

A GUIDE TO DISABILITY RIGHTS LAWS IN  
INDONESIA

JAN PRIEBE AND FIONA HOWELL

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*July 2014*

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**Jan Priebe and Fiona Howell<sup>1</sup>**

July 2014

## **ABSTRACT**

In the past few decades, the Government of Indonesia has passed and signed a substantial number of domestic laws and international conventions/treaties that deal with the rights and opportunities of persons with disabilities (PWDs). Disability is a cross-cutting issue and requires an extensive review and monitoring of multiple pieces of legislation that have already been passed in or ratified by Indonesia. In this context, the objective of this report is to provide an overview for a broad audience of the crucial elements of the Indonesian legal framework on PWDs' rights.

*Key Words:* Disability, rights, law, constitution, Indonesia

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## Abbreviations

|          |   |
|----------|---|
| ASEAN    | Association of Southeast Asian Nations  |
| Bappenas | <i>Badan Perencanaan Pembangunan Nasional</i> (National Development Planning Agency)                        |
| ILO      | International Labour Organization   |
| MDG      | Millennium Development Goal   |
| MoSA     | Ministry of Social Affairs  |
| n/a      | not applicable  |
| NGO      | nongovernmental organisation  |
| PWD      | person with disabilities  |
| Renaksi  | <i>Rencana Nasional Aksi Penyandang Cacat</i> (National Plan of Action for Persons with Disabilities)       |
| SJSN     | <i>Sistem Jaminan Sosial Nasional</i> (National Social Security System)                                     |
| TNP2K    | <i>Tim Nasional Percepatan Penanggulangan Kemiskinan</i> (National Team for Accelerating Poverty Reduction) |
| UN       | United Nations  |
| UNCRPD   | United Nations Convention on the Rights of Persons with Disabilities  |
| UNESCAP  | United Nations Economic and Social Commission for Asia and the Pacific                                      |
| UNESCO   | United Nations Educational, Scientific, and Cultural Organization   |



## Introduction

The Government of Indonesia has passed and signed a substantial number of domestic laws and international conventions/treaties that deal with the rights and opportunities of persons with disabilities (PWDs).<sup>2</sup> The resulting legal framework has been designed to benefit the lives of PWDs in Indonesia; however, the implementation and enforcement of these laws has in some cases not yet occurred. In addition, significant gaps remain in the national legal framework for Indonesia to conform to the requirements of the United Nations (UN) Convention on the Rights of Persons with Disabilities (UNCRPD). These gaps can be addressed through reforms to existing laws that would eliminate discrimination against PWDs and through creation of legislation to ensure that the government's policies and programmes guarantee the rights of PWDs. In addition, attention needs to be given to government regulations to ensure that domestic laws are translated into actual implementation guidelines for specific programmes.

Disability is a cross-cutting issue and requires an extensive review and monitoring of multiple pieces of legislation that have already been passed/ratified in Indonesia. In this context, the objective of this report is to provide an overview for a broad audience of the crucial elements of the Indonesian legal framework on PWDs' rights. The authors would like to emphasise that this report is meant to provide an overview on the legal framework and not an evaluation based on expert legal opinion. Although this report covers many important areas, it leaves certain topics uncovered. Furthermore, this report deals with the national and international legal framework and does not cover regional (province- and district-specific) legislation.

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<sup>2</sup> Appendix 1 provides a comprehensive list of relevant domestic laws and international conventions/treaties. Some of these laws are described in more detail in Adioetomo et al. (2014).

## The Legal Framework

The Indonesian legal framework for PWDs comprises a series of laws and regulations that can be broadly grouped into three categories:

### A Note on Terminology in Indonesia

The terminology used to label PWDs has changed frequently since 1945, yet the concept of disability has always centred on persons with functional impairments. Between 1947 and the end of the 1970s, PWDs were described using the prefix *ber*, which means 'has' or 'owns' a defect or defects. The prefix effectively labelled them as 'persons with deficit(s)' or 'abnormality(ies)', and therefore assumed that they suffered from an impairment. In 1974 the label *tuna*, which means 'lacking' or 'without' in Bahasa Indonesia, was introduced as a socially and politically correct term to label impairment (for example, *tunarungu* means 'without hearing'; *tunadaksa* means 'lacking physical ability'). In the 1980s, the term *penderita cacat* (persons suffering from deficits) was introduced and used until 1992 (in Bahasa Indonesia, to suffer is *menderita*; a person who suffers is *penderita*). In the 1990s, the term *penyandang cacat* ('with disabilities') gained prominence. It was first used in public policy in Article 42 in Law No. 15 of 1992 on Aviation, and later employed in Law No. 4 of 1997 on PWDs. Across the years, however, various Indonesian laws used other short-lived terminology to describe people with disabilities often applying to only one law. In 2006 the United Nations Convention on the Rights of People with Disabilities took a different approach to disability and defined it as 'an evolving concept', one that 'results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others'. The convention has been ratified by the Indonesian Government through Law No. 19 of 2011, which adopted the term *penyandang disabilitas* (persons with disabilities). This term is now considered the politically correct term for PWDs and is used in most discourse on disability.

- **The constitution and associated social welfare laws and national development plans** lay out the basic rights of PWDs (see table 1, appendix 1).
- **Sector-specific laws** often regulate very precisely how these rights are applied within particular sectors, such as employment or education (see table 2, appendix 1).
- **International conventions/treaties** and other initiatives set out standards and guidelines for national legislation to adopt a rights-based approach to disability (see table 3, appendix 1).

These three pillars form the legal basis for securing PWDs' rights and enhancing their participation in society and organise the three main sections in this guide:

### ***1945 Constitution, Major Social Welfare Laws, and National Development Plans***

The cornerstone of rights for PWDs in Indonesia originates in the 1945 Constitution, which establishes the foundation of all the laws concerning PWDs and provides social assistance to poor persons with disabilities. Article 28 of the Constitution states specifically that every citizen has the right to live, defend his/her life and existence, establish a family, and have access to the means to fulfil his/her basic needs, education, employment, health care, and social protection. The 1945 Constitution also mandates the government to care for and provide social protection for poor citizens.<sup>3</sup>

Besides the Constitution, the principal law defining the rights of PWDs in Indonesia is Law No. 4 of 1997 on Persons with Disabilities. Article 1 of this law defines PWDs as 'people with physical and/or mental deficiencies so that they can't ordinarily do their social function'. Articles 6, 8, 10, 11, 12, 13, 14, and 16 of this law also states that PWDs have the right to education, employment, access to public facilities, and equal opportunity and treatment in all aspects of their lives and livelihood. In particular, Article 14 declares that state-owned and private companies shall give equal treatment and opportunities to the disabled by employing them according to their disabilities and education.

Law No. 39 of 1999 on Human Rights laid out in Articles 12, 17, 38, 41, and 42 the basic principles for further laws and regulations on avoiding discrimination in all aspects of people's lives.

In 2004 the Government of Indonesia formulated a more detailed strategy for PWDs through the first National Plan of Action for Persons with Disabilities (Rencana Nasional Aksi Penyandang Cacat or Renaksi), which covered 2004–13 (MoSA 2004). Renaksi 2004–13 comprises eight priority areas pertaining to PWDs, the first seven of which also appeared in the earlier Biwako Declaration.<sup>4</sup> It also sets out important advocacy and awareness goals, such as gaining the political commitment of stakeholders, especially policy makers, nongovernmental organisations (NGOs), community and religious leaders, and disability experts to improve the welfare of PWDs; greater provision of services for PWDs, mainly through access to health care and social protection;<sup>5</sup> and building and strengthening families' and communities' informal support for PWDs.

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<sup>3</sup> The constitution does not explicitly refer to the rights of PWDs. However, because the constitution guarantees the rights of every citizen in Indonesia, it provides the legal basis against any sort of discrimination against PWDs.

<sup>4</sup> The priority areas stated in the Renaksi are (1) training and employment, including self-employment; (2) early detection, early intervention, and education; (3) poverty alleviation through capacity building, social security, and sustainable livelihood programmes; (4) access to built environments and public transport; (5) access to information and communications, including information, communications, and assistive technologies; (6) organisation of PWDs and of parents who have children with disabilities into NGOs; (7) women with disabilities; and (8) international relations and human rights.

<sup>5</sup> These outcomes are to be complemented by strengthening institutions that deal with PWDs through inter- and intrasectoral collaboration and national and international cooperation, strengthening PWDs' participation in family life, the community, nation and state, and developing guidance to improve the welfare of PWDs that should be implemented by all stakeholders at the national, provincial, and district/municipality levels.

Please note that, at the time this report was written, Bappenas and the Ministry of Social Affairs were designing the new Renaksi.

Law No. 40 of 2004 on the National Social Security System (Sistem Jaminan Sosial Nasional or SJSN) mandates the establishment of a comprehensive and universal social protection system for all Indonesian citizens, including PWDs (see preamble, point [b]). Subsequent regulations and laws provide social assistance to PWDs, such as through Articles 4 and 5 of Law No. 11 of 2009 on Social Welfare and through the Ministry of Finance's Director-general of Treasury Regulation No. 20 Year 2006 on Cash Disbursement for Severely Disabled People and for Vulnerable Elderly, which stipulates cash disbursements these persons.

In October 2011 the Government of Indonesia enacted Law No. 19 of 2011 on the Ratification of the Convention on the Rights of Persons with Disabilities and incorporated the convention into domestic law.<sup>6</sup>

Furthermore, in 2012 the government expressed its commitment to creating a comprehensive social protection floor for everybody in Indonesia. A related document—the International Labour Organisation's Social Protection Assessment-Based National Dialogue in Indonesia, drafted in 2012 in conjunction with Bappenas—envisions that, by 2020, all disabled persons will receive a noncontributory pension in Indonesia (ILO 2012, 80–81).

As a consequence of the 2011 ratification of the UN Convention on the Rights of People with Disabilities (UNCRPD), the Ministry of Social Affairs is currently undertaking revision of National Law No. 4 of 1997 on PWDs (Adioetomo et al. 2014).

In 2013 Bappenas included PWDs in the Master Plan for the Acceleration and Expansion of Poverty Reduction (MP3KI). The plan envisions social assistance to poor and vulnerable PWDs as one of the five cornerstones of the social assistance safety net. It also projects increased benefits and coverage of social assistance programmes for PWDs (Bappenas 2013). According to the MP3KI, by 2025 every PWD who is poor or vulnerable to poverty should receive some sort of social assistance.<sup>7</sup>

### ***Sector-Specific Laws***

A number of important sector-specific laws concern the rights of PWDs in terms of accessibility, collection of data on disability, education, employment, family life, and welfare. The following subsections present the main pieces of national legislation. See table 2 in appendix 1 for more detail on sector-specific laws.

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<sup>6</sup> Convention details are described in the section 'United Nations Convention on the Rights of Persons with Disabilities' below.

<sup>7</sup> It is important to note that, at the time this report was written, the Indonesian parliament was preparing a National Law on Disability Rights. This law will need to be enacted after parliamentary and presidential elections in 2014 by a new parliament. Although the final version of this law has not yet been approved, it is expected to form the cornerstone of Indonesia's legal disability framework.

## *Accessibility*

Accessibility and special provisions for sick people, elderly, and the disabled have been addressed in a number of separate laws on transportation. Article 35 in Law No. 13 of 1992 on Railways, Article 39 in Law No. 14 of 1992 on Ground Traffic and Transportation, Article 42 in Law No. 15 of 1992 on Aviation, and Article 83 in Law No. 21 of 1992 on Sail and Seafaring regulate and stipulate improved and special access for PWDs to various means of transportation. The Ministry of Transportation also issued Ministerial Decree No. KM-71 Year 1999 on Accessibility of PWDs to transportation facilities and infrastructure, which outlines in detail what is meant by universal design and correct structural measurements. Further disability-relevant legislation includes Article 27 in Law No. 28 of 2002 on Buildings, which contains implementing regulations concerning PWDs, and Articles 25, 242, and 244 in Law No. 22 of 2009 on Ground Traffic. Article 242 states that public transportation operators must provide special treatment for PWDs; Article 25 states that each ground operating vehicle must have a disability-friendly facility; and Article 244 specifies the penalties for not implementing Article 242.

## *Collection of Disability Data*

Statistical and administrative data on disability are indispensable to policy planning. Article 1 of Law No. 16 of 1997 on Statistics obliged the government, including Statistics Indonesia and ministries, to regularly collect disability data, classifying them as ‘Special Statistics’. Presidential Regulation No. 103 of 2001 later elevated the status of disability statistics to the classification of ‘Basic Statistics’ and also gave Statistics Indonesia the responsibility for collecting basic statistics for use by relevant government departments (BPS 2013).

## *Education*

The Ministry of Education distinguishes between two types of education for PWDs: special and inclusive. The education of PWDs is guaranteed under Law No. 20 of 2003 on the National Education System, which states that every citizen has the right to a quality education. Articles 2, 4, 5, 15, and 32 in this law suggest that PWDs and those with exceptional talents should have access to special education. In light of the very small number of institutions providing education to PWDs in Indonesia in 2003 and to facilitate implementation of rights to education, the Ministry of Education issued Circular Letter No. 380/G.06/MN, Year 2003, on Inclusive Education, defined as education that welcomes the participation of children with disabilities to learn together with their peers in regular schools.<sup>8</sup> It was followed by Government Regulation No. 10, Year 2010, which provided instructions to all educational levels to provide education without any discrimination, including discrimination based on disability.

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<sup>8</sup> The Circular Letter does not refer to children with disabilities directly but uses the terms ‘children with special needs’ and ‘extraordinary children’.

The main regulations on which the ministry relies in implementing both types of education for PWDs (special and inclusive) are Government Regulations 19, Year 2005; 17, Year 2010; and 32, Year 2013, and Ministry of Education Regulation No. 70, Year 2009. In the case of special education, facilities for PWDs include accessibility for wheelchairs and other aids, and text written in the Braille alphabet. In the case of inclusive education, the required facilities are not specified and depend on the needs of particular schools.

In practice, the Ministry of Education supports the establishment of both special and inclusive schools, although their numbers are still relatively low compared with the number of disabled children of school age.<sup>9</sup>

Vocational training for PWDs is within the scope of activities of the Ministry of Education, which partners up with different professional organisations to provide PWDs with the required skills.

## **Employment**

Employment of PWDs in Indonesia is regulated by the following laws and regulations:

- Article 14 in Law No. 4 of 1997 on PWDs and Government Regulation No. 43, Year 1998, issued to implement the law, which requires that 1 of every 100 employees be a PWD
- Article 4, Paragraph 28, Law No. 43 of 1998 on Efforts to Improve the Social Welfare of Persons with Disabilities, which states it is the ‘responsibility of the private and public institutions to provide employment opportunities and labour participation of PWDs, [wherein] one in every 100 employees should [be a] Person with Disability’
- Article 28 in Law No. 4 of 1997 on PWDs specifies that penalties should be applied to ‘whoever goes against the Article 14 of this Act, [and who] shall be punished with a maximum imprisonment of 6 (six) months and/or a maximum fine of Rp 200,000,000, (Two hundred millions Rupiah) fine’

Law no. 4 of 1997 on PWDs, however, is often not enforced. Additionally, many PWDs are underemployed, engaged in insecure jobs, and have less opportunity to advance their careers. Most have limited or no access to education, skills training, and employment, which is acknowledged as a major impediment to the participation of PWDs in the economy.

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<sup>9</sup> According to data from the Ministry of Education for the school year 2012/13, in Indonesia 1,278 elementary schools and 412 junior secondary schools offered special education and 645 elementary and 87 junior secondary schools offered inclusive education. Students in special elementary and junior secondary schools numbered, respectively, 59,028 and 4,105. Students in inclusive elementary and junior secondary schools numbered, respectively, 13,531 and 4,810. The ratio of special schools to inclusive schools in Indonesia at the elementary school level was almost 2:1 (1.97:1), while the ratio of special schools to inclusive schools at the junior secondary level was 4.74:1. The ratio of numbers of students in special schools to numbers of students in inclusive elementary schools was 4.36:1, while the ratio of students in special schools to students in inclusive schools at junior secondary level was 0.85:1.

Additional provisions have been included in Law No. 13 of 2003 on Manpower, which clearly prohibits termination of work due to disability. Article 153, Paragraph 1 (j) of the law states that employers cannot discharge an employee when s/he is ill or disabled while performing his/her duties, except when his/her disability has lasted more than 12 months, or if s/he cannot perform his/her duties anymore (Article 172).

However, Law No. 9 of 2003 on Employment, Chapter VII, Article 22, and a Joint Decree of the Ministry of State Apparatus and Ministry of Internal Affairs No. 01/SKB/M.PAN/4/2003 No. 17/2003 allow officers who recruit and terminate state employees to prevent employment of someone who is disabled. They also have the authority to terminate employment of a government staffperson on the basis of having become permanently disabled while on duty.

### ***Family Life***

Law No. 1 of 1974 on Marriage, Article 4, Paragraph 2, enforced through Government Regulation No. 9, Year 1975, Section V, Article 19 (e), allows a husband to file for divorce because of his wife's inability to perform her role as a (subservient) wife because of a disability. At the time of this writing, this discriminatory law is still effective and being applied to divorce cases in Indonesia (Adioetomo et al. 2014, p. 26).

### ***Welfare***

The Ministry of Social Affairs issued Government Regulation No. 36 in 1980 on Social Welfare for the Disabled. Article 1 of this regulation defines disabled as 'any person who has a medically declared physical and/or mental handicap, which consequently becomes an obstacle or obstruction for him to perform activities properly.' It includes provisions for medical and social rehabilitation as well as a social fund to support poor PWDs according to the financial resources of the government.

Article 4 in Law No. 43 of 1998 on Efforts to Improve the Social Welfare of Persons with Disabilities states that the government should provide equal opportunities, rehabilitation, social assistance, and government assistance to improve the welfare of PWDs.

Furthermore, Law No. 40 of 2004 on the National Social Security System mandates establishment of a comprehensive and universal social protection system for all Indonesian citizens, including PWDs.

### **A Note on Legal Classification of PWDs in Indonesia**

The Ministry of Social Affairs classified PWDs as belonging to a subpopulation with social problems—*penyandang masalah sosial* or PMKS (MoSA 2007)—in Ministerial Decree No. 06B/HUK/2010 concerning the Provision of Welfare Services in 50 Less-Developed Districts and Ministerial Decree No. 80/HUK/2010 concerning Budget Planning Guidelines to Achieve the Minimal Standard of Quality Welfare Services in the Provinces, Municipalities, and Districts. PWDs are included in the same category as the homeless, beggars, prostitutes, ex-prisoners, survivors of trafficking, drug users, and neglected senior citizens, which demonstrates that disability mainstreaming efforts have not yet been successful at all levels of government. Likewise, Article 41 of the Decree of the Governor of Jakarta No. 8, Year 2007, on Public Order also stipulates that persons who have illnesses that can disturb public order are prohibited from conducting activities on the street, public gardens, and other public spaces. The reason behind this policy stems from a desire to exclude persons with leprosy and psychoses (Adioetomo et al. 2014, p. 26), although interpretations of this provision may include PWDs in a general sense.



## **International Conventions, Declarations, and Initiatives**

Indonesia has made substantial efforts to integrate major international initiatives on PWDs into its domestic legal framework. Examples include ratification of the UNCRPD and Indonesian attempts to integrate recommendations from the Association of Southeast Asian Nations (ASEAN) or other UN bodies into domestic laws and regulations.

### ***World Programme of Action Concerning Disabled Persons (1982–93)***

A major outcome of the UN's International Year of Disabled Persons in 1982 was formulation of the World Programme of Action concerning PWDs, adopted by the UN General Assembly, including Indonesia, (General Assembly Resolution 37/52). The World Programme of Action is a global strategy for enhancing disability prevention, rehabilitation, and equalisation of opportunities, which is intended to ensure full participation of PWDs in social life and national development. To provide a time frame for government implementation of recommended programme activities, the UN General Assembly including Indonesia proclaimed 1983–92 the United Nations Decade of Disabled Persons (General Assembly Resolution 37/52). Regarding education and employment of PWDs, in 1989 the UN General Assembly adopted the 'Tallinn Guidelines for Action on Human Resources Development in the Field of Disability' (General Assembly Resolution 38/28). These guidelines provide a framework for promoting participation, training, and employment of PWDs within all government ministries and on all levels of national policy making in order to equalise opportunities for PWDs. In 1991 the General Assembly adopted the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (General Assembly Resolution 44/755). The resolution's 25 principles define fundamental freedoms and basic rights of persons with mental illness.

### ***Education-Specific Commitment: UNESCO Dakar Commitment and Agenda for Action (2000)***

The United Nations Educational, Scientific and Cultural Organization (UNESCO) Dakar Commitment and Agenda for Action (2000) contains a Commitment to Education for All, including children with disabilities (World Education Forum 2000). It was adopted at the World Education Forum in Dakar in 2000 (which included representatives of the Government of Indonesia)<sup>10</sup> and contains six regional frameworks for action on inclusive education (World Education Forum 2000). The Asia and the Pacific framework for action includes specific measures that should be taken to ensure the inclusion of women and girls with disabilities in all educational processes and for all levels of education to be free of barriers in attitudinal, informational, and physical terms, so PWDs can participate meaningfully in UNESCO Education for All activities.

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<sup>10</sup> The Indonesian permanent delegate to UNESCO and the director general for primary and secondary education and director general for out-of-school education, both from the Ministry of Education and Culture.

## ***United Nations Convention on the Rights of Persons with Disabilities***

The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted by the UN General Assembly on 13 December 2006. Article 3 of the UNCRPD (p. 5) presents its principles as follows:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. (United Nations 2013a, p. 5)

On 30 March 2007 (the day the convention was open for signing), 82 countries, including Indonesia, signed the document—the largest number of signings on the first day in the history of UN conventions. Forty-four countries have signed the Optional Protocol,<sup>11</sup> but not Indonesia. Both the convention and Optional Protocol resulted from many years of work by the United Nations to change attitudes and approaches to PWDs, shifting from consideration of PWDs as ‘objects’ of charity requiring medical treatment and social protection, towards viewing PWDs as (1) citizens with rights, (2) capable of claiming those rights and making decisions about their lives based on their free and informed consent, and (3) active members of society. The convention is intended as a human rights instrument with an explicit social development dimension. It adopts a broad categorisation of PWDs and reaffirms that all persons with all types of disabilities must be able to enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to PWDs; it also identifies areas in which adaptations are necessary for PWDs to effectively exercise their rights and areas in which their rights have been violated and protection of rights must be reinforced (United Nations 2013b).

## ***World Health Organization Global Disability Action Plan 2014–21 Draft***

On 27 May 2014, the world's health ministers endorsed the first World Health Organization Global Disability Action Plan 2014–21, which is intended to improve health among PWDs. The final version of this report is available from the following URL: <http://www.who.int/disabilities/actionplan/en> (accessed 7 July 2014).

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<sup>11</sup> The Optional Protocol is also an international treaty that establishes two procedures intended to strengthen the implementation and monitoring of the convention. The first is an individual communications procedure allowing individuals to bring petitions to the Committee on the Rights of Persons with Disabilities claiming breaches of their rights; the second is an inquiry procedure giving the committee authority to undertake inquiries of grave or systematic violations of the convention (United Nations 2013b).

## *Post-2015 Global Development Agenda*

The Government of Indonesia is committed to ensuring that disability is included in the new, post-2015 global development agenda, now under development, that will succeed the Millennium Development Goals (MDGs), whose target date has been 2015. Inclusion of disability-related objectives is likely to lead to greater pressure on countries to comply with and report on them. So far, the recommendations of the High-Level UN Panel on the Post-2015 Development Agenda, co-chaired by Indonesia's President Susilo Bambang Yudhoyono, include several disability-related proposals.<sup>12</sup> Specifically, the panel has stated that disability must be mainstreamed across government policies and that laws that prevent discrimination against PWDs must be put in place. Additionally, national data collection systems should be improved in order to track progress on equal access and opportunities for PWDs. The panel has also proclaimed that no person—regardless of disability—should be denied universal human rights and basic economic opportunities (UN High-Level Panel on the Post-2015 Development Agenda 2013b).

## *Asian Legal Initiatives*

In the Asia-Pacific region, two bodies have spearheaded efforts to delineate frameworks for barrier-free and rights-based societies for PWDs. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) comprises 53 member states from the Asia-Pacific region, including Indonesia. In the early 1990s the commission proclaimed the Asian Decade for Persons with Disabilities for 1993–2002 to promote inclusiveness of PWDs in the Asia-Pacific region. During the 2002 high-level intergovernmental meeting of member states in Otsu Shiga, Japan, UNESCAP adopted the so-called Biwako Millennium Framework for Action,<sup>13</sup> which introduced the rights-based approach to disability into the Asia-Pacific region and identified seven priority areas for improving the livelihoods of PWDs in member countries: (1) training and employment, including self-employment; (2) early detection, early intervention, and education; (3) poverty alleviation through capacity building, social security, and sustainable livelihood programmes; (4) access to built environments and public transport; (5) access to information and communications, including information, communications, and assistive technologies; (6) organisation of PWDs and of parents who have children with disabilities into NGOs; and (7) women with disabilities (Price and Takamine 2003). The framework, which was adopted by all member states of UNESCAP, provided regional policy recommendations for governments and concerned stakeholders for achieving an inclusive, barrier-free, and rights-based society for PWDs. It also incorporated the MDGs and their relevant targets to ensure that concerns relating to PWDs became an integral part of efforts to achieve the goals (UN Economic and Social Council 2002). To implement the recommendations of the framework, UNESCAP simultaneously extended the Asian Decade for Persons with Disabilities for another decade, 2002–13.

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<sup>12</sup> The 27-member UN panel, initiated by the UN Secretary General in July 2012, is co-chaired by President Susilo Bambang Yudhoyono of Indonesia, President Ellen Johnson Sirleaf of Liberia, and Prime Minister David Cameron of the United Kingdom and includes leaders from civil society, the private sector, and government (UN High-Level Panel on the Post-2015 Development Agenda 2013a).

<sup>13</sup> The name Biwako Millennium Framework is derived from Lake Biwa or Biwako, as it is also called, at whose shores lies the Shiga prefecture in Japan, the site of the high-level intergovernmental meeting that adopted the framework (Yamasa Institute 2013).

In September 2007, five years into the second Asian Decade for PWDs, at a high-level Intergovernmental Meeting held in Bangkok, UNESCAP adopted the so-called Biwako Framework Plus Five,<sup>14</sup> which defined five additional areas for member states to work on (1) reinforcing a rights-based approach to disability issues, (2) strengthening comprehensive community-based approach to disability issues, (3) promoting an enabling environment and strengthening effective mechanisms for policy formulation and implementation, (4) improving the availability and quality of data and other information on disabilities, and (5) promoting disability-inclusive development (see table 3 in appendix 1). Biwako Framework Plus Five, signed by Indonesia as a member of UNESCAP, is expected to further contribute to a disability-friendly agenda and provide more specific directions for governments on the creation of an inclusive and barrier-free society for PWDs.

In 2012 UNESCAP subsequently adopted another regional initiative—the Incheon Strategy—intended to improve the legal status of PWDs in its member countries (described in more detail in appendix 2). Formulated for 2013–22 at another high-level intergovernmental meeting of the member states this time held in Incheon, Korea, it laid out 10 disability-related goals for governments of UNESCAP member states to achieve (listed in appendix 2).

Although the Government of Indonesia has signed the strategy, as a member of UNESCAP, Indonesia has yet to implement many of the components outlined in the document. It will also require considerable resources be allocated at national and subnational levels to fulfil all the requirements of the strategy, including as an example, the establishment of reliable disability statistics by the midpoint of the decade (2017), as the source for tracking progress towards the achievement of the goals and targets in the Incheon Strategy (UNESCAP 2012).

The ASEAN community has also been active in improving the welfare of PWDs in the wider Asia-Pacific region as follows:

- The Jakarta Declaration, adopted at the Regional Conference on ASEAN and Disability on 2 December 2010, recognised the necessity for persons with disabilities to participate actively in formulating, implementing, and evaluating policies related to disability issues in the ASEAN region.<sup>15</sup>
- At ASEAN’s triennial Official Meeting on Social Welfare and Development in 2011 in Bangkok, it declared the ASEAN Decade of Persons with Disabilities (2011–22), which bound its member states to improve the quality of life of persons with disabilities (ASEAN 2011b).
- During this meeting, officials also formulated a Strategic Framework on Social Welfare for 2011–15 with an agenda of creating old-age pension schemes, mainstreaming disability, and ensuring equal access to employment markets for PWDs.
- The ASEAN community adopted the Bali Declaration on Disabled Persons on 19 December during the 19th ASEAN Summit. It called for enhancement of the role and participation of PWDs in member countries (ASEAN 2011a). How Indonesia will meet its commitments under both the strategic framework and the Bali Declaration is uncertain.

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<sup>14</sup> See <http://www.ncda.gov.ph/international-conventions-and-commitments/other-international-commitments/biwa-ko-plus-five>.

<sup>15</sup> This declaration has not been adopted by the ASEAN member states but has been adopted by the Disabled Peoples’ International Asia-Pacific Region and the Disabled Peoples Association of Indonesia. The declaration calls for action by ASEAN member state governments but is not an official ASEAN initiative.

- The ‘ASEAN Meeting on Promoting the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) towards Enhancing the Roles and Participation of Persons with Disabilities in the ASEAN’ was held on 29 August 2013 in Hanoi, Viet Nam. At that meeting, Indonesia reported a total number of 3,838,985 PWDs based on 2012 social data; however, it acknowledged problems with the availability of accurate data and information on PWDs.

## Concluding Remarks

The 1945 constitution forms the basis of all national legislation concerning PWDs in Indonesia. Since 1945 and especially in the past 15 years, many new laws, decrees, and regulations have been passed intended to improve and ensure the rights of PWDs in the country. Internationally, Indonesia has demonstrated its commitment to the rights of PWDs by ratifying and signing a variety of international conventions and declarations. Furthermore, the recent recommendations of the UN High-Level Panel on the Post-2015 Development Agenda suggest that the rights of PWDs will be given much more weight and focus in the following decade, both at the national and international levels.

Although Indonesia has made remarkable progress in past years in developing a comprehensive legal framework for PWDs, many challenges still remain for the Government of Indonesia and policy makers in order to ensure that equal rights and opportunities for PWDs are fully realised. Among those challenges are significant gaps that remain in the legal framework, reforms to national laws to eliminate discriminatory provisions, and clarification of existing ambiguous legislation to direct implementation thereof and provide practical guidance. In some cases, ambiguous and unclear language has led to no or only minimal action and policy implementation. The fiscal resources allocated under the national budget and the programme coverage of PWDs in Indonesia are both still too low to achieve equal rights and opportunities. Of particular concern are some areas of domestic legislation that still discriminate against PWDs. The Government of Indonesia is required to enact national laws that include antidiscrimination provisions, technical standards, and other measures to uphold and protect the rights of persons with disabilities and amend or nullify national laws that directly or indirectly discriminate against persons with disabilities, with a view to harmonising national legislation with the UN Convention on the Rights of People with Disabilities.

In 2004, the Ministry of Social Welfare set up a National Coordinating Body to oversee all matters concerning disability and to increase cooperation among the different ministries and institutions concerned. This National Coordinating Body has contributed to the development of Indonesia's first national action plan on disability.

On 3 December 2013, Minister of Social Affairs Dr. Salim Segaf Al Jufri stated his support for a 'new concept of disability that should also include the social environment'. In his opinion, a new law on disability rights should include this concept and cover not only economic rights but also civil, political, and cultural rights. The drafting of a new law would provide a significant opportunity to develop disability-inclusive public policy based on a comprehensive understanding of the barriers that confront persons with disabilities on a daily basis. The implementation of the existing laws, and the new law, will require cooperation, collaboration, and commitment from national and subnational governments, the private sector, communities, disabled people's organisations, civil society organisations, NGOs, universities, and research institutes. However, it will be important that the process of drafting the national law aligns with Indonesia's international commitments and ensures that persons with disabilities participate in the formulation, implementation, and evaluation of policies and programmes related to disability issues.



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## Appendix 1. Main Welfare Legislation on PWDs in Indonesia

Table 1: Main Welfare Legislation on PWDs in Indonesia

| Law, Treaty, or Decree                 | Year Signed/Ratified | Content Related to PWDs  | Corresponding International Regulation/ Initiative (Year) | Provisions of the International Regulation/ Initiative   |
|--|----------------------|--|---|--|
| Constitution                           | 1945                 | All citizens have the right to establish a family; have access to the means to fulfil basic needs; and obtain education, employment, health, and social protection (Articles 28 a, b, c, d, and h). Includes provision mandating the government to care for and provide social protection for poor citizens.   | Not applicable (n/a)                                      | n/a  |
| Law No. 4                              | 1997                 | PWDs have the right to have access to education, to work, to live according to their degree of disability, to access public facilities, and to receive equal opportunity and treatment in all aspects of their lives and livelihoods. The government and/or community administer means for rehabilitation, social assistance, and maintenance of social welfare standards (Articles 6, 8, 10, 11, 12, 13, 14, and 16). Government should provide assistance to PWDs living in poverty. | Biwako Framework (1992–2002)                              | Training and employment; early detection, intervention, and education; poverty alleviation through capacity building, social security, and sustainable livelihood programmes; access to built environments and public transport; access to information, communications, and assistive technologies; organisation of PWDs and of parents who have children with disabilities into NGOs; women with disabilities |
| Government Regulation No. 43           | 1998                 | The government should provide equal opportunities, rehabilitation, social assistance, and government assistance to maintain the quality of PWDs' welfare (Article No. 4).  | n/a   |  |
| (implements Law No. 4 of 1997 on PWDs) | n/a                  |  |   |  |
| Law No. 39                             | 1999                 | Lays out the basic principles underlying further laws and regulations on avoiding discrimination in all aspects of people's lives.   | UN Declaration of Human Rights (1948)                     | Delineation of basic human rights  |
| Law No. 40                             | 2004                 | Social security is guaranteed to every citizen.  | n/a   | n/a  |

**Table 1: Main Welfare Legislation on PWDs in Indonesia (continued)**

| Law, Treaty, or Decree                             | Year Signed/Ratified | Content Related to PWDs  | Corresponding International Regulation/ Initiative (Year)                     | Provisions of the International Regulation/ Initiative   |
|--|----------------------|--|---|--|
| National Plan of Action for PWDs (Renaksi) 2004–13 | 2004                 | Covers a range of topics on strengthening informal and formal support networks for PWDs, improving government coordination and implementation of PWD-related programmes, increasing societal awareness, and decreasing stigmatisation of PWDs. Renaksi includes seven of the eight Biwako+ topics. | Ministerial Meeting in Otsu Shiga, Japan (2002); Biwako Framework (1992–2002) | Addresses provisions of the Biwako Millennium Framework for Action (1992–2002) and includes a clause on international collaboration and human rights to accommodate local situation. |
| Ministry of Finance Regulation No. 20              | 2006                 | Cash disbursement for severely disabled people and the elderly.  | n/a   | n/a  |

**Table 1: Main Welfare Legislation on PWDs in Indonesia (continued)**

| Law, Treaty, or Decree         | Year Signed/Ratified | Content Related to PWDs   | Corresponding International Regulation/ Initiative (Year) | Provisions of the International Regulation/ Initiative   |
|--------------------------------|----------------------|---|---|--|
| Law No. 11                     | 2009                 | Provision of social welfare to disabled persons, including social rehabilitation, social security, social empowerment, and social protection. | UNCPRD (2006)   | Article 28, Paragraph 2: ‘States Parties recognise the right of PWDs to social protection and enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realisation of this right, including measures: a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs; b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes; c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care; d) To ensure access by persons with disabilities to public housing programmes; e) To ensure equal access by persons with disabilities to retirement benefits and programmes’. |
| Presidential Instruction No. 3 | 2010                 | The Children Social Welfare Programme targeted 1,750 children in 2011 with a benefit of Rp 1.8 million a year.                                | n/a   | n/a  |

**Table 1: Main Welfare Legislation on PWDs in Indonesia (continued)**

| Law, Treaty, or Decree  | Year Signed/Ratified | Content Related to PWDs  | Corresponding International Regulation/ Initiative (Year) | Provisions of the International Regulation/ Initiative  |
|---|----------------------|--|---|---|
| Law No. 19  | 2011                 | Ratification of the UNCPRD and incorporation of the convention into Indonesia's domestic law | UNCPRD (2006)   | Adoption of the social and human-rights model of disability; recognition of the unconditionality of PWDs' rights and that discrimination based on disability is a violation of a person's dignity and self-worth. |
| Bappenas & ILO Social Protection Floor Strategy (not yet implemented) | 2012                 | Noncontributory pension for all disabled people  | n/a   | n/a   |

**Table 2. Sector-Specific Laws Pertaining to PWDs in National Legislation**

| Law  | Signing/Ratification Year | Area/Sector*                                      | Content Related to Disabilities   |
|--|---------------------------|---|---|
| Governor of Jakarta Decree No. 66                          | 1981                      | Accessibility (Public Facilities)                 | Guidelines on accessibility for PWDs in public buildings and housing in Jakarta only  |
| Law No. 13   | 1992                      | Accessibility (Railway)                           | Provisions for PWDs   |
| Law No. 14   | 1992                      | Accessibility (Ground Traffic and Transportation) | Provisions for PWDs   |
| Law No. 15   | 1992                      | Accessibility (Aviation)                          | Provisions for PWDs   |
| Law No. 21   | 1992                      | Accessibility (Sail and Seafaring)                | Provisions for PWDs   |
| Ministerial Decree (Ministry of Public Works) No. 441/KPTS | 1998                      | Accessibility                                     | Buildings used for public services must be equipped with facilities that provide easy access to everyone, including PWDs; entrances and exits and means of transportation within such buildings must be accessible to PWDs. |

**Table 2. Sector-Specific Laws Pertaining to PWDs in National Legislation (continued)**

| Law  | Signing/<br>Ratification<br>Year | Area/Sector*   | Content Related to Disabilities   |
|--|----------------------------------|--|---|
| Government Regulation No. 82                       | 1999                             | Accessibility (Water Transportation)                           | Water transportation companies must provide facilities and special services for PWDs; these services and facilities include giving priority when selling tickets, providing facilities to ease boarding and disembarkment, and providing facilities for disabled people while aboard.   |
| Ministry of Transportation Decree No. KM-71        | 1999                             | Accessibility (Transportation Facilities and Infrastructure)   | Delineation of the universal design and the correct structural measurements: Train stations, trains, and airports should be accessible to PWDs with physical disabilities. Likewise, all facilities need to provide enough space, special toilets, transport, and communication devices to allow PWDs to use these transportation devices. PWDs should be considered for discounts on transportation.   |
| Law No. 28   | 2002                             | Accessibility (Building)                                       | Implementing regulations  |
| Law No. 22   | 2009                             | Accessibility (Ground Traffic)                                 | Regulations addressing accessibility for PWDs: Any road used for public transportation should be equipped with special facilities for PWDs. Traffic management and engineering should optimise use of the road network and traffic; guarantee road safety and order and smooth traffic; and provide facilities for PWDs. Pedestrian PWDs should wear a clear 'mark' to be recognised by other road users. Special treatment should be given to PWDs in the realm of access, priority, and facilities by central and provincial governments and transportation operators. Public transport companies that do not provide obligatory facilities and services to PWDs will receive a written warning, administrative fine, and/or freeze or revocation on permission to operate. |
| Constitution                                       | 1945                             | Education  | Article 31, p. 2: Every citizen should complete six years of basic education paid by the government   |
| Ministerial Decree (Ministry of Education) No. 2   | 1986                             | Education (Inclusive Education for Children with Disabilities) | Mainstreaming of education at elementary and high school levels: All citizens are entitled to education, including children with disabilities. The decree regulates curricula and teacher qualifications in schools that follow an 'integrated' teaching model in which both disabled and nondisabled children are learning in the same classroom.  |
| Ministry of Education Circular Letter No. 6719/C/I | 1989                             | Education  | An extension of opportunities for children with minor disabilities to be admitted to regular schools  |
| Government Regulation No. 72                       | 1991                             | Education (Special Education)                                  | Stipulates guidelines on management of special education at elementary and junior high school levels  |

**Table 2. Sector-Specific Laws Pertaining to PWDs in National Legislation (continued)**

| Law  | Signing/<br>Ratification<br>Year | Area/Sector*                                     | Content Related to Disabilities  |
|--|----------------------------------|--|--|
| Law No. 20   | 2003                             | Education (Law on the National Education System) | Article 5, p. 1: Every citizen has the right to quality education. Para. 5: all citizens have the rights to improve their education in the course of their lives. Paras. 2 and 4 suggest that PWDs should have access to special education.  |
| Ministry of Education Circular Letter No. 380/G.06/MN  | 2003                             | Education  | Circular letter on inclusive education   |
| Bandung Declaration  | 2004                             | Education  | Although lacking formal legal status, this declaration from a national workshop on inclusive education signed by government officials from the Ministry of National Education and nine provincial education authorities urged the government to ensure inclusive education and called for equality in all aspects of life—education, health, social well-being, security, and others—for all children with disabilities and other children with special needs.   |
| Bukittinggi Recommendations  | 2005                             | Education  | Participants of the ‘International Symposium: Inclusion and the Removal of Barriers to Learning, Participation and Development’ (26–29 September 2005, Bukittinggi and Payakumbuh, West Sumatra) included members/representatives of government, UN agencies, universities, international NGOs, development aid organisations, Indonesian foundations, and donor agencies from more than 30 countries. At the meeting, the director-general for primary and secondary education in the Indonesian Ministry of National Education declared that inclusive and child-friendly education should be seen as a means of ensuring that all children receive quality education in their home communities, particularly those who are currently excluded from mainstream education or vulnerable to marginalisation and exclusion. The participants recommended that all ministries should work together to develop common strategies towards inclusion to ensure ‘Education for All’. |
| Government Regulation No. 10   | 2010                             | Education  | Instructions for all levels of education without any discrimination, including discrimination based on disability  |
| Joint Statement, minister of social affairs, minister of manpower, minister of home affairs, and the Association of Employers of Surakarta | 1989<br>(23 January)             | Employment                                       | Joint commitment in supporting job opportunities for PWDs  |

**Table 2. Sector-Specific Laws Pertaining to PWDs in National Legislation (continued)**

| Law   | Signing/<br>Ratification<br>Year | Area/Sector*   | Content Related to Disabilities  |
|---|----------------------------------|--|--|
| Law No. 19  | 1992                             | Employment   | Social Security coverage for occupational accident security, death security, old age security, and health security, including PWDs   |
| Law No. 4   | 1997                             | Employment   | A statutory guarantee of employment of PWDs  |
| Government Regulation No. 43  | 1998                             | Employment   | One of every 100 employees should be a PWD.  |
| Ministerial Decree (Ministry of Manpower) No. 205   | 1999                             | Employment (Vocational Training and Job Placement for Persons with Disabilities) | Guidelines on entitlement of PWDs to vocational rehabilitation and job placement upon completion of medical and social rehabilitation  |
| Law No. 9 and Joint Decree, Ministry of State Apparatus, Ministry of Internal Affairs, No. 01/SKB/M. PAN/4 No. 17 | 2003                             | Employment   | Officers who recruit and terminate state employees are allowed to cancel the employment of a prospective employee if s/he is disabled. The officers also have the authority to terminate employment of government staff on the basis of permanent disability acquired while on duty. <b>Note:</b> The law and the decree conflict with Law No. 13 of 2003 on Manpower. |
| Law No. 13  | 2003                             | Employment   | Prohibition of termination of employment based on disability; provision demanding that employers that employ workers with disabilities provide protection based on the disability. Job training for workers with disabilities is conducted by considering the types of disability, the level of severity, and the skills of the workers.                               |
| Law No. 1   | 1974                             | Family Life  | Husband is allowed to file for divorce because of his wife's inability to perform her role as a (subservient) wife because of a disability. The law is still in place.   |
| Government Regulation No. 9   | 1975                             | Family Life  | Enforces Law No. 1 of 1974   |
| Law No. 23 the Elimination of Domestic Violence   | 2004                             | Family Life  | Elimination of domestic violence   |
| Ministerial Decree (Ministry of Health) No. 104   | 1999                             | Health   | Arrangements for medical rehabilitation in government medical facilities according to the level of disability; people can participate in preventing disability through the rehabilitation resources that society has established within families and communities.  |

**Table 2. Sector-Specific Laws Pertaining to PWDs in National Legislation (continued)**

| Law   | Signing/<br>Ratification<br>Year | Area/Sector*   | Content Related to Disabilities  |
|---|----------------------------------|--|--|
| Governor of Jakarta Decree No. 8 Year 2007              | 2007                             | Public Order   | Article 41 stipulates that persons who have illnesses that can disturb public order are prohibited to conduct activities on the street, public gardens, and other public spaces.   |
| Ministerial Regulation (MoSA) No. 12                    | 1981                             | Rehabilitation   | Rehabilitation institutions for PWDs under social organisations  |
| Ministerial Regulation (MoSA) No. 55/<br>HUK/ KEP/XI/79 | 1981                             | Rehabilitation   | Implementation of social rehabilitation for PWDs   |
| Law No. 16  | 1997                             | Statistics   | The National Statistics System comprises basic, sectoral, and special statistics. Data on disability appears in the special statistics category.   |
| Presidential Regulation No. 103                         | 2001                             | Statistics   | The duty of Statistics Indonesia is to collect basic statistics and provide them to relevant government departments. Due to the importance of disability statistics, they appear in the basic statistics category.                   |
| Law No. 6   | 1974                             | Welfare  | The law covers all aspects of social welfare efforts and the rights of the community to take active part in them, including those with impaired vision and hearing, body deformities, and mental handicaps, and the decrepit.        |
| Presidential Decree No. 83                              | 1999                             | Welfare  | The decree mandated formation of an informal group to coordinate and manage enhancement of social welfare programmes for PWDs that now comprises several ministers and stakeholders and is headed by the minister of social affairs. |
| Ministerial Decree (MoSA) No. 06B/<br>HUK               | 2010                             | Welfare<br>(provision of welfare in 50 less-developed districts) | The decree includes PWDs in the same category as the homeless, beggars, prostitutes, ex-prisoners, survivors of trafficking, drug users, and neglected senior citizens.  |



**Table 3. International Initiatives on PWDs**

| Initiative  | Provisions   | Remarks   |
|---|--|---|
| The 1982–93 World Programme of Action Concerning Disabled Persons (1982)    | In 1982 the Government of Indonesia adopts then signs the World Programme of Action concerning Disabled Persons, as set forth in recommendation 1 (IV) of the annex to the report of the Advisory Committee for the International Year of Disabled Persons at its fourth session; called on all member states, relevant NGOs, organisations of disabled persons and, through a reallocation of existing resources, government bodies, organisations, and agencies of the United Nations system to ensure early implementation of the World Programme of Action Concerning Disabled Persons; decided at its forty-second session, with help from the Secretary-General, to evaluate implementation of the World Programme of Action Concerning Disabled Persons.                | Relates to the UN’s Decade of Disabled Persons for 1983–92  |
| UNESCO Dakar Commitment and Agenda for Action (2000)                        | Signes commit to Education for All, including children with disabilities; the Asia and the Pacific framework for action includes a call for specific measures to be taken to ensure the inclusion of women and girls with disabilities in all educational processes and at all levels of education to be barrier free in attitudinal, informational, and physical terms so that persons with disabilities can participate meaningfully in UNESCO Education for All activities.   | Adopted at World Education Forum in Dakar in 2000 (including representatives of the Government of Indonesia, including the Indonesian permanent delegate to UNESCO, director-general for primary and secondary education, and director-general for out-of-school education); contains six regional frameworks for action on inclusive education |
| UNESCAP Biwako Framework (2002)   | Covers seven priority areas for improving the livelihoods of PWDs: (1) training and employment, including self-employment; (2) early detection, early intervention and education; (3) poverty alleviation through capacity building, social security, and sustainable livelihood programmes; (4) access to built environments and public transport; (5) access to information and communications, including information, communications, and assistive technologies; (6) organisation of PWDs and of parents who have children with disabilities into NGOs; and (7) women with disabilities.   | Adopted in 2002 by UNESCAP member states at a high-level intergovernmental meeting, not yet integrated into Indonesian national law   |
| United Nations Convention on the Rights of Persons with Disabilities (2006) | Adopts a social and human rights model of disability based on (1) respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons; (2) nondiscrimination; (3) full and effective participation and inclusion in society; (4) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (5) equality of opportunity; (6) accessibility; (7) equality between men and women; and (8) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. States principle that discrimination on the basis of disability is a violation of person’s dignity and self-worth. | Signed by Indonesia on 30 March 2007, ratified through Law No. 19 of 2011   |

**Table 3. International Initiatives on PWDs (continued)**

| Initiative   | Provisions  | Remarks   |
|--|---|---|
| UNESCAP Second Biwako Framework Plus Five (2007)               | Biwako Millennium Framework for Action (1992–2002) provisions & five additional strategies: (1) reinforcing a rights-based approach to disability issues; (2) strengthening comprehensive community-based approach to disability issues; (3) promoting an enabling environment and strengthening effective mechanisms for policy formulation and implementation; (4) improving the availability and quality of data and other information on disabilities; and (5) promoting disability-inclusive development.  | Adopted in 2007 by UNESCAP member states, not yet integrated into Indonesian national law   |
| Jakarta Declaration (2010)†                                    | Declares the necessity of persons with disabilities to participate actively in formulating, implementing, and evaluating policies related to disability issues in the ASEAN region.   | Not signed by the Government of Indonesia   |
| ASEAN Strategic Framework on Social Welfare 2011–15            | Binds member states to work hand in hand to improve the quality of life of vulnerable and marginalised populations, including elderly and persons with disabilities; advocates mainstreaming disability and ensuring equal access to the employment market for persons with disabilities  | Endorsed by the ASEAN senior officials of social welfare and development in September 2011; not yet integrated into the national law  |
| Bali Declaration of ASEAN Nations (2011)                       | Proclaims the intention of ASEAN countries to enhance the role and participation of persons with disabilities in ASEAN countries.   | Adopted by the ministers of ASEAN sectoral bodies on 17 November 2011   |
| UNESCAP Incheon Strategy 2013–22                               | Encourages members to reduce poverty and enhance work and employment prospects; promote participation in political processes and decision making; enhance access to the physical environment, public transportation, knowledge, information, and communication; strengthen social protection; expand early intervention and education of children with disabilities; ensure gender equality and women’s empowerment; ensure disability-inclusive disaster risk reduction and management; improve reliability and comparability of disability data; accelerate the ratification and implementation of UN-CRPD and harmonisation of national legislation with the convention; and advance regional, subregional, and interregional cooperation. | Adopted by the ministers and government representatives of member states in November 2012 at a high-level intergovernmental meeting; not yet integrated into the national law |
| High-Level UN Panel on the Post-2015 Development Agenda (2013) | Recommends mainstreaming disability across policies of the government, putting in place laws that prevent discrimination against the disabled, and putting in place metrics to track progress on equal access and opportunity across disabilities; also proclaims that no person—regardless of disability, among others—should be denied universal human rights and basic economic opportunities  | At proposal stage, not yet adopted by the United Nations or any member state. One of the cochairs of the panel has been Indonesia’s president Susilo Bambang Yudhoyono.       |

**Table 3. International Initiatives on PWDs (continued)**

| <b>Initiative</b>  | <b>Provisions</b>                      | <b>Remarks</b>   |
|--|--|--|
| World Health Organization<br>Global Disability Action<br>Plan 2014–21<br>(draft) | Intended to improve health among PWDs. | Final version available at <a href="http://www.who.int/disabilities/action-plan/en">http://www.who.int/disabilities/action-plan/en</a> (accessed 7 July 2014). |

\* The thicker row lines indicate groups of laws, decrees, etc. by topic (see third column).

† The declaration has been adopted by Disabled Peoples' International Asia-Pacific and by Disabled Peoples Association of Indonesia. It calls for action on the part of ASEAN member states governments but is not an official ASEAN initiative.

## Appendix 2. Incheon Strategy

Incheon Strategy, adopted to make the ‘rights of Persons with Disabilities real in the Asia and the Pacific region’, is named after the location of a high-level intergovernmental meeting of the UNESCAP region nations in Incheon, Republic of Korea, conducted from 29 October to 2 November 2012 to chart the course of the new Asian and Pacific Decade of Persons with Disabilities for 2013–2022 (UNESCAP 2012).

The goals of the strategy are to (1) reduce poverty and enhance work and employment prospects; (2) promote participation in political processes and decision making; (3) enhance access to the physical environment, public transportation, knowledge, information, and communication; (4) strengthen social protection; (5) expand early intervention and education of children with disabilities; (6) ensure gender equality and women’s empowerment; (7) ensure disability-inclusive risk reduction and management; (8) improve reliability and comparability of disability data; (9) accelerate the ratification and implementation of UNCRPD and harmonisation of national legislation with the convention; and (10) advance regional, subregional, and interregional cooperation. Each of these goals has specific targets and indicators.

This declaration has not been adopted by the ASEAN member states but has been adopted by the Disabled Peoples’ International Asia-Pacific Region and the Disabled Peoples’ Association of Indonesia. The declaration calls for action by ASEAN member state governments but is not an official ASEAN initiative.

The Incheon strategy reinforces the central role of government in ensuring, promoting, and upholding the rights of persons with disabilities and in promoting the inclusion of PWDs, including the following actions:

- a. Legislative, administrative, and other measures supportive of rights fulfilment are adopted, implemented, reviewed, and strengthened so that disability-based discrimination is eliminated.
- b. Development policies and programmes are disability inclusive and gender sensitive and harness the potential of combining universal design with technological advancements for enabling persons with disabilities to fulfil their rights.
- c. Development policies and programmes address the basic needs of persons with disabilities and their families who live in poverty.
- d. Effective and timely collection and analysis of sex-disaggregated disability data are pursued for evidence-based policy making.
- e. National, subnational, and local policies and programmes are based on plans that are explicitly inclusive of persons with disabilities and that also prioritise the active participation of persons with disabilities through their representative organisations in relevant decision-making processes.
- f. The necessary budgetary support is provided at all levels for disability-inclusive development, and tax policies facilitate the inclusion of persons with disabilities.
- g. All national, subregional, regional, and international entities concerned with development include disability dimensions in their policies and programmes.

- h. National, subnational, and local coordination with subregional and regional linkages ensure that disability inclusion in development policies and programmes is strengthened through intensification of multisectoral consultation and collaboration to expedite and review decade<sup>16</sup> implementation and share related good practices.
- i. Community- and family-based inclusive development is promoted in order to ensure that all persons with disabilities, irrespective of socioeconomic status, religious affiliation, ethnicity, and location are able on an equal basis with others to contribute to and benefit from development initiatives, particularly poverty reduction programmes.
- j. Persons with disabilities are included in mainstream community life and are supported with life choices equal to those of others, including the option to live independently.
- k. Persons with disabilities have access to the physical environment, public transportation, knowledge, information, and communication in a usable manner through universal design and assistive technologies with reasonable accommodation provided and taking into consideration the need to accommodate economic, geographic, linguistic, and other aspects of cultural diversity, which altogether constitute a critical bridge to fulfilling their rights.
- l. Diverse disability groups are empowered that include but are not limited to the following underrepresented groups: girls and boys with disabilities; young persons with disabilities, women with disabilities; persons with intellectual learning and developmental disabilities; persons with autism; persons with psychosocial disabilities; persons who are deaf, hard of hearing, and deafened; persons who are deaf-blind; persons with multiple disabilities; persons with extensive disabilities; older persons with disabilities; persons with disabilities living with HIV; persons with disabilities arising from noncommunicable diseases; persons with disabilities affected by leprosy; persons with disabilities caused by medical conditions and intractable epilepsy; persons with disabilities caused by road traffic crashes; indigenous and ethnic minority persons with disabilities; persons with disabilities who are homeless and inadequately housed; persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies, and the occurrence of natural and human-made disasters; persons with disabilities who are victims of land mines; persons with disabilities who do not have legal status; persons with disabilities who are victims of domestic violence, particularly women and children and family advocacy groups; as well as particularly marginalised persons with disabilities living in slums, rural and remote areas, and atolls.
- m. Organisations of and for persons with disabilities, self-help groups, and self-advocacy groups, with support as required by families and caregivers, participate in decision making as appropriate to ensure that the interests of marginalised groups are adequately addressed.
- n. Action on awareness raising is strengthened and continued, including through provision of adequate budgetary support in the Asian and Pacific region during the decade<sup>17</sup> to improve attitudes and behaviour and mobilise effective multisectoral engagement in implementation modalities.1.

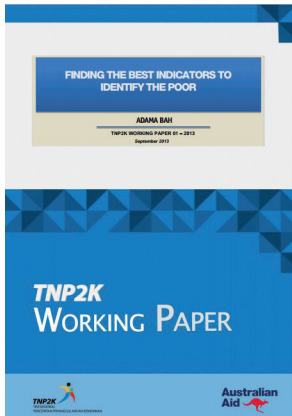
<sup>16</sup> Asian and Pacific Decade of Persons with Disabilities 2013–2022.

<sup>17</sup> Asian and Pacific Decade of Persons with Disabilities 2013–2022.



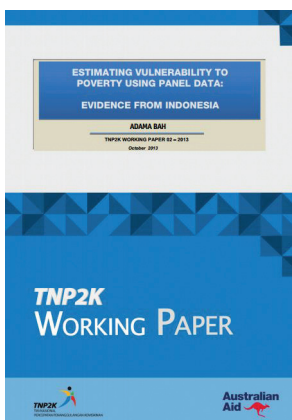
# TNP2K Working Paper Series

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## **Working Paper 1** ***Finding the Best Indicators to Identify the Poor*** Author : Adama Bah

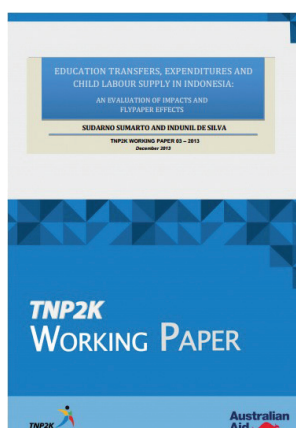
Proxy-means testing (PMT) is a method used to assess household or individual welfare level based on a set of observable indicators. The accuracy, and therefore usefulness of PMT relies on the selection of indicators that produce accurate predictions of household welfare. In this paper the author proposes a method to identify indicators that are robustly and strongly correlated with household welfare, measured by per capita consumption. From an initial set of 340 candidate variables drawn from the Indonesian Family Life Survey, the author identifies the variables that contribute most significantly to model predictive performance and that are therefore desirable to be included in a PMT formula. These variables span the categories of household private asset holdings, access to basic domestic energy, education level, sanitation and housing. A comparison of the predictive performance of PMT formulas including 10, 20 and 30 of the best predictors of welfare shows that leads to recommending formulas with 20 predictors. Such parsimonious models have similar predictive performance as the PMT formulas currently used in Indonesia, although these latter are based on models of 32 variables on average.



## **Working Paper 2** ***Estimating Vulnerability to Poverty using Panel Data: Evidence from Indonesia*** Author : Adama Bah

Traditional poverty measures fail to indicate the degree of risk of becoming or remaining poor that households are confronted to. They can therefore be misleading in the context of implementing poverty reduction policies. In this paper the author proposes a method to estimate an index of ex ante vulnerability to poverty, defined as the probability of being poor in the (near) future given current observable characteristics, using panel data. This method relies on the estimation of the expected mean and variance of future consumption conditional on current consumption and observable characteristics. It generates a vulnerability index, or predicted probability of future poverty, which performs well in predicting future poverty, including out of sample. About 80% of households with a 2000 vulnerability index of 100% are actually poor in 2007. This approach provides information on the population groups that have a high probability of becoming or remaining poor in the future, whether currently poor or not. It is therefore useful to complement traditional poverty measures such as the poverty headcount, in particular for the design and planning of poverty reduction policies.



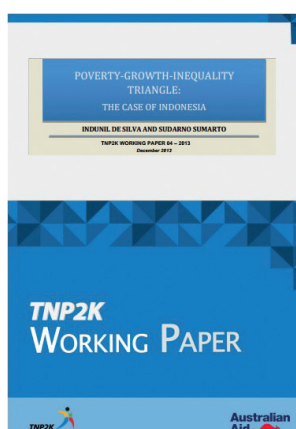


### **Working Paper 3**

## ***Education Transfer, Expenditures And Child Labour Supply in Indonesia: An Evaluation of Impacts And Flypaper Effects***

Author : Sudarno Sumarto and Indunil De Silva

In this paper the authors investigate how the receipt of educational transfers, scholarships and related assistance programmes affects the labour supply of children and the marginal spending behaviour of households on children's educational goods. The authors use a nationally representative household survey of unusual scope and richness from Indonesia. They found strong evidence of educational cash transfers and related assistance programmes significantly decreasing the time spent by children on income-generating activities in Indonesia. Households receiving educational transfers, scholarships and assistance were also found to spend more at the margin on voluntary educational goods. These results were stronger on children living in poor families. The findings of this study lend support to the growing view in the literature that educational transfers, scholarships and related assistance can actually have a positive impact on economic development by increasing the level of investment in human capital. The results are particularly relevant for understanding the role of cash transfers and education assistance in middle-income countries, where enrolment rates are already at satisfactory levels, but the challenge is to keep post-primary students in school. Finally, the principal message that emerges from the study is: there are quantitatively non-negligible, average gains from educational transfers and support programmes on household education spending and child labour, especially for the poor.



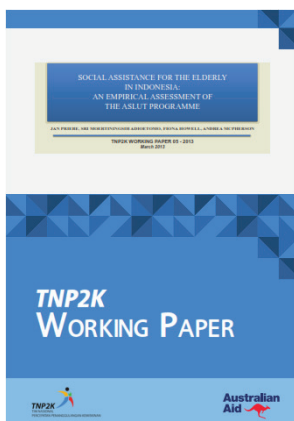
### **Working Paper 4**

## ***Poverty-Growth-Inequality Triangle: The Case of Indonesia***

Author : Sudarno Sumarto and Indunil De Silva

This paper decomposes changes in poverty into growth and redistribution components, and employs several pro-poor growth concepts and indices to explore the growth, poverty and inequality nexus in Indonesia over the period 2002-2012. The authors find a 'trickle-down' situation, which the poor have received proportionately less benefits from growth than the non-poor. All pro-poor measures suggest that economic growth in Indonesia was particularly beneficial for those located at the top of the distribution. Regression-based decompositions suggest that variation in expenditure by education characteristics that persist after controlling for other factors to account for around two-fifths of total household expenditure inequality in Indonesia. If poverty reduction is one of the principal objectives of the Indonesian government, it is essential that policies designed to spur growth also take into account the possible impact of growth on inequality. These findings indicate the importance of a set of super pro-poor policies. Namely, policies that increase school enrolment and achievement, effective family planning programmes to reduce the birth rate and dependency load within poor households, facilitating urban-rural migration and labour mobility, connect leading and lagging regions and granting priorities for specific cohorts (such as children, elderly, illiterate, informal workers and agricultural households) in targeted interventions will serve to simultaneously stem rising inequality and accelerate the pace of economic growth and poverty reduction.





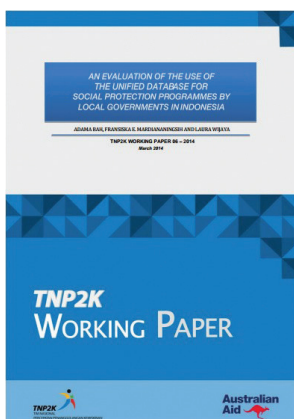
## **Working Paper 5**

### ***Social Assistance for the Elderly in Indonesia: an Empirical Assessment of the ASLUT Programme\****

Indonesia has undergone a demographic transition since the 1970s that has led to significant changes in the population age structure of the country. Life expectancy at birth increased from 45 years to 67 years. The number of elderly people aged 60 and above rose from about 5 million in 1970 to 18 million in 2010, and is projected to increase to over 71 million in 2050. The economic situation for many elderly persons is precarious. In 2011, 12 percent of older people were below the official poverty line. Older people, especially those in their 70s and those aged 80 and above, have the highest poverty rates among the population groups, 13.3 percent and 16 percent respectively. At the same time, a much greater proportion of the elderly population than officially classified as poor is vulnerable to falling into poverty. Moreover, many of the elderly suffer from poor health and have low literacy levels.

Currently, the coverage of the elderly with the existing formal pension schemes is very low. The Government of Indonesia (GOI) recognizes the gaps in the social insurance schemes and is explicitly taking actions to improve pension coverage. ASLUT, the current social assistance programme targeted directly at poor and neglected elderly, started in 2006 in six provinces reaching 2,500 beneficiaries. It has recently expanded to all 33 provinces and increased the number of recipients to 13,250 in 2011, and 26,500 beneficiaries in 2012. This paper explores the strengths and weaknesses of the coverage provided to the elderly and recommends that the ASLUT programme be developed further to meet the demographic challenges that Indonesia faces.

\*This Working Paper will be republished in 2014

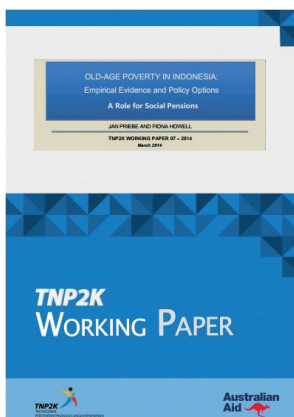


## **Working Paper 6**

### ***An Evaluation Of The Use Of The Unified Database For Social Protection Programmes By Local Governments In Indonesia***

**Author : Adama Bah, Fransiska E. Mardianingsih and Laura Wijaya**

The Unified Database for Social Protection Programmes (UDB) contains detailed socioeconomic and demographic information, as well as the names and addresses of the poorest 40 percent of the Indonesian population. Since 2012, the National Team for the Acceleration of Poverty Reduction (TNP2K), which manages the UDB, has provided this data to over 500 local government institutions to facilitate the implementation of local poverty reduction programmes. This paper evaluates the use of the UDB data based on the results of a qualitative assessment of data utilisation at the local level and a self-administered user feedback survey. To improve the cooperation with local governments for increased effectiveness of poverty reduction programmes, the authors' main recommendations are for TNP2K to engage more proactively with the institutions that request data, through (i) regular follow-ups with these institutions, (ii) a broad dissemination of socialisation material explaining the UDB, and (iii) the provision of specialised training on the use of UDB data for the planning and implementation of local programmes.

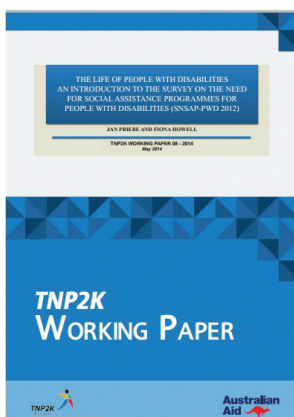


### **Working Paper 7**

## ***Old-Age Poverty in Indonesia: Empirical Evidence and Policy Options - A Role for Social Pensions***

Author : Jan Priebe and Fiona Howell

Indonesia in 2013 is an ageing society with an elderly population (60+) of approximately 18 million or eight percent of the total population. Due to continuously low fertility levels, lower mortality and higher life expectancy rates, the number of elderly in the country is predicted to increase to more than 80 million individuals by 2050 who will by then constitute about 25 percent of the total population. Considering the rise in its elderly population and the low pension coverage, the Indonesian government has shown strong commitment towards raising the number of elderly who have access to formal pensions. In line with a variety of social welfare laws, the National Security Law (SJSN), declarations under ASEAN and commitments to a comprehensive social protection floor policy, Indonesia has endorsed a multi-pillar approach to providing income support in old age. However, the current reforms associated with the SJSN Law; aim only at providing income support to the future elderly generation - those working age adults that will retire in 15-40 years. While the success of these reforms needs to be demonstrated, there remains substantial scope to address the need for pension coverage among the current elderly population. Old-Age Poverty in Indonesia: Empirical Evidence and Policy Options – A Role for Social Pensions aims at filling several evidence gaps in the discussion on elderly and old-age poverty in Indonesia. Firstly it provides a detailed and comprehensive picture of the socio-economic circumstances of the current elderly generation. By doing so it provides Indonesia’s first nationally representative poverty assessment on the elderly addressing aspects of education, health and remittances as well as poverty measurement. Second, the report outlines Indonesia’s legal, political and programme commitments to alleviate old-age poverty and contrasts it with recent international experience on pension reform. This report discusses in particular the benefits of social pensions for Indonesia’s elderly, and outlines the pros-and cons of poverty-targeted and universal pension schemes. Finally, the report provides ex-ante simulation results on the poverty and fiscal impacts for selected social pension schemes.

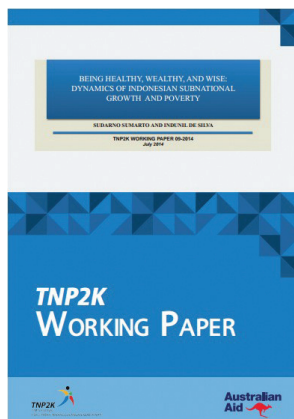


### **Working Paper 8**

## ***The Life of People with Disabilities: An Introduction to the Survey on the Need for Social Assistance Programmes for People with Disabilities***

Author : Jan Priebe and Fiona Howell

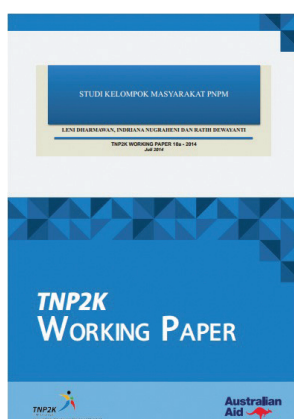
In 2012, the Demographic Institute of the University of Indonesia conducted on behalf of TNP2K a unique survey on disability that sheds new light on the needs and living conditions of people with disabilities (PWDs) in Indonesia. This new dataset is called the Survey on the Need for Social Assistance Programmes for People with Disabilities (SNSAP-PWD 2012) and is available free of charge from TNP2K and PRSF. This paper provides an introduction into the SNSAP-PWD 2012 by describing its sampling design and the topics covered.



### **Working Paper 9** ***Being Healthy, Wealthy, and Wise: Dynamics of Indonesian Subnational Growth and Poverty***

Author : Sudarno Sumarto and Indunil De Silva

The aim of this study is twofold. First, despite the vast empirical literature on testing the neoclassical model of economic growth using cross-country data, very few studies exist at the subnational level. The authors attempted to fill this gap by using panel data for 2002–12, a modified neoclassical growth equation, and a dynamic-panel estimator to investigate the effect of both health and education capital on economic growth and poverty at the district level in Indonesia. Second, although most existing cross-country studies tend to concentrate only on education as a measure of human capital, the authors expanded the analysis and probed the effects of health capital as well. To their knowledge, no study has done a direct and comprehensive examination of the impacts of health on growth and poverty at the subnational level. Thus, this study is the first at the subnational level, and the findings will be particularly relevant in understanding the role of both health and education capital in accelerating growth and poverty reduction efforts. The empirical findings are broadly encouraging. First, nullifying any doubts on the reliability of Indonesian subnational data, the results suggest that the neoclassical model augmented by both health and education capital provides a fairly good account of cross-district variation in economic growth and poverty in Indonesia. The authors found that the results on conditional convergence, physical capital investment rate, and population growth confirm the theoretical predictions of the augmented neoclassical model. They also found that both health and education capital had a relatively large and statistically significant positive effect on the growth rate of per capita income. Economic growth was found to play a vital role in reducing Indonesian poverty, reinforcing the importance of attaining higher rates of economic growth. Findings from the poverty–human capital model showed that districts with low levels of education are characterized by higher levels of poverty. Regions with mediocre immunization coverage and greater than average prevalence of waterborne diseases had higher poverty rates and lower output per capita. Similarly, regions with higher numbers of births attended by a skilled birth attendant were associated with lower poverty rates and higher economic output. The results in particular suggest that, in designing policies for growth, human development, and poverty reduction, it is necessary to broaden the concept of human capital to include health as well.

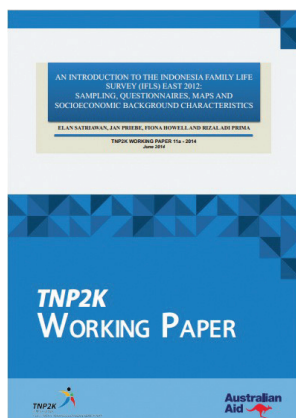


### **Working Paper 10a** ***Studi Kelompok Masyarakat PNPM***

### **Working Paper 10b** ***Lampiran Studi Kelompok Masyarakat PNPM***

Author : Leni Dharmawan, Indriana Nugraheni dan Ratih Dewayanti,  
Siti Ruhanawati, Nelti Angraini

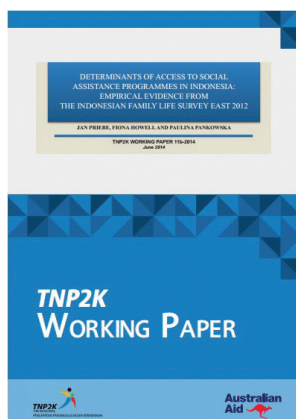
Studi Kelompok Masyarakat PNPM di lokasi terbatas—empat perdesaan dan dua perkotaan— memperlihatkan program berkinerja baik, namun penularan prinsip-prinsip dan proses PNPM di luar program ini sangat terbatas. Ada pengakuan akan keahlian individu pelaku dalam mengelola proyek sehingga mereka dilibatkan dalam berbagai proyek lain tetapi pengaruh mereka terbatas karena masing-masing proyek memiliki aturan main sendiri dan cenderung membentuk kelompok-kelompok baru— tidak memanfaatkan yang sudah ada. Sebagai proyek, bagi pemerintah desa/kelurahan dan kecamatan tidak ada keharusan untuk mengikuti prinsip dan proses PNPM di luar PNPM. Fasilitasi tidak membangun kesadaran kolektif masyarakat untuk menuntut pemerintah desa/kelurahan melakukan hal yang sama, atau menyeimbangkan posisi warga kebanyakan relatif terhadap dominasi/kekuatan kelompok tertentu. Perlu ada integrasi kelompok-kelompok pelaku proyek ke dalam lembaga-lembaga desa yang reguler dan penyeimbangan kekuatan (checks and balances) untuk menghindari dominasi kelompok tertentu.



**Working Paper 11a**  
***An introduction to the Indonesia Family Life Survey IFLS east 2012 : Sampling Questionnaires Maps and Socioeconomic Background Characteristics***

Author : Elan Satriawan, Jan Priebe, Fiona Howell and Rizal Adi Prima

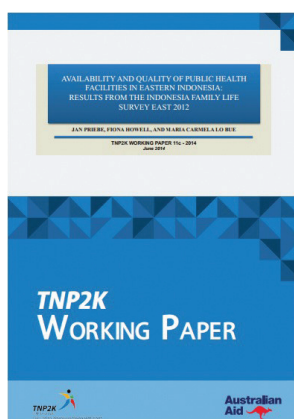
The first round of the Indonesia Family Life Survey (IFLS) East was conducted in Eastern Indonesia in 2012. This paper is intended to provide researchers and policy makers alike an introduction to and brief overview of this new dataset. Topics covered include technical details of survey implementation (sampling procedure, calculation of weights, and field implementation) and a socioeconomic overview using Central Bureau of Statistics (Badan Pusat Statistik or BPS) data and IFLS East data of the provinces selected in the region.



**Working Paper 11b**  
***Determinants of Access to Social Assistance Programmes in Indonesia Empirical Evidence from the Indonesian Family Life Survey East 2012***

Author : Jan Priebe, Fiona Howell and Paulina Pankowska

In the past 15 years, the Government of Indonesia has implemented a variety of social assistance programmes intended to improve the lives of the poor and help them escape poverty. Many of these programmes are now operating at a national scale and cover millions of Indonesians. Using a new household survey dataset that covers the eastern areas of Indonesia (Indonesian Family Life Survey East 2012), this paper investigates the household-level determinants of access to social assistance programmes. The analysis reveals that social assistance programmes are relatively more available in poorer provinces and that poorer households—all things being equal—are more likely to access social assistance programmes than nonpoor households, which suggests that social assistance programmes in eastern Indonesia are successful in their efforts to target the poor (poverty targeting), both across regions and households. However, poverty targeting still has scope for improvement in terms of accuracy. Besides the poverty status (as measured in per capita consumption expenditures), the authors found that several other factors influence programme access. Having a disabled household member or having a household head who is a widow(er) appears to increase the likelihood of receiving social assistance programmes. Likewise, the level of trust and conflict in a community affects access to social assistance programmes. Particularly in the case of Raskin, the authors found that the programme is distributed more widely among those communities that are characterized by higher levels of conflict and lower levels of trust. The authors did not find that poor access to infrastructure and remoteness influences household access to social assistance programmes once they controlled for province fixed effects in the regression framework. Furthermore, the findings suggest that possession of a local ‘poverty letter’ strongly improves household access to social assistance programmes, even after controlling for a wide set of socioeconomic characteristics. In general, determinants of programme access differ significantly among provinces and between rural and urban areas.

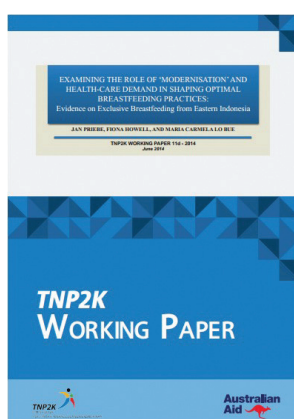


### **Working Paper 11c**

## ***Availability and Quality of Public Health Facilities in Eastern Indonesia : Results from the Indonesia Family Life Survey East 2012***

Author: Jan Priebe, Fiona Howell and Maria Carmela Lo Bue

Little is known about public health-care supply in Eastern Indonesia, a region that shows worse health outcomes than the rest of the country. Drawing on a new dataset (IFLS East 2012), this paper examines the availability and quality of public health-care facilities (puskesmas and posyandu) in Eastern Indonesia. The findings suggest that public health-care supply plays a larger and more important role in Eastern Indonesia compared with Western Indonesia. However, this stronger reliance and dependence on public health-care provision has not necessarily resulted in quality health-care supply. Although significant improvements have been achieved over time, the authors found that many puskesmas and posyandu could benefit from more and better-trained staff (education, training, availability, absenteeism) and better physical endowment (infrastructure, medical equipment, and medications). The results further suggest that remarkable differences in the provision of health care exist between urban and rural areas; urban areas have on average better-equipped puskesmas, whereas rural areas seem to have better-equipped posyandu. Furthermore, the authors found that direct funds from the central level (central government funds and Jamkesmas), despite the decentralization process, play a major role in financing the operations of public health facilities. In rural Eastern Indonesia, these central-level funds constitute about 80 percent of the total operational budget of a puskesmas.



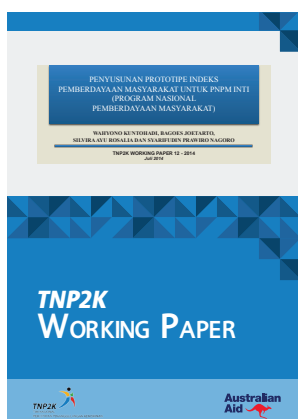
### **Working Paper 11d**

## ***Examining the Role of Modernisation and Healthcare Demand in Shaping Optimal Breastfeeding Practices: Evidence on Exclusive Breastfeeding from Eastern Indonesia***

Author: Jan Priebe, Fiona Howell and Maria Carmela Lo Bue

The health benefits to mothers and children in adopting optimal breastfeeding practices are well recognized. However, despite many efforts to promote optimal breastfeeding practices in developing countries, only modest progress has been achieved in past decades. This paper attempts to fill several important research gaps on the socioeconomic determinants of optimal breastfeeding. In contrast to previous studies that have focused on the timely initiation and duration of breastfeeding, this article examines exclusive breastfeeding practices. Using a new data set from Eastern Indonesia, the authors revisited the ‘modernisation’ hypothesis and, as a first study in this field, investigated to what extent health-care demand and supply factors influence optimal breastfeeding behaviours. Controlling for a wide range of individual, household, and community characteristics, the findings suggest that mothers’ labour market participation under ‘modern’ employment contracts negatively affects optimal exclusive breastfeeding practices, and hence provide support for the ‘modernisation’ hypothesis. Moreover, the results indicate that a higher availability and quality of health-care supply does not necessarily lead to better breastfeeding practices. Only when health-care supply was matched with a significant demand for such services, did the authors observe a higher chance for optimal exclusive breastfeeding





## **Working Paper 12** **Penyusunan Prototipe Indeks Pemberdayaan Masyarakat** **untuk PNPM Inti (Program Nasional Pemberdayaan** **Masyarakat)**

Author: Wahyono Kuntohadi, Bagoes Joetarto, Silvira Ayu Rosalia and Syarifudin Prawiro Nagoro

PNPM Inti adalah program nasional penanggulangan kemiskinan berbasis komunitas masyarakat yang berjalan di Indonesia sejak tahun 2007. Sejauh ini program tersebut telah menggunakan banyak indikator kinerja berbasis pada output (hasil) untuk mengevaluasi program, tetapi tidak pernah menggunakan sebuah indeks yang secara efektif dapat menunjukkan kinerja proses pemberdayaan masyarakat.

Sebuah indeks yang efektif dibutuhkan secara signifikan dalam aktivitas monitoring dan evaluasi karena jumlah peserta yang sangat banyak, proses pemberdayaan yang bertahap, dan adanya jadwal yang ketat untuk melakukan inspeksi lapangan untuk validasi. Indeks tersebut dibangun dengan mempertimbangkan enam langkah proses pemberdayaan masyarakat dan tiga indikator utama. Terdapat beberapa tantangan yang cukup serius untuk mendapatkan solusinya, antara lain: (1) jumlah variabel pemberdayaan yang sangat banyak; (2) nilai variasi sebaran data yang sangat tinggi oleh karena keanekaragaman karakter wilayah dan (3) banyaknya nilai data missing dalam MIS sebagai hasil pengumpulan data.

Dengan menggunakan analisis faktor dan re-estimasi nilai pencilan, indeks kinerja dan indeks kelengkapan data disusun untuk menelusuri wilayah yang masih memiliki kinerja pemberdayaan yang rendah. Indeks tersebut diharapkan dapat memberikan beberapa manfaat karena memiliki rentang nilai yang mudah untuk diinterpretasikan, efektif untuk menelusuri penyebab kinerja yang lemah, dan memiliki perbandingan kinerja diantara beberapa wilayah yang dipilih.



In the past few decades, the Government of Indonesia has passed and signed a substantial number of domestic laws and international conventions/treaties that deal with the rights and opportunities of persons with disabilities (PWDs). Disability is a cross-cutting issue and requires an extensive review and monitoring of multiple pieces of legislation that have already been passed in or ratified by Indonesia. In this context, the objective of this report is to provide an overview for a broad audience of the crucial elements of the Indonesian legal framework on PWDs' rights.

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