



Multi-stakeholders Workshop on People with Disabilities in Indonesia: Access to Employment and Justice

25-26 July 2011 Jakarta, 25-26 July, 2011, Jakarta, Indonesia



Kingdom of the Netherlands



International
Labour
Organization

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Acronyms and Abbreviations

AusAid	Australian Government's Overseas Aid
CSR	Corporate Social Responsibility
DPOs	Disabled Peoples' Organizations
ILO	International Labour Organization
INCLUDE	Promoting Decent Work for Persons with Disabilities through a Disability Inclusion Service
MoMT	Ministry of Manpower and Transmigration (KEMENAKERTRANS)
MoNDP	Ministry of National Development Planning (BAPPENAS)
MoSA	Ministry of Social Affairs (KEMENSOS)
NPA/RAN	National Plan of Action (Rencana Aksi Nasional)
NGO	Non-Governmental Organization
NVRC	National Vocational Rehabilitation Centre (BBRVBD)
PEPDEL	Promoting the Employment and Employability of Persons with Disabilities through effective Legislation

I. Introduction

In recent years, the Asia and Pacific region has made significant strides in recognizing disability as a human rights issue, and in addressing the challenges that people with disabilities face in their efforts to contribute economically, socially, and politically to their societies. Indonesia's progress to the inclusion of persons with disabilities can be attributed to measures taken such as signing the 2006 United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), creating the National Plan of Action for the Measure of Social Welfare Enhancement for Indonesia's People with Disabilities (2004-2013), and ratification of ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Indonesia has yet to ratify ILO Rehabilitation and Vocational Training (Disabled People) Convention, 1983 (No. 159). Indonesia has a quota provision (Law No.4/1997 and Regulation No. 43/98), yet access to employment options for youth, and people with disabilities remains limited.¹ Indonesia's Ministry of Social Affairs (MoSA) heads an interagency workgroup in efforts to mainstream disability, as evidenced in the creation of the National Plan of Action. Much of the existing data on the current situation of persons with disabilities in Indonesia is not easily accessible. Lack of data collection and follow-up make it difficult to assess the situation for people with disabilities and their employment outcomes beyond those formally enrolled in services. However, the government is interested in developing its job placement services and to provide services for those who participate in the informal economy or who will become self-employed, as well as a developing a centralized system for registering job seekers and jobs available to persons and youth with disabilities. Current priorities of the MoSA and the Ministry of Manpower and Transmigration (MoMT) are to improve the data on persons with disabilities and to implement the current quota system according to Law No.4/1997. The notion of mainstream inclusion is in the beginning stage. Thus, at the strategic level, Indonesia's challenge will be to provide an enabling and inclusive environment, which ensures that youth and persons with disabilities can obtain equal access to education, skills

¹Act of the Republic of Indonesia Number 4 concerning Disabled People, 1997 and Government Regulation No. 43/1998 on the Promotion of Welfare of Persons with Disabilities.

development, and the labour market.²A range of work options and emerging models of employment such as supported employment and social enterprises could be viable options for Indonesia.

II. Workshop Objectives and Structure

The multi-stakeholders workshop on "People with Disabilities in Indonesia: Access to Employment and Justice" took place on 25-26 July 2011 in Jakarta. The workshop was jointly organised by the International Labour Organization (ILO), Australian Government's Overseas Aid (AusAID), and the Ministry of Manpower and Transmigration (MoMT-KEMENAKERTRANS), Ministry of National Development Planning (MoNDP-BAPPENAS), Ministry of Social Affairs (MoSA-KEMENSOS), in organization of the workshop. The workshop was funded by ILO EAST project and AusAID.

The presentations and discussions both centered on technical and thematic issues (i.e. changes in disability perceptions, rights of persons with disabilities, international and national legal frameworks related to disability, disability in the workplace and in the corporate world; and issues related to access to justice), and sharing of good practices (i.e. testimonials of persons with disabilities advocating for their rights, and experiences of the private sector in employing persons with disabilities). The programme also included panel discussions and working group sessions which allowed participants to identify challenges, and define priorities as well as recommendations.

Day One working groups focused on policy coherence, incentives, access to work and training for youth, and monitoring and implementation of the UNCRPD. Day Two working groups centred on roles and issues to be addressed to promote inclusion of people with disabilities with outputs of recommendations for next steps.

