



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Indonesia\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) The effective mechanisms established and practical measures taken to review and harmonize laws and policies at all levels of government to adhere to the Convention, ensuring that the concept of disability is consistent with the Convention, including with respect to Law No. 11/2009 on social welfare, which still refers to persons with disabilities as having social welfare problems, and that stigmatizing language such as “cacat” (a derogatory term for “disability”) and the terms such as “defect” are removed;

(b) The status of Law No. 8/2016 on disabilities, and measures to ensure its implementation at all levels of government;

(c) The mechanisms established and the human and financial resources available at all levels of government for meaningful consultation with persons with disabilities, including through their representative organizations, regarding all legislation, policies and programmes;

(d) The steps taken to ratify the Optional Protocol to the Convention, including a corresponding time frame.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on:

(a) The measures taken to ensure that discrimination laws at all levels of government adhere to the Convention, taking account of the Committee’s general comment No. 6 (2018) on equality and non-discrimination, to provide equal and effective legal protection for persons with disabilities against all forms of discrimination on all grounds, including multiple and intersectional discrimination and the denial of reasonable accommodation in the public and private spheres;

(b) The types of remedies and redress provided, including any forms of reparation and compensation applied, in the Supreme Court and regional courts;

(c) The number and percentage of claims of discrimination based on disability, disaggregated by sex, age, geographical location and sector in which the discrimination occurred, and the number and percentage of cases that resulted in sanctions.

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\* Adopted by the pre-sessional working group at its thirteenth session (30 March–3 April 2020).



**Women with disabilities (art. 6)**

3. Please provide information on the measures taken:

(a) To eliminate multiple and intersectional discrimination against women and girls with disabilities, especially those belonging to ethnic and religious minorities and women and girls with intellectual or psychosocial disabilities, in all spheres of their life, including education, family, employment and health, across the State party, including rural areas and remote islands;

(b) To amend legislation with discriminatory provisions against women with disabilities, particularly Law No. 1/1974 on marriage and article 6 (3) and (7) of Law No. 17/2014 on exclusive breastfeeding;

(c) To improve access to reproductive health care and awareness-raising programmes specifically for women with intellectual or psychosocial disabilities.

**Children with disabilities (art. 7)**

4. Please provide information on the measures taken to ensure the rights of children with disabilities and the specific measures taken:

(a) To implement Regulation No. 4 of the Ministry of Women's Empowerment and Child Protection of 2017 to effectively address human rights violations against children with disabilities;

(b) To prohibit corporal punishment in alternative care and day-care settings;

(c) To provide appropriate care for the physical and psychological support of children with disabilities and support for parents of children with disabilities, including financial support and services that help parents meet their parental responsibilities, in the community, and to ensure that children with disabilities, including children with intellectual or psychosocial disabilities, are not left abandoned, separated from their family or forced to work as beggars;

(d) To harmonize terminology with the Convention, eliminating the use of terminology such as "children with special needs" when referring to children with disabilities, and to combat negative stereotypes and stigma against children with disabilities and their consequential seclusion and, at times, confinement;

(e) To ensure the full and effective participation of children with disabilities, through their representative organizations, in the process of planning, implementing and monitoring legislation that affects them across the State party and local governments, with appropriate support and adequate protection of their rights.

**Awareness-raising (art. 8)**

5. Please provide information on:

(a) The measures taken to raise awareness throughout society, particularly among persons with disabilities, their parents and families, relevant professional groups and government officials at all levels, regarding persons with disabilities, their rights and dignity, and to combat stereotypes, prejudice and harmful practices against them in all aspects of life;

(b) The implementation, effectiveness, budget allocation and participation of persons with disabilities, through their representative organizations, in all awareness-raising programmes, and in particular the development, implementation and monitoring of the National Action Plan on Human Rights (2015–2019) and the master plan for the development of disability services.

**Accessibility (art. 9)**

6. Please provide information on:

(a) How accessibility to persons with disabilities is assessed across the provinces, including with respect to the physical environment, transportation, information and

communications, and other facilities and services open or provided to the public, and whether the respective governments monitor and regularly evaluate compliance;

(b) The progress made regarding the accessibility of the built environment, including public facilities, for all persons with disabilities, including persons with hearing impairments, persons with visual impairments and persons with intellectual or psychosocial disabilities, through the full implementation of the Ministerial Decree No. 14/PRT/M/2017 on the Requirements of Building Establishment, Law No. 8 (2016) and the Charter of the Network of Indonesian Mayors Towards Inclusive Cities.

#### **Right to life (art. 10)**

7. Please provide information on the measures taken to establish a monitoring and review mechanism to record and investigate cases of death or threat to the life of persons with disabilities held in institutions.

#### **Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on the measures taken:

(a) To implement the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) To develop disaster risk reduction strategies with the participation of organizations of persons with disabilities, including their participation in the National Agency for Disaster Management, and to collect disaggregated data on the number of persons with disabilities and type of disability in disaster and disaster-risk areas;

(c) To strengthen the humanitarian response and protection for persons with disabilities during emergencies, including the provision of accessible warning systems and official information about emergency services in accessible formats;

(d) To establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the virus's scope and prevention of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times.

#### **Equal recognition before the law (art. 12)**

9. Please provide information on:

(a) The steps taken to revise and repeal laws, including the Civil Code and the Law on Mental Health, with the reference to persons “lacking legal qualification”, and the Criminal Code and regimes that limit or remove the legal capacity of persons with disabilities, particularly persons with intellectual or psychosocial disabilities. Please indicate the measures taken to establish supported decision-making mechanisms that respect the will and preferences of the person with disability concerned, at both the national and regional levels;

(b) The number of persons with disabilities under guardianship, particularly persons with intellectual or psychosocial disabilities;

(c) The policies adopted and practical measures taken to ensure that persons with disabilities can enter into financial transactions with institutions such as banks and insurance companies, whether State-owned or private, and to ensure their right to inheritance.

#### **Access to justice (art. 13)**

10. Please provide information on the measures taken:

(a) To include procedural and age-appropriate accommodation in national legislation regarding access to the judicial and administrative systems, including whether

such measures cover all physical facilities and information and communications procedures used in the administration of justice;

(b) To ensure that persons with disabilities are allowed by law to provide testimony or to act as witnesses in courts;

(c) To provide appropriate training on the rights enshrined in the Convention to the personnel and officials working in the judicial system and law enforcement agencies, in order to ensure effective access to justice for persons with disabilities.

11. Please also inform the Committee about the number of persons with disabilities who have received free legal aid under the Law No. 16/2011 on legal aid.

#### **Liberty and security of the person (art. 14)**

12. Please provide information on the measures taken to revise and repeal all laws, policies and practices that deprive persons of their liberty on the basis of impairment, including disaggregated statistics for the past five years about the number of persons that have had their liberty restricted.

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

13. Please provide information on the measures taken:

(a) To eliminate in law, policy and practice all forms of forced medical procedures and treatment, chemical, physical and mechanical restraints, isolation and seclusion, including shackling, in all settings, particularly with respect to persons with intellectual or psychosocial disabilities;

(b) To establish a monitoring and review mechanism to record instances of torture or cruel, inhuman or degrading treatment, including involuntary treatment and injuries caused as a result thereof, including in private and public rehabilitation centres;

(c) To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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

14. Please provide information on the measures taken:

(a) To prevent and combat all forms of exploitation, violence and abuse against persons with disabilities, including domestic and sexual violence and neglect;

(b) To provide the necessary services for recovery, rehabilitation and social reintegration to victims;

(c) To create a safe environment for the reporting, investigation and prosecution of cases of exploitation, violence or abuse against persons with disabilities;

(d) To address and effectively reduce all forms of violence against women and girls with disabilities, including domestic and sexual violence, in accordance with the Committee's general comment No. 3 (2016) on women and girls with disabilities.

#### **Protecting the integrity of the person (art. 17)**

15. Please provide information on the measures taken to ensure respect for the physical and mental integrity of persons with disabilities on an equal basis with others, and to prohibit medical procedures, including sterilization and contraception, on persons with disabilities, particularly persons with intellectual or psychosocial disabilities, without their free and informed consent.

#### **Liberty of movement and nationality (art. 18)**

16. Please provide information on the measures to ensure that persons with disabilities, in particular children with disabilities living in rural and remote areas, have access to birth registration and certificates on an equal basis with others.

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

17. Please provide information on the steps taken to ensure the deinstitutionalization of persons with disabilities, including persons affected by leprosy, from psychiatric facilities, social care institutions, rehabilitation centres and other institutional facilities, and to promote their right to live independently and be included in the community.

**Personal mobility (art. 20)**

18. Please provide information on the measures taken to ensure that persons with disabilities, including those living in rural areas, have access to affordable, quality assistive technologies and devices and repair services.

19. Please provide information on the measures taken to ensure access to training on mobility skills for persons with disabilities, including children with disabilities, and to specialist staff.

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

20. Please provide information on the measures taken:

(a) To ensure access to information and communications, including with regard to public events, television and radio, through accessible means, modes and formats of communication, such as sign language, Braille, audio or tactile information, augmentative and alternative communication, Easy Read and pictograms;

(b) To adopt the World Wide Web Consortium's Web Accessibility Initiative standards when developing or publishing content on the Internet;

(c) To promote the adoption of a national sign language, in close consultation with the deaf community.

**Respect for home and the family (art. 23)**

21. Please provide information on the measures taken to protect children from being separated from their parents involuntarily on the basis of the disability of either the child or one or both of the parents. Please also provide information on the measures taken to provide appropriate and sufficient support to children with disabilities and their parents, and to parents with disabilities in exercising their parental rights and responsibilities.

**Education (art. 24)**

22. Please provide information on:

(a) The numbers of children with disabilities in inclusive schools, those in special schools and those not in any form of education, disaggregated by impairment, sex and age;

(b) The efforts made to provide accessible material, an adaptive learning environment and sufficient individualized accommodation for students with disabilities at all levels;

(c) The level of financial and human resources allocated to inclusive education, in particular the training of teachers on Braille and sign language interpretation and other specialist services to improve the quality of inclusive education, particularly in rural areas.

**Health (art. 25) and habilitation and rehabilitation (art. 26)**

23. Please provide information on the status of the regulation on habilitation and rehabilitation, as mandated under Law No. 8/2016.

24. Please provide information on:

(a) The measures taken to ensure that the free and informed consent of persons with disabilities, in particular persons with intellectual or psychosocial disabilities, is obtained prior to any form of medical, surgical, invasive or psychiatric treatment or procedure;

(b) How the public health insurance guarantees full coverage of all persons with disabilities, including persons with Down syndrome, refugees and stateless persons with disabilities;

(c) The provinces that have replicated the regulation adopted by Yogyakarta Province that guarantees the right of persons with disabilities to equal access to health services and facilities, and the status of implementation of such regulations.

25. Please provide information on the measures taken to provide access to full health services, including sexual and reproductive health services, and to comprehensive and community-based rehabilitation programmes for persons with disabilities, including persons affected by leprosy, particularly in rural and remote areas, and to monitor private and public rehabilitation centres for possible human rights violations against persons with disabilities.

#### **Work and employment (art. 27)**

26. Please provide information on the measures taken:

(a) To prohibit discrimination against persons with disabilities, particularly women, including the denial of provision for reasonable accommodation in work and employment, and to promote the employment of persons with disabilities in the open labour market, including data on the number of persons with disabilities employed in the open labour market, disaggregated by gender, age, migration status, ethnicity and type of disability;

(b) To monitor the implementation of the minimum employment quota of 2 per cent for the public sector and State-owned enterprises, and of 1 per cent for the private sector;

(c) To promote employment of persons with disabilities in the open labour market, in particular women and refugees, in the public and private sectors, through measures such as affirmative action and vocational training.

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

27. Please provide information on the status of the disability card, launched in 2017.

28. Please provide information on the measures taken:

(a) To ensure access to social protection and support services for persons with disabilities;

(b) To reduce income inequality and poverty among persons with disabilities;

(c) To ensure access to public housing programmes for persons with disabilities.

#### **Participation in political and public life (art. 29)**

29. Please provide information on:

(a) The measures taken to improve the accessibility of elections, including through the provision of electoral information in alternative formats such as Braille, sign language and Easy Read, an early voting mechanism, voting by mail or mobile voting services, and the accessibility of polling stations;

(b) The percentage of persons with disabilities among elected representatives;

(c) The measures taken to promote the participation of persons with disabilities, particularly women, in political and public decision-making positions at all levels, and to increase their awareness of their right to participate in political and public life and, in particular, their right to vote.

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

30. Please provide information on the measures taken:

(a) To eliminate social and environmental barriers hindering the participation of persons with disabilities in cultural life and in recreational and sports activities;

(b) Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

31. Please provide information on:

(a) The efforts made to increase the systematic collection of and reporting on data and the coordination between all public bodies and State agencies, for the purposes of collecting disaggregated data relating to the full range of obligations under the Convention;

(b) Whether the Washington Group short set of questions on disability will be included in national population censuses of 2020 and in the questionnaires of the National Statistics Agency for data collection on disability, referred to in paragraph 221 of the initial report (CRPD/C/IDN/1).

#### **International cooperation (art. 32)**

32. Please provide information on the measures taken to ensure the full and effective participation of persons with disabilities in the planning and monitoring of international cooperation activities, including with regard to the implementation of the 2030 Agenda for Sustainable Development.

#### **National implementation and monitoring (art. 33)**

33. Please provide information on concrete steps taken to establish the national commission of persons with disabilities, as provided for under Law No. 8/2016. Please also inform the Committee about the measures taken to involve organizations of persons with disabilities in the process of monitoring the implementation of the Convention.

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