



Working paper

Policy Development of Inclusion Village to Fulfill the Rights of Persons with Disabilities

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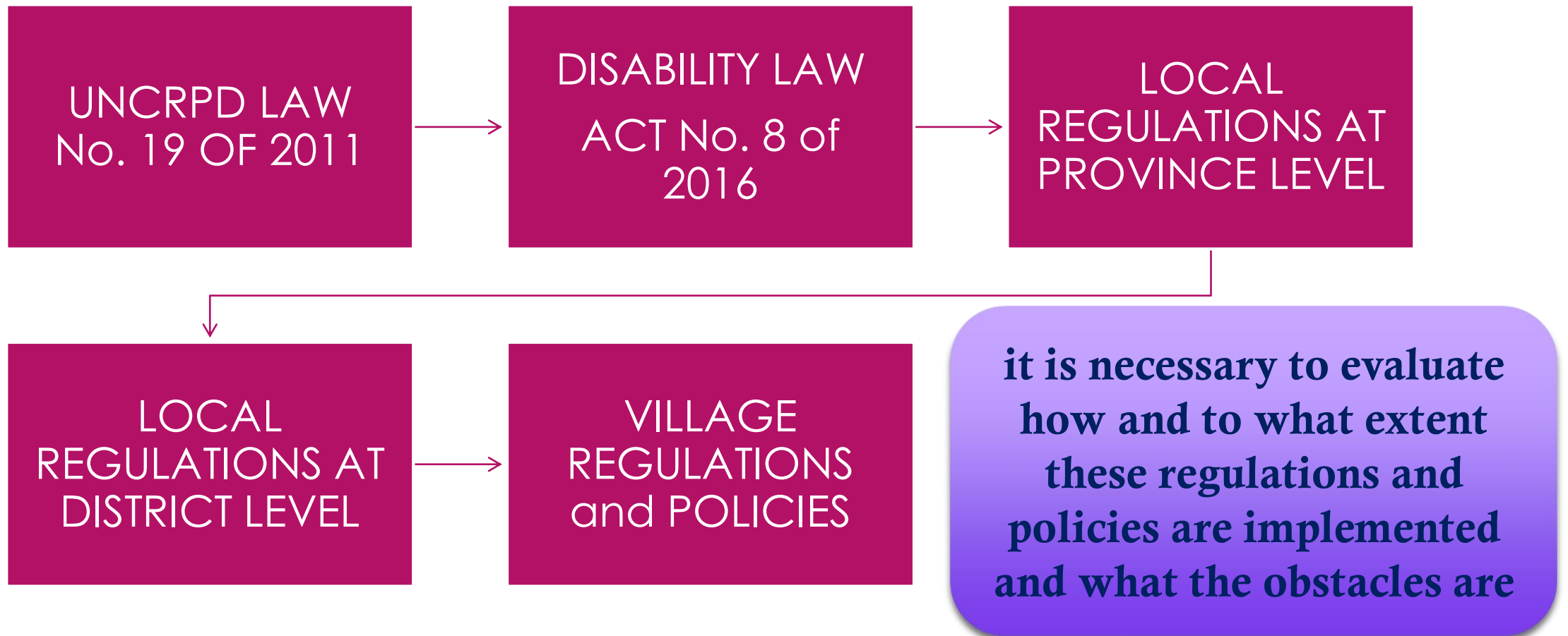
FACULTY OF LAW UNIVERSITY OF ATMA JAYA YOGYAKARTA

**PRESENTED AT “4TH HUMAN RIGHTS CONFERENCE – HUMAN RIGHTS IN SOUTHEAST ASIA:
THEORY MEETS PRACTICE”, 13-15 OCTOBER 2019 HELD BY: THE UNIVERSITY OF JEMBER’S
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Backgrounds

- ▶ In the CRPD, States parties explicitly recognize the importance of inclusion and accessibility for participation, on an equal basis with others.
- ▶ People with disabilities in Indonesia consistently have lower levels of education, lower health, fewer economic opportunities and less access to public services (Dyah Larasati et.al., 2019)
- ▶ They face various forms of human rights violations such as acts of discrimination, stigmatization, harassment, expulsion, ridicule, assault, rape, and violence (HRNC,2016)
- ▶ Village Inclusion Pilot Program initiated by SIGAB in the past 5 years (main issues: Village disability actor; Community acceptance and appreciation; Involvement and participation; Institutional (policy, person in charge, etc).

