persons with disabilities' residences, it is difficult to do so. Such action may raise uncertainty and potential threat to the data validity of the voters. As a result, the plan was not carried out in the 2019 election in Indonesia. Furthermore, information regarding elections was not accessible enough, so many persons with disabilities did not vote, while data showed a significant number of persons with disabilities.

23. In the 2019 general election, residents of rehabilitation centers in Yogyakarta could not exercise their rights to vote because they could not leave the institution. The government did not provide a home-visit mechanism for residents of rehabilitation centers. The residents were people with disabilities with various disabilities. Furthermore, the social workers (Peksos) officers did not deliver or place the polling station (TPS) closer to the centers.

24. In addition, the physical and mental health requirements set by the commission for general elections (KPU) for candidacy in the election process also often become obstacles for persons with disabilities to be involved in general, legislative, and executive elections both at the central and regional levels.

25. The complaint channel does not fully work yet, which causes discrimination to continue. For example, 16 persons with disabilities in Kupang, NTT province, reported to the general elections supervisory agency (Bawaslu) that their political rights were not accommodated. Unfortunately, the complaints were not resolved.⁶

Recommendations

- Increase the knowledge and understanding of field officers related to the rights of persons with disabilities in the general election process and ensure that facilities and infrastructure in the field are accessible.
- Increase technological resources to increase the participation of persons with disabilities in the general election process, both to vote and be elected.

III. Violations and Persons with Disabilities' cases

UPR 2017 Recommendations:

1. Increase the efforts to protect human rights for persons with physical disabilities (Japan);

⁶ Pos Kupang

- | |
|--|
| 2. Improve the implementation of Law no. 8/2016 concerning the Rights of Persons with Disabilities and strengthen the prevention of child labor to ensure children have access to social services, health, and education (Thailand); |
|--|

A. Violation Cases against the Rights of Persons with Disabilities

26. Several cases of discrimination and violence against persons with disabilities occur in all sectors and conditions. However, the conditions often become more complicated by the absence of an accessible and effective complaint mechanism and case management.

27. Discrimination cases in aviation due to disability reasons often take place. The discrimination case includes a signed statement from persons with disabilities not to be insured when boarding the plane. In addition, persons with disabilities are often rejected to be on board the plane, so they cannot take the flight. For example, there was a case of a person with a disability who was refused to be on board by Etihad in 2017.

28. Discrimination in public services and social security often takes place. The discrimination happens because data collection for all persons with disabilities is not comprehensive according to their types of disabilities. As a result, many people with disabilities do not have proper identifications (National ID card/KTP, Family card/KK, etc.), and the Ministry of Social Affairs do not have their data. As a result, they cannot receive social assistance provided by the government.

29. From September 2018 – to December 2019, the YAKKUM Rehabilitation Center conducted a study on including people with disabilities in the Integrated Social Welfare Data (DTKS) in 4 districts/cities in 14 villages (Kulonprogo, Gowa, Bone, West Sumba). Based on the field's verification and data validation results using the DTKS format in collaboration with the Social Office and local organizations of persons with disabilities, DTK did not include 380 persons with disabilities. It happened because of several reasons. Firstly, people with disabilities did not have a national identification (NIK). Secondly, the implementation of village discussion was not effective and sensitive to the presence of people with disabilities in their surroundings. Thirdly, the criteria for target households were not following local conditions. Lastly, groups with disabilities have specific characteristics that they were not accommodated in the criteria and process of DTKS data collection. As a result, people with disabilities did not get social protection programs which were their rights ensured by the state.

30. Persons with disabilities are vulnerable to suicide attempts. A national survey of psychiatric morbidity in the UK shows that one of the groups at risk for suicide is the group of persons with disabilities. This provisional conclusion was based on indicators of the assessment of difficulties in performing daily activities and in obtaining instruments to access daily activities. These difficulties harm mental health, causing depression and mental disorders. From the survey, about 1 in 250 people had an idea and had attempted suicide at that time of the study. And the number of people with disabilities who had suicidal ideation was four times more than other common causes of suicidal ideation, such as loneliness, economic problems, not working, not having a family or not being married, and debt.⁷