²ILO. (March 2010) *Concept Note: PROMOTING DECENT WORK FOR YOUNG WOMEN AND MEN WITH DISABILITIES IN INDONESIA THROUGH AN INCLUSIVE APPROACH TO VOCATIONAL TRAINING AND EQUAL ACCESS TO THE LABOUR MARKET: A TOURISM SECTOR INITIATIVE IN EAST JAVA AND BALI*, Jakarta.

2.1 Workshop objectives

1. To review the status of and identify gaps in legislation and policies, programmes, and services relating to the promotion of skills development and inclusion of persons with disabilities.
2. To gain and share knowledge of various tools, methodologies, and best practices on disability inclusion in Indonesia and worldwide.
3. To re-assess existing action plans, and share good practices related to disability inclusion in education, training, and employment. To increase awareness of current regional and global network activities such as the Global Business Network, and the role of Corporate Social Responsibility (CSR).
4. To increase awareness of and about Disabled People's Organizations (DPOs) and networks active in the country and in the region for inclusion of people with disabilities.
5. To encourage constituents (government, employers' organisations, and trade unions) and other partners to take action at the national level on promoting policies and programs on inclusive vocational training, education and employment.

2.2 Participants and Resource Persons

The ILO, jointly with the MoSA, the MoMT, AusAID, and the Sehjira Deaf Foundation (a DPO) gave inputs for the list of participants and resource persons during the planning of the workshop. In addition to representatives from the line ministries, employers' organisations and trade unions, Non-Governmental Organisations (NGOs), DPOs, experts from Universities, MNCs, and national companies (through networks of ILO Better Work Indonesia Project) were invited. Many of the ministry, DPO, and MNC representatives also contributed as resource persons at the workshop.

Approximately 100 people participated and represented the government, employers' and, workers' organizations, DPOs, youth groups, training and service providers, private sector and universities. The government was well represented by all the relevant line ministries responsible for persons with disabilities and disability issues, including the MoMT, MoSA,

Ministries of Health, Foreign Affairs, Education, Ministry of National Development Planning Department of Law and Human Rights (MoNDP-BAPPENAS), the Ministry of Public Works, and AusAid.

The ILO Disability Coordinator, and the Skills and Employability Specialist from the ILO Decent Work Team for Asia and the Pacific participated in the workshop as resource persons.

III. Day One: Review of Legislations, Policies, Programmes and Services

Day One of the workshop focused on reviewing the legislations, policies, programmes and services related to persons with disabilities, and thematically on access to justice, organised by AusAID.

3.1 Opening Session

The session was officially opened by:

- Mr. Makmur Sunusi, Director General, Department of Social Rehabilitation, MoSA, Indonesia
 - Ms. Victoria Coakley, Counsellor, Democratic Governance, Policy and Public Affairs, AusAid, Australia
 - Mr. Peter van Rooij, Director, Indonesia
-

Opening Speech: Mr. Makmur Sunusi, Director General, Department of Social Rehabilitation, MoSA

The workshop was opened by Mr. Makmur Sunusi, Director General of Social Rehabilitation under the Ministry of Social Affairs, Indonesia, who thanked AusAid, the ILO, and participants. He hoped that the workshop would expose the issues regarding the employment and employability of persons with disabilities and described the Ministry's work on disabled persons. Currently, the Ministry is focusing on mainstreaming and inclusion with an increased desire to regard disability from a socially rights-based perspective reflecting the spirit of the UNCRPD. Therefore, Indonesian Law No.4/1997 and

Regulation No. 43/98 should be changed into a more rights based approach law. He confirmed the commitment to promote access to the work force for persons with disabilities, and to improve universal social protection for vulnerable persons to cover them from exploitation, abuse and neglect.

Opening Speech: Ms. Victoria Coakley, Counsellor, Democratic Governance, Policy and Public Affairs, AusAid

The session focused on access to justice for persons with disabilities in Indonesia. Ms. Coakley duly noted that social alienation and discrimination contribute to the poverty of persons with disabilities, especially in developing countries, and in particular, women and youth with disabilities often have bigger challenges participating in education and employment. They often experience higher rates of negligence, abuse, and prejudice as being women (or youth) and disabled. AusAID has developed a program, “Development for All”, which looks at how progress impacts persons with disabilities and ways to make environments more disability-friendly.³ AusAid recently came out with a report regarding education, culture and politics where in the report acknowledges that persons with disabilities have minimal access to their rights⁴. An important priority for the Indonesian government is to support the Department of Justice in their inclusion efforts of persons with disabilities.