FROM the INTERNATIONAL PRINCIPLES DOWN TO the VILLAGE LEVELS



HYPHOTESIS

- ▶ The development of Village Inclusion Policies will become the strategic steps to protect and fulfil the rights of persons with disabilities
- ▶ This policy is expected to accelerate the improvement of the welfare of persons with disabilities through increased accessibility and participation in rural development

DIVERSITY OF DISABILITY MODELS

(Retief, M. & Letšosa, R., 2018)

Model	Principle
The moral and/or religious model	Disability as an act of God
The medical model	Disability as a disease
The social model	Disability as a socially constructed phenomenon
The identity model	Disability as an identity
The human rights model	Disability as a human rights issue
The cultural model	Disability as culture
The charity model	Disability as victimhood
The economic model	Disability as a challenge to productivity
The limits model	Disability as embodied experience

Research Approach

Village Inclusion Indicators (SIGAB,2014)

- ▶ Availability of data and information regarding disabilities and periodically updated
- ▶ PwDs are well organized (have a “place” for innovation and develop networking)
- ▶ There is a guarantee to get involved in decision making process
- ▶ Budget planning that mainstreaming disability inclusion
- ▶ **The existence of village regulations**
- ▶ Equal access in public services
- ▶ The existence of physical facilities that more accessible
- ▶ The existence of social responsibility in village society