31. Data from several media said,

⁷ Quoted from “Riset: Potensi Bunuh Diri pada Difabel Cukup Besar”, 18 Januari 2019, diakses dari <https://difabel.tempo.co/read/1166172/riset-potensi-bunuh-diri-pada-difabel-cukup-besar/full&view=ok>

- A suicide case of a person with a disability (46 years old) in Bali in 2019 by hanging himself on 19 May 2019.⁸
- A suicide case in Bali carried out by a person with a disability (38 years old) by hanging himself in the bathroom of his house on Tuesday (25/2/2020).⁹
- In October 2021, a 55-year-old woman in Pekanbaru City, Riau, was found dead hanging. The police found her after four days in a blackened body condition.¹⁰
- In 2021, a case of attempted suicide by a person with a disability occurred in Jember. He was known to have planned to commit suicide by jumping off a pedestrian bridge, but he was eventually saved.¹¹

32. There were cases of persons with disabilities being refused to open a bank account, mainly because of their disabilities. This case of opening an account or obtaining an ATM card occurs casually. The refusal usually happens because the staff of the regional financial service providers do not understand the situation of persons with disabilities and the rules set by the Bank at the central level.

33. Refusal of persons with disabilities from becoming civil servants occur in several places. One of the cases happened to a person with a disability named Romi Syofpa Ismael. She was a dentist who used a wheelchair. The head of Solok Selatan district removed her name from the list of candidates for civil servants (CPNS), even though she had passed the selection stage.¹² Romi unexpectedly received an announcement that the head of Solok Selatan district canceled her civil servant candidacy on March 18, 2019, on the grounds of resigning or not meeting specific requirements. Based on that reason, her application file was not sent to the National Civil Service Agency, the agency that authorizes to issue employment identification numbers. This case became national news and received attention from the central government. The central government eventually facilitated meetings between the Solok district government and the victim. Finally, the government decided to restore Drg Romi's rights as a civil servant in Solok Selatan District, West Sumatra. The agreement was conveyed in a coordination meeting at the Presidential Staff Office.¹³

34. Another discrimination happened to Baihaqi. Baihaqi was a person with a visual disability who experienced rejection as a civil servant candidate even though he met the requirements and test results. Baihaqi participated in the selection of civil servant candidates in Semarang in 2019. He was confirmed to have passed the basic competency selection (SKD) on February 23. He said

⁸ "Penyandang Tuna Wicara Tewas Gantung Diri", 21 Mei 2019, <https://www.balipost.com/news/2019/05/21/76027/Penyandang-Tuna-Wicara-Tewas-Gantung...html>

⁹ "A person with a disability was found hanging-dead", February 26, 2020, <https://fajar.co.id/2020/02/26/penyandang-disabilitas-ditemukan-tewas-gantung-diri/>

¹⁰ Read the article in detiknews, "A vendor was found hanging-dead in Pekanbaru" in detail <https://news.detik.com/berita/d-5782204/seorang-pedagang-ditemukan-tewas-gantung-diri-di-pekanbaru>.

¹¹ "A man with a disability attempted a suicide, writing a broken-hearted letter", *Suara Indonesia*, August 10, 2020, <https://suaraindonesia.co.id/news/peristiwa-daerah/6111eaaeb9f07/pria-difabel-jember-rencanakan-bunuh-diri-sempat-tulis-surat-putus-cinta>

¹² In 2015, Romi worked as a dentist under a casual contract at the Talunan Health Center, which was one of the remote areas in South Solok. In July 2016, Romi gave birth to her second daughter in a cesarean section and suffered from weakness in the lower leg muscles afterward. After three months of treatment, she returned to providing dental and oral health services at the Talunan Health Center using a wheelchair. Romi applied for a civil servant position under recommendations from medical rehabilitation experts and occupational experts, stating that her disability would not interfere with her work as a dentist.