Opening Speech: Mr. Peter van Rooij, Director, Jakarta

Mr. Peter Van Rooij, Director of the ILO, discussed the ILO’s primary goal of decent work for *all*, including persons with disabilities. The ILO has worked for over 50 years to promote skills development and employment opportunities for people with disabilities based on the principles of equal opportunity, equal treatment, mainstreaming into vocational rehabilitation and employment services programmes, and community involvement. The principle of non-discrimination is increasingly emphasized as disability issues have come to be seen as human rights issues. The ILO encourages member states to ratify ILO Rehabilitation and Vocational Training (Disabled People) Convention, 1983 (No. 159) in

³AusAid. 2011. Development for All: Towards a disability-inclusive Australian aid program 2009–2014: Achievement highlights—the first two years. Retrieved 08.26.2011 from: <http://www.ausaid.gov.au/publications/pdf/disabilityachievementhighlights.pdf>.

⁴Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*. AusAid. Australia

their efforts to create inclusive workplaces. The ILO's rich experience promoting inclusion for persons with disabilities in the workforce is evidenced through a number of successful technical cooperation projects, including Promoting the Employment and Employability of Persons with Disabilities through effective Legislation (PEPDEL) and Promoting Decent Work for Persons with Disabilities through a Disability Inclusion Service (INCLUDE). However, despite progress in the ASEAN region, persons with disabilities continue to be discriminated against in the labour market, and are under-represented in the workplace even with current legislations and regulations in place. Therefore, the ILO strives to achieve its decent work goal through promoting labour standards, advocacy, knowledge-building on the training and employment of people with disabilities, and technical cooperation services and partnerships.

Following the opening speeches were thematic sessions in which ILO, AusAid, line Ministries, and DPOs representatives addressed their experiences and expertise regarding access to justice, legislation and policy, and programmes and services related to inclusion of persons with disabilities.

Presentation: Sehjira Deaf Foundation- Ms. Rachmita M. Harahap, President

Ms. Rachmita, a woman who has been deaf from birth, shared the story of her life as proof and inspiration that a deaf woman is capable of achievement and success. She uses her personal experience with discrimination to increase awareness about persons with disabilities in the workplace.

Ms. Rachmita experienced discrimination throughout her elementary and high school years when she was told she must go to a special school for persons with disabilities. In light of this, she graduated Cum Laude and was offered a scholarship to study interior design. As a professional she again experienced discrimination when her co-workers were hired in permanent positions while she was only hired as a contracted employee. She therefore filed a complaint with the MoSA, and won. Persons with disabilities are often invisible, do not count, and face attitudinal barriers and stigma. Ms. Rachmita established the Sehjira Foundation of the Deaf in Indonesia to help deaf people and people with disabilities

overcome discrimination, and find employment through training programmes, entrepreneurship, and in the creation of handicrafts. Sehjira partners with companies to give job entry access to persons with disabilities while striving to promote their rights.

3.2 Session: Introduction to Disability: Current International Frameworks

Presentation: Ms. Emanuela Pozzan, Disability Coordinator, ILO

- **The changing face of disability (historical perspective)**
- **Current International Frameworks and Conventions**

Ms. Pozzan discussed the new World Health Organization (WHO) estimate that about 15% of the world's population (seven billion persons) lives with some form of disability, of whom two to four per cent experience significant difficulties in functioning.⁵ The day to day life of around 25 per cent of the world's population is affected by disability. While many are successfully employed and fully integrated into society, as a group, persons with disabilities often face disproportionate poverty and unemployment. Currently, there is a paradigm shift on disability from a medical to a social framework which emphasizes removing social barriers, and promoting integration and inclusion. The social model is based on the idea that disability results from interaction between persons with impairments and attitudinal and environmental barriers.

Ms. Pozzan also discussed the UNCRPD, Convention No. 159, and the Code of practice on managing disability in the workplace which provides a positive strategy on managing disability related issues in the workplace. Opportunities for inclusion can occur in mainstream education, entrepreneurship programmes, microfinance programmes, trade unions' and employers organizations' actions, media, other rights movements (women, HIV), and in programmes and training. She urged the audience to consider gender and regional differences (rural/urban), and that people with disabilities need to be present at discussions taking place on issues related to work.

⁵World Health Organization and World Bank. (2011). *World Report on Disability 2011*. Geneva. Retrieved on June 29, 2011 from: http://www.who.int/disabilities/world_report/2011/report/en/index.html

The notion of the value of women with disabilities, particularly in developing countries and rural settings is a big problem. Women with disabilities experience double discrimination associated to gender and the stigma of disability. They often are considered a burden, and are not given the same work opportunities as men or reasonable accommodation, especially in terms of flexible working arrangements when caring for persons with disabilities. Yet, when given opportunities they are extremely productive.

Two questions were raised during this session and focused on consequences of ratification of Convention No. 159, and whether the situation of women with disabilities represented a global picture. Ms. Pozzan answered that Convention No. 159 is about identifying access points for people with disabilities and is in line with the UNCPRD as they both contain the same principles of non-discrimination and equal employment. However, because Convention No. 159 has a specific focus on vocational training, there is a clear role for employers, government and employee organizations. If Indonesia is looking to ratify the UN Convention, then it should ratify Convention No. 159 as the ILO has special knowledge on the world of work.

The discussion focused on non-compliance and issues with implementation of legislation. Ms. Pozzan explained the mechanism in place where member states are asked to report periodically to a commission of experts, and that the ILO provides technical assistance based on the gaps in the implementation process of Convention No. 159. These actions can involve naming and shaming. The ILO perspective emphasizes that employers, labour unions, and DPOs are involved in the implementation as this allows for better reporting. Countries cannot ratify the Convention unless disabled people are part of the conversation. A key issue is to give voice to the people and to understand it is much more complex than just revising the text of the law.

Presentation: Situational Analysis on Persons with Disabilities in Indonesia –Professor Irwanto, Director, Centre for Disability Studies, University of Indonesia

AusAID recently published a report on disability statistics, social protection programmes, inclusive education, and Law No.4/1997 and Regulation No. 43/98.⁶Using this information, Professor Irwanto drew specific attention to the institutional weaknesses resulting from the lack of addressing disability issues, and that disability must become mainstreamed rather than a fringe issue. Indonesia faces major challenges and should be ready to confront these and take action. An issue of focus should be the ratification of Convention No. 159. Furthermore, Indonesia needs to invest more in its social protection programmes currently, coming in the form of a cash transfer which only covers basic consumption. This results in a lack of empowerment for persons with disabilities. Statistics show there is a large gap between persons with disabilities and non-disabled persons in access to education, while there is no compliance or enforcement of Law No. 4/1997. The professor ended the presentation by focusing on Indonesia's National Plan of Action (NPA), also known as Rencana Aksi Nasional (RAN) regarding persons with disabilities which made these important points:

- The RAN does not explicitly designate which line ministry is responsible for programmes for persons with disabilities, and this is not enforced.
- The RAN does not specify how funding will be obtained for the programmes.
- The RAN does not mention *who* or *what* for monitoring mechanisms.
- The Regional Decentralization Program has created discrepancies between central and local government and there is no clear regulation on implementation for disability issues.
- Indonesian legislations have recognized the importance of equal opportunity and rights of persons with disabilities but there is no implementing regulation on the provisions.
- Session: Access to Justice for Persons with Disabilities in Indonesia

⁶Act of the Republic of Indonesia Number 4 concerning Disabled People, 1997 and Government Regulation No. 43/1998 on the Promotion of Welfare of Persons with Disabilities.

Presentation: National Strategy on Access to Justice–

Mr. Diani Sadiawati, Director, Department of Law and Human Rights(Bappenas)

Bappenas Director Diani Sadiawati explained that his department has set a policy for law and human rights to support efforts of increasing the role and participation of persons with disabilities.

In October 2009, Bappenas launched a national strategy on Access to Justice which is related to the fulfilment of *all* citizens' rights. They use eight strategies, one of which is related to recognizing that disability is crosscutting and should not be excluded from other areas. Bappenas looks at regional government and prioritises disability related policy. Access to Justice embodies the idea that every citizen should have access to public services (informal and formal), and have equality in the face of law without discrimination. In government policy they incorporate a human rights-based approach, harmonization of policy, and accessible, economic services for everyone. She noted that they are currently composing a gap analysis to follow the strategy that is in line with their work plan and performance based budget from the Ministries.

Presentation: Overview and Presentation of Assessment Report on Access to Justice, Ms.

Nicola Colbran, Director, Australia Indonesia Partnership for Justice, AusAID

Ms. Nicola Colbran presented AusAID experiences on law and access to justice and the results of interviews conducted last year for the Report on Access to Justice to find information on the challenges in this area. In Indonesia, the general attitudes and approaches by government and the community regarding persons with disabilities influence policy and legislation, and how they are formulated. These attitudes and approaches also have an impact on the priority given to disability related issues, budget decisions and budget allocation within the disability field.⁷Therefore, attitudes and approaches should be considered from a social perspective of disability framework. The primary finding of the research is that Indonesia does not ensure equal access before the

⁷Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*. AusAid. Australia, pg. 11

law. Indonesia has signed but not ratified the UNCRPD and must not fail in its obligation to ensuring the UNCRPD objective of elimination discrimination of persons with disabilities.

Main concerns addressed were equality before the law, the right to conduct legal actions, and the ability of persons with disabilities to defend themselves before the law. She addressed the key issue that persons with disabilities are seen as *objects* of the law, and the view of disability as a disease or sickness strongly affects the law including the behaviour of law enforcement officers.

The issue that decisions made on behalf of persons with disabilities puts them in a dependency position is a serious one. In Indonesia, the decisions of persons living with mental illness are not legally binding, and they often have had their rights withdrawn.⁸The report found barriers to accessibility especially pervasive. Physical accessibility was a deterrent in obtaining court verdicts as government buildings (courtrooms and police stations) are often located on the 2nd floor with no ramps or elevators. In addition, websites are not accessible to people with visual impairments.

Regarding the content of the law, the Indonesian 1945 Constitution mentions in its primary principals a clear statement which supports non-discrimination and equal treatment before the law, but its articles are impossible to implement and are not enforced. The law does not determine who is responsible or to which institution one can lodge a complaint. Few persons with disabilities understand their rights and are less involved in the decision making process or have access to legal aid. Knowledge of local authorities is very limited with regards to persons with disabilities and their right to access to justice.

Questions and comments posed from the audience were concerned with communications and access to information, recruiting competent employees, driver's licenses for deaf persons, and compulsory medical treatment.

⁸Indonesian law allows the interdiction (pengampuan) or declaration of incapacity of persons on the basis of their mental or intellectual impairment, and the attribution of legal capacity to act on their behalf to another person. Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*. AusAid. Australia, pg. 51

It was recommended by presenters that one unit be responsible for monitoring disability issues, as well as better research on access to information in municipal offices. Instruments for public control exist in the line ministries, therefore the MoSA should coordinate with other ministries more effectively as they need to collectively improve their activities to reach persons with disabilities and to provide access to information for enterprises. Many people do not know about the availability of programmes in Indonesia (i.e. such as whether they qualify for free health care). Compulsory medical treatment gives the right to everyone to determine the type of treatment they will receive (unless they have severe mental problems). Yet, if the person is still able to make decisions, that person should be empowered to do so.

Finally, it was noted that not all public services are offered equally and without discrimination, and complaints could be lodged with UNDP and Bappenas who are acting together. This creates an area to address by the two entities; with a push for monitoring and evaluation (i.e. do people know they can lodge a complaint and where to do so, how many complaints are received, what is the response time to address the concern, and finally, what is the outcome of the action to address the complaint).

Presentation: Difficulties for people with mental health issues being recognised as legal citizens, Ms. Yeni Rosa, Mental Health Association

This session focused on the challenges and legal problems persons living with mental health difficulties face. Currently, Law No. 36/2009 on Health (Arts.144-151) is the only legal protection for persons with psychiatric or psychological disabilities in Indonesia, and while it has some positive aspects, the provisions do not cover essential issues regarding self-determination, the availability of review procedure for any decision made by an official (judge) or surrogate decision-maker, or least restrictive mental health care.⁹Priorities are advocacy, and both legal and non-legal (lobby and campaigning) paths to promote better understanding and improved access for persons with mental disabilities.

⁹ Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*. AusAid. Australia, pg. 51

The stigma associated with mental health disabilities causes negative consequences for both the person experiencing the disability and the family, such as that the family is often forced quit their jobs because they are needed to provide care for the disabled family member(most people with severe mental health difficulties are not employed), or the family member with the disability is treated as if they are a burden (i.e. in poor families in developing countries, members contribute to family income through some means, persons with mental disabilities often do not work, and therefore can be perceived as using precious resources (food, money, space)without contributing financially.)Consequently, they can be hidden away, stigmatized, and become victims of abuse and neglect.

Many abuses occur to persons with mental disabilities such as being stoned, tied to trees, showered in water, fired from their job, and sexual abuse. Many women with disabilities give birth on their own after experiencing such abuse. Persons with mental disabilities are not legally acknowledged; they often are exiled from their village or placed in facilities against their will causing them to lose their rights to inheritance.¹⁰Also highlighted were the abuses and conditions of government run institutions which were disturbing. Three hundred eighty one patients died from malnutrition, diarrhoea and chronic anaemia in four rehabilitation centres in Jakarta in 2008.¹¹

A main concern of the Mental Health Association is the lack of accountability by the ministries when handling mental health disability cases. The MoH answered that they were aware of those issues and are running a Community Harnessing programme which trains local nurses to deal with mental health issues, and that it is a priority area, however it is unknown how many cases they handle or the outcomes of that programme.

In addition, the Mental Health Association was keen to inform participants that persons living with mental health difficulties can experience times of improved functioning by taking their medications and having access to care. When such persons are denied their

¹⁰Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*.Annex 5: The Interdiction Law, AusAid. Australia, pg. 48.

¹¹Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*. AusAid. Australia, pg. 51

right to choose their treatments, or do not receive proper treatment, they and their families are vulnerable and at greater risk for periods of instability.

The discussion brought up a question asking how to convince employers that persons with mental health difficulties have rights, and asked how persons with disabilities should be approached by their co-workers and bosses. Again, it was emphasized that with equal access to proper care, persons with mental health disabilities could be productive employees, capable of having positive working relationships.

**Presentation: Access to Justice for Persons with Disabilities- Mr. Heppy Sebayang, PPCI
Indonesian Disabled People's Association**

Mr. Sebayang's presentation focused on disabled persons' fears of employment issues, due to weak laws which do not protect persons with disabilities, such as with the "healthy mind and body" law regarding persons who wish to be civil servants.¹² The responsibility of amending ineffective legislation should lie with the ministries. Therefore his organization has composed a draft bill of a by-law regarding accommodation, and is composing a guideline on how the sectors should fulfil their advocacy role. In addition, friends and family of people with disabilities often do not have the capacity to be of assistance to persons with disabilities, while interpretations categorizing them as "not fully fit" or "unhealthy" are also barriers to their employment.¹³

Presentation: Summary of Youth Ability Summit and Access to Employment for Youth: Mr. Stephen Meyers, and Dr. Valerie Karr, Victor Pineda Foundation (VPF) and Mr. Arief Budiman, Ability Youth Summit Representative

This session focused on NGO Victor Pineda Foundation hosted Youth Empowerment Summit, and voiced the concerns of youth and youth with disabilities. Main concerns noted were accessibility, the right to leisure, and social networking opportunities. Social networking is impossible or extremely limited for youth with disabilities because the

¹²Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*.Annex4: Healthy Mind and Bodies. AusAid. Australia, pg. 46.

¹³Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*.Annex4: Healthy Mind and Bodies. AusAid. Australia, pg. 46.

situations and locations where youth learn about possibilities and opportunities for work, such as through sports or going to the mall, are inaccessible.

Mr. Budiman urged the ILO to play the role of facilitator for inclusive youth organizations together with enterprises. The enterprises could give a broader opportunity for persons with disabilities to access information and can organize trainings. This would result in youth with disabilities knowing more about what they are capable of and their options. The ILO could do awareness raising activities about the abilities of persons with disabilities, helping to eliminate myths and stereotypes about the employability of persons and youth with disabilities. Youth organizations play a critical role when addressing inclusion of youth and persons with disabilities.

3.3 Session: Working Groups on how to overcome current Policy and Legislation Challenges

Five thematic Working Groups on the following subjects were formed: Policy Coherence, Incentives, Accessibility to work and to training: focus on youth, Statistics on and Monitoring systems for programmes related to inclusion of people with disabilities, and Implementation of the UNCRPD, which included and discussed questions on

- 1.) Challenges,
- 2.) Priority Areas, and
- 3.) Recommendations and Next Steps regarding current legislations and policy.

Underlying themes in all group discussions found the need for better co-ordination between line ministries, deeper involvement amongst stakeholders, improved data collection with clear indicators and appropriate instruments, improved dissemination of information, the use of media in monitoring and evaluation, awareness raising, harmonizing of legislation and implementation, accessibility of all kinds, the elimination of discrimination and stigma, improved capacity of all stakeholders (DPOs, ministries, persons and youth with disabilities, community services workers in health, education, and employment), more opportunity for training and internships, the need for transparency

and accountability, the need for sanctions, and instating a special disability co-ordination team.¹⁴

Group 1: Policy coherence*(facilitated by MoSA, Eva Kasim, Social Rehabilitation and Services for Persons with Disabilities)*

Successful policy coherence in social inclusion programmes should prioritize the following:

- **transparency and accountability:** emphasis on inter-institutional cooperation;
- **diversity awareness:** knowledge sharing (on persons with disabilities, gender, youth, etc); information and presentations/workshops should be promoted which advocate for diversity in the workplace;
- **social investment:** extended and improved equal distribution of employment opportunities, improved skills testing methods (i.e. some skills tests should be adapted to the tester's disability). For example, a deaf person should not be expected to take an oral exam. The test used should be in their preferred method of communication (sign language, etc). Persons with visual impairments should not be expected to take a written test, in this case an oral or Braille test would be appropriate. Finally, more time should be given if needed, or simplified language. (i.e. person has difficulty writing or learning/developmental disabilities);
- **infrastructure:** facilities should be accessible and reasonable accommodations should be provided for persons with disabilities.

Critical challenges to policy coherence which could delay effective implementation are found in:

- **laws:** protections for people with disabilities' needs are not specifically covered in Law Number 13/2003; no technical guidelines exist which support implementation of Law No.4/1997;
- **funding:** unsupportive source of funding which affects human resources and capacity;
- **commitment and coordination:** from the government and other stakeholders; lack of ministerial group.

¹⁴ Please see Annex for Group Questions.

The group recommended the following steps to address and better implement policy coherence:

- **create a dissemination policy:** appoint a ministry or ministerial group to create the policy, and implement the policy, including effective monitoring. Create a reward/punishment for implementation;
- **improve coordination** by appointing a ministerial group (regional head, Parliament, Trade Unions, NGOs, higher education institutions, Media, and DPOs), utilize the dissemination policy. Improve existing network systems (i.e. update computers, improve email and telephone systems);
- **transparency and accountability:** addressed through holding periodic stakeholder meetings and on line reporting, publication of policies, and easily obtainable public information.

Group 2: Incentives *(facilitated by Mr. Edy Juwono, MoMT, and Dr. Sandra Rothbeck, ILO Specialist in Skills and Employability)*

The issue of the quota system is critical because it shows the commitment of implementation and the realisation of inclusion of persons with disabilities in formal employment. Progress will be slow without the quota provision, so incentives (such as tax breaks for businesses) could be a necessary step to promote the system and accelerate disability inclusion. Although the quota is critical, it can be problematic if it only used for placement and not empowerment, and therefore more effective if linked to equal opportunity promotion and training.

The group found the following challenges with incentives lie in:

- **awareness:** regarding quota system and its implementation (i.e. people don't understand their rights or responsibilities with the quota system, this could be because they have not received information on the subject, or do not know how to access it);
- **disconnect:** between central and provincial government and regional/district government = no priority for employment, training and disability issues;
- **access:** enterprises do not know how to access the workforce, and people with disabilities do not know how to access jobs = low registration;

- **capacity:** low for people with disabilities and organizations and services who provide services to them (i.e. available persons with disabilities may not have the skill level needed by the employer, and persons involved in serving persons with disabilities (such as at employment services job centres) do not know how to properly address disability in the workplace, or their recruitment, screening, testing, etc.).

Group 2 noted next steps on incentives should include:

- **awareness activities:** Government to DPOs, businesses, Trade Unions, and communities to access people with disabilities; address implementation; lobbying (business case for disability); registration of vacancies and job seekers through job centres, CSR;
- **prioritising employment and skills development at the provincial level:** employment, training, and disability inclusion, and the strengthening of employment services;
- **data collection:** using information technology to collect data on people with disabilities: assess competencies for effective job matching; data collection by DPOs, community based organizations, and others