

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions to be included in the List of Issues Pre-session Working Group of the CEDAW Committee for the 52nd Session

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State submitted to the Committee on the Elimination of Discrimination against Women.

INDONESIA

Indonesia signed the Convention on the Rights of Persons with Disabilities on 30 March 2007 but has not yet ratified it.

State Report

Select references to persons with disabilities in the state report:

160. This chapter also discusses elderly women and **women with disabilities**. The elderly (60 years and older) comprise 8.42% of the population, with less men (7.80%) than women (9.04%), mostly in rural areas. Health complaints are relatively balanced between women and men. The combined urban-rural Workforce Rate of Participation of the elderly in 2007 was 48.51%, with that of men much higher, at 64.57% compared to 33.09% of women. No comprehensive data on the **disabled** is available.

162. For the elderly, the Law on Elderly Welfare has been elaborated in Government Regulation 43/2004 regarding the Implementation of Senior Welfare and Presidential Decree 52/2004 regarding the National Commission for Senior Citizens. Regulation of the Minister of Home Affairs 60/2008 provided for the establishment of Regional Senior Citizen Commissions, and now there are Senior Citizen Commission offices in 25 provinces. The Southeast Sulawesi Gubernatorial Decree on the establishment of Senior Support Groups is worthy of note also. There are by-laws regarding the elderly in two other provinces, East and West Java. Law 4/1997 stipulates a 1% quota for the **disabled** in the workforce that is obligatory for State and Regional Enterprises as well as the private sector. However, no sanctions are stipulated, and the implementation of this law is still very patchy. Meanwhile, supporting departments for gender mainstreaming and advancement of the lives of women have started giving special attention. Department of Public Works has developed a special standard to serve the **disabled**, with requirements for tall buildings to have special elevators and staircases. The Department of Transportation has begun giving special attention for the elderly, **disabled** and pregnant women through written announcements calling for passengers to respect this group by giving up their seats on public transportation.

163. In almost all provinces and regencies/municipalities there are health posts and community clinics with senior-friendly service. In Binjai, North Sumatera, a different model for senior citizen protection has been devised, dubbed a "senior centre." Tulung Agung, East Java, has home-care service for seniors. There are not many gender-responsive

programmes and achievements for the **disabled**. The government's openness towards the disabled must be noted as progress. For instance in Solo, a disabled activist, Sapto Nugroho established Talenta Foundation in 1999, through which he demanded that the **disabled** be able to get Askes Insurance. As a result, 34 disabled persons were given the insurance. In 2005, the number of disabled with insurance coverage increased to 140 persons, and it is continuing to this day. With Sapto Nugroho's leadership, the **Surakarta Consortium of Institutions for the Disabled** proposed an academic text for the **Draft By-law for the Equality of Basic Rights of the Disabled**. At the end of 2008, Surakarta's Regional Parliament passed the **Disabled Equality By-law** that stipulates the rights and responsibilities of the **disabled** in Surakarta. In the meantime, **35 disabled poor** in Jenar Sub-district in Sragen, Central Java, received two goats each, with money allocated from the surplus of Activity Management Unit, complemented with a donation from the Regent. In January 2006, the local Social Service Office registered 176 **disabled** in seven villages in Jenar Sub-district.

IDA suggestions for list of issues

- What steps are being taken to repeal restrictions in the Electoral Law (Articles 29(2) and 43(1)) requires that to be registered as a voter, the individual should not be visibly suffering from mental disorder or insanity, which is contrary to Article 29 of the CRPD comprising the latest international standards with respect to participation in political and public life of persons with disabilities including women with disabilities?
- What steps are being taken to address multiple discrimination experienced by women with disabilities? Please provide details of the number and subject(s) of discrimination cases (and their outcomes) filed by women with disabilities, or representative associations on their behalf.
- What programmes are in place to ensure that women and girls with disabilities are able to choose for themselves their vocation and to receive the necessary educational support and training to that end? What laws and policies provide reasonable accommodation to women with disabilities in the workplace?
- What measures are being taken, including the provision of support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities?
- What steps are being taken to reform the law to ensure that women with disabilities exercise legal capacity on an equal basis with others and are provided with necessary support to exercise it, respecting the will and preferences of the person concerned?
- What steps are being taken to adopt measures to ensure that the mental health policy requires all health care and services to be based on the free and informed consent of the person concerned and that involuntary treatment and confinement are not permitted by law?
- What steps are being taken to address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse? What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities?
- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs?

- What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society? (See recommendation of the CRC Committee in Annex below)
- What measures are being taken guarantee the implementation of inclusive education in the law and practice? ? Is a definition of inclusive education incorporated into the law? What measures are being taken to ensure that mainstream schools are accessible to children with disabilities? Please provide statistics of the number of children with disabilities attending the following mainstream schools: primary school, middle school, highs school and the rate of success and completion of schooling. (See recommendation of the CRC Committee in Annex below)
- What steps are being taken to ratify the Convention on the Rights of Persons with Disabilities and accede to its Optional Protocol?

ANNEX - References to women and girls with disabilities in Indonesia by other treaty bodies and special procedures:

Report of the Special Rapporteur on torture, mission to Indonesia, A/HRC/7/3/Add.7, 2008

29. Whereas in all prisons nurses and occasionally doctors provide day-to-day medical treatment, serious cases generally remain untreated or receive attention at a very late stage if the detainee cannot provide the necessary funds. As a consequence, seriously ill persons are not hospitalized and receive inadequate medication, in violation of international standards. In Makassar prison, the Special Rapporteur came across several **mentally ill prisoners** who were kept separated from the general prison population and held in the punishment cells, in spite of their evident need for proper psychiatric treatment. It was reported to the Special Rapporteur that HIV/AIDS is a major problem. Another serious concern relates to high death tolls in places of detention, i.e. Cipinang (see appendix), which are difficult to explain even when bearing in mind the high HIV/AIDS rate.

78. The quarantine had several cells which were used for mentally ill detainees and for disciplinary purposes. However, the persons interviewed all insisted that they had moved to these cells voluntarily, although it turned out later that some of the detainees there had tried to escape and had been put in the isolation cells in spring 2007. One person complained about back pains, but was examined by the prison doctor and received medicine.

87. The Government of Indonesia should continue efforts to improve detention conditions, in particular with a view to providing health care, treat rather than punish **persons with mental disabilities**, and improve the quantity and quality of food. The Government, in all detention contexts, should ensure the separation of minors from adults and of pretrial prisoners from convicts and train and deploy female personnel to women's sections of prisons and custody facilities.

CRC Committee Concluding Observations, CRC/C/15/Add.223, 2004

Children with disabilities

53. While acknowledging the development of special services and rehabilitation centres for **children with disabilities**, the Committee is concerned that only very few **children with disabilities** have access to these services.

54. The Committee recommends that the State party:

- (a) Ensure that adequately disaggregated and comprehensive data are collected and used for the development of policies and programmes for children with disabilities;
- (b) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities and allocate adequate resources to strengthen services for **children with disabilities**, support their families and train professionals in the field;
- (c) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of **children with disabilities** (CRC/C/69, paras. 310-339); and
- (d) Seek assistance from, among others, UNICEF and WHO.