¹³ Legal Aid Organization (LBH) of Padang and several DPOs in Indonesia worked on and monitored the case.

his score was ranked first nationally in the selection of civil servant candidates for formations of people with disabilities. However, he was refused to continue to the third stage of selection. The civil service agency (BKD) of Central Java province asked Baihaqi to drop his candidacy in the selection process because his type of disability did not match the required formation. Baihaqi took the liberty to report his case and complain to the National Human Rights Commission, the Indonesian Ombudsman, and the Governor of Central Java province. He also filed a lawsuit to the Semarang State Administrative Court (PTUN), but the court rejected his file on Wednesday, February 24, 2021. Based on this decision, Baihaqi continued his appeal to the Supreme Court in December 2021. The Supreme Court granted Baihaqi's claim and proved discriminatory practices in the 2019 CPNS selection against Baihaqi as a person with a disability.¹⁴

Enjoyment of Economic, Social, and Cultural Rights

35. From January – to March 2021, the YAKKUM Rehabilitation Center and seven disability organizations surveyed the impact of COVID-19 on people with disabilities working in small and medium enterprises (SMEs). The survey was conducted on 576 SME actors with disabilities in 6 provinces, namely DKI Jakarta, Central Java, DI Yogyakarta, West Java, East Java, and South Sulawesi. As a result, 306 respondents did not receive assistance from the government. Furthermore, 326 respondents stated that they had never received training or assistance to develop their business. In addition, 519 respondents did not have a Business Identification Number (NIB) as one of the requirements to access the Presidential Assistance for Productive Micro Enterprises (BPUM).

36. From August to October 2021, the allocation of vaccines for people with disabilities in DIY was considered slow due to the lack of coordination between the DIY Social Office and the DIY Health Office regarding data. Furthermore, the allocation of Sinopharm vaccines (UEA's aid vaccines) for people with disabilities with continuously-changing expiry dates made the vaccinators unprepared. In addition, the caregivers of persons with disabilities were not allowed to get the Sinopharm vaccine. As a result, the family or the caregivers could not be vaccinated. The policy put persons with disabilities in a difficult situation because they needed to be with their family or caregivers in their daily activities.

The rights of persons with disabilities and COVID-19 management

37. The YAKKUM Emergency Unit (YEU) collected data on persons with disabilities in DIY regarding the COVID-19 management in 2020. As a result, persons with disabilities had difficulties getting information related to COVID. For example, the government's websites that provided information regarding the development of COVID were not accessible for persons with visual disabilities. In addition, persons with disabilities did not have any space to participate in the COVID-19 team or task force or any discussions related to the impact of COVID-19 on persons with disabilities. As a result, services for people with disabilities were hampered. For example, routine therapy for persons with cerebral palsy and access to community health centers (Puskesmas) was interrupted. Furthermore, the government applied the same management of COVID-19 for persons with disabilities and persons without disabilities, while people with disabilities had specific needs. Therefore, they should not have been generalized to the needs of persons without disabilities.

38. Jaringan Organisasi Penyandang Disabilitas (The Network of Organizations of Persons with Disabilities) surveyed the inclusive response to Covid-19 in Indonesia in April 2020 to 1683

¹⁴ Legal Aid Organization (LBH) Semarang and several DPOs in Indonesia worked on and monitored the case.

respondents. The result showed that in the early days of the Covid-19 pandemic, the income of 86 percent of people with disabilities who generally worked in the informal sector in Indonesia decreased. In addition, only about 40 percent of respondents had received one social assistance program from the government, of which only four percent received cash assistance. The survey also showed that women bore more financial, physical, and psychological pressures, especially if they had children with disabilities. Furthermore, the survey also showed that the Covid-19 pandemic hit harshly on students with disabilities who already had limited access to education before the pandemic. The forced transition of teaching methodologies to online methodology during the pandemic did not always work for students with disabilities.¹⁵

Recommendations:

- a. Ensure access to social protection for persons with disabilities in the COVID-19 pandemic or disaster situations, especially in terms of policies and affirmative actions.
- b. Improve access to health and rehabilitation services for all persons with disabilities, including expanding the National Health Insurance coverage and improving access to assistive devices.
- c. Improve accessibility in inclusive education for persons with disabilities in terms of infrastructure and teachers' capacity in the COVID-19 situation.
- d. Improve access of persons with disabilities to the labor market in the long run, including anticipating the impact of COVID-19, which had a significant effect on persons with disabilities.

¹⁵ See the survey result <https://ncovid19.sigab.or.id/2020/06/09/yang-bergerak-dan-yang-terdampak-di-masa-pandemi-suara-disabilitas-dari-indonesia/> ; See the report of the second research at https://ncovid19.sigab.or.id/wp-content/uploads/2021/12/Laporan-Survei-Kedua-Jaringan-DPO-Respon-Covid-Inklusif_Final.pdf