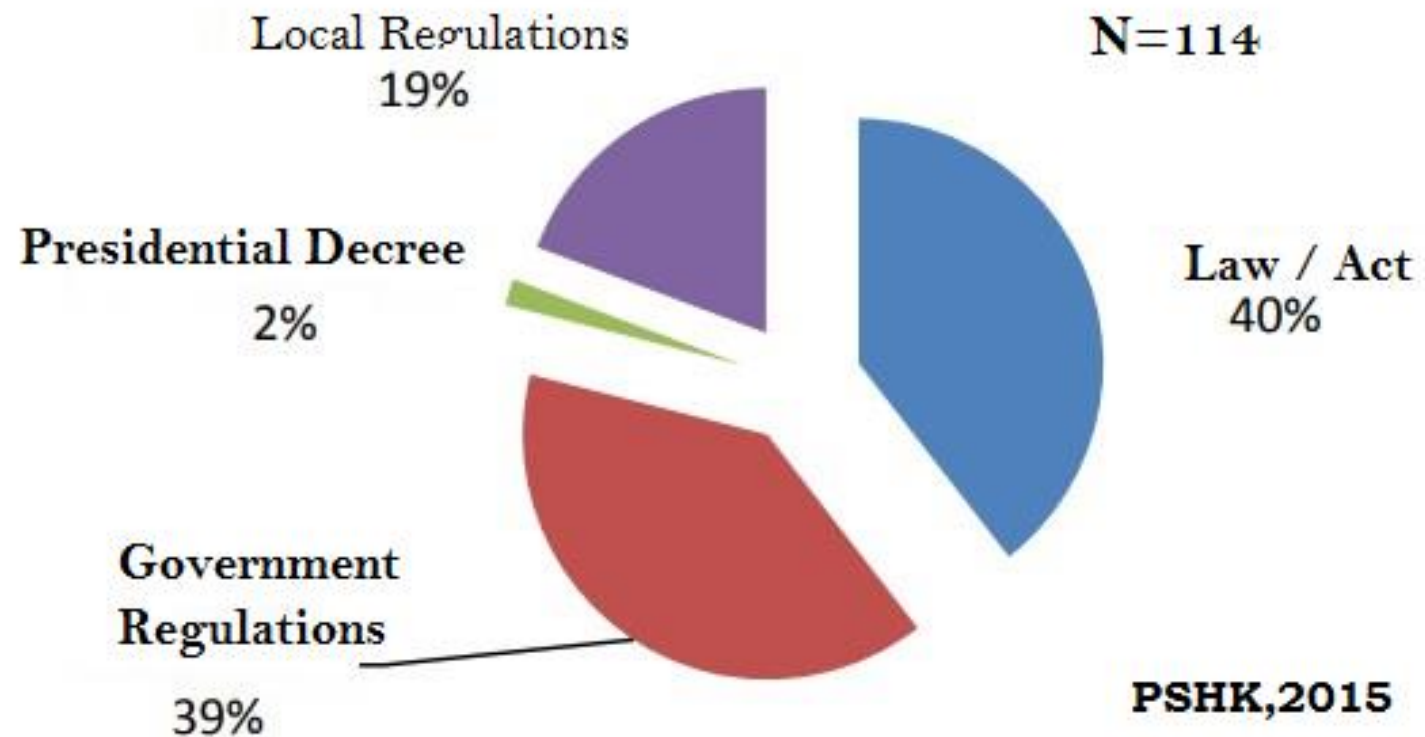
Challenges

- ▶ the medical conception is still firmly rooted in society and policy makers:
 - ▶ Biomedical knowledge, as the most dominant knowledge that becomes a reference of disability regulators, influences social and political systems in various livelihood sectors: policy, art, architecture, inter-group relations, the media (mainstream and social media) and so on (Ishak Salim,2019)
- ▶ inclusive village policies are considered strategic option because they empower PwD as the main actors of change and participate in rural community development (SIGAB,2019)

Opportunities

- ▶ The development orientation in Indonesia is currently "centered" in rural areas; it should be the right momentum for the development of inclusive village policies.
- ▶ Law No. 6 of 2014 concerning Villages also gives authority to the village to carry out village development aimed to improving the welfare and quality of life of the village community by setting priorities, programs, activities, and village development needs [Village Ministry Regulation No. 16 of 2018 stipulates that one of the priority programs for empowering rural communities is the management of empowerment activities for PwD].
- ▶ Increasing of awareness of people with disabilities and village leaders regarding their responsibilities (it can be seen as long as the process of village regulations' drafting)

REGULATIONS RELATED DISABILITY

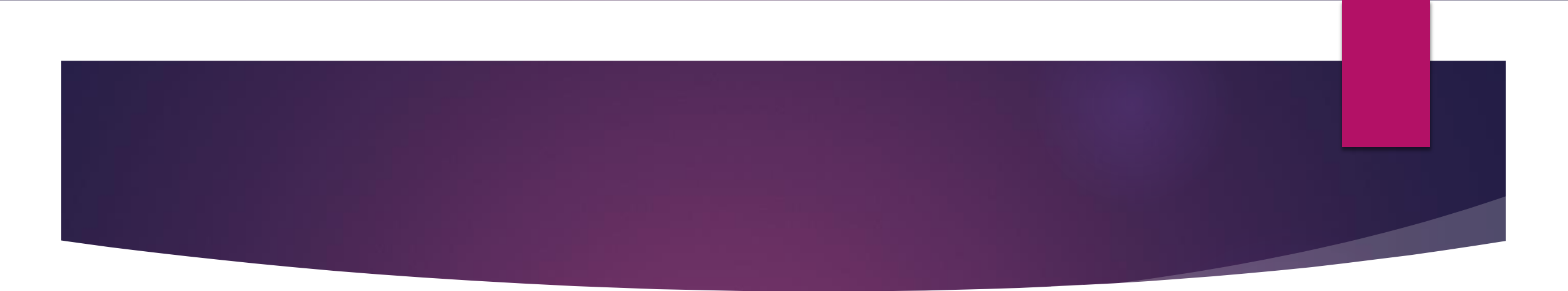


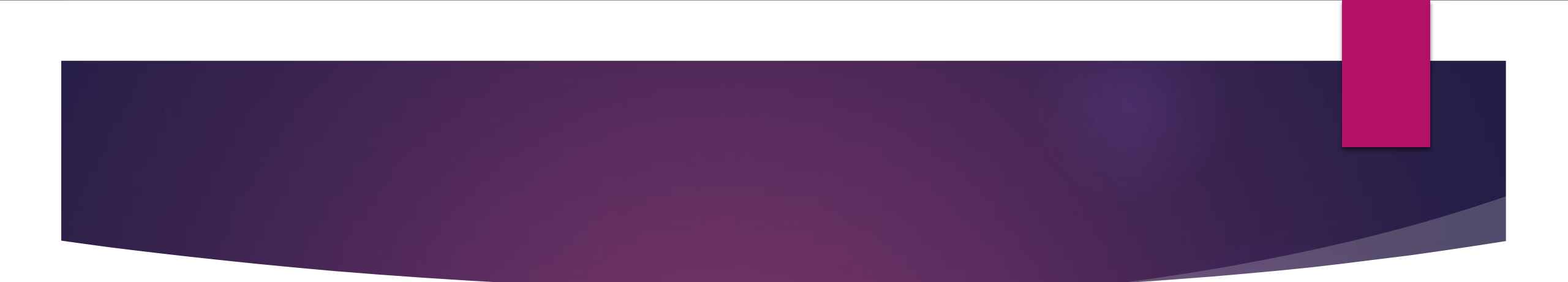
LEGISLATION ACCELERATION ON DISABILITY RIGHTS IN YOGYAKARTA SPECIAL PROVINCE

	Levels	Regulations
1	National	Law No. 19 of 2011 Law No. 8 of 2016
2	Yogyakarta Province	Local Regulation No. 4 of 2012 (in amendment process)
3	District of Bantul	Local Regulation No. 11 of 2015
4	District of Kulonprogo	Local Regulation No. 3 of 2016 Sidorejo Village Regulation 2019
5	District of Gunung Kidul	Local Regulation No. 9 of 2016 Plembutan Village Regulation 2018
6	District of Sleman	Local Regulation No. 1 of 2018 Sendangtirto Village Regulation 2019
7	Yogyakarta City	Local Regulation No. 4 of 2019

Findings on Stakeholders meeting (evaluating of the regulations' implementation) :

- ▶ the operational regulations for the Disability Law are still incomplete; so far there are:
 - ▶ Minister of Social Affairs Regulation No. 21 of 2017 concerning Issuance of Disability Card
 - ▶ GR No.52 of 2019 about Implementation of Social Welfare for PwD
 - ▶ GR No.70 of 2019 concerning Planning, Conducting and Evaluating the Respect, Protection and Fulfillment of the Rights of PwD
- ▶ there are a number of rights mentioned in Law No. 8 of 2016 that have unclear its implementation, and
- ▶ bargaining position of Disability People Organization (DPO) which is weak in policy making process

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- ▶ At least there are 6 (six) problems that hamper the involvement of persons with disabilities in the development process, namely:
 - (1) systematic constraints;
 - (2) lack of budget;
 - (3) weak of law enforcement;
 - (4) lack of public awareness of people with disabilities;
 - (5) data overlapping (showed by the existence of problems relating to differences in data about persons with disabilities); and
 - (6) stigmatization and discrimination for persons with disabilities.

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- ▶ Regulations and policies taken are not enough to ensure and guarantee the fulfillment of the rights of PwD
 - ▶ The development of inclusive village policies must be carried out with a comprehensive approach because on the one hand it is a necessity, but on the other hand it still faces many challenges.
 - ▶ This policy is believed to accelerate the process of fulfilling the rights of PwD at the village level, but the challenge is its influence in encouraging the acceleration of changes in the mindset or perspective of rural communities towards persons with disabilities.
 - ▶ Village community needs to have companion to accompany PwDs in strengthening their participation quality

Temporary Conclusion

- ▶ Synchronization and harmonization of local regulations needs to be conducted to avoid possible problems in implementation process
- ▶ The implementation of village regulations need to be pushed; government of village level need to be accompanied
- ▶ Disabilities group empowerment as one of strategy to grow confident in order to make them capable to get involved in rural development
- ▶ Building inclusive awareness among societies in village levels should be conducted continuously

Further research

- ▶ Mapping disability models that strongly influencing perception of rural people regarding PwDs
- ▶ Measuring of achievement of the implementation of inclusion policy by using of Inclusion Village indicator
- ▶ Finding obstacles faced by rural people on the implementation of inclusion policy
- ▶ Identifying strategic programs needed to accelerate achievement of inclusion village policy



THANK YOU
for your kind attention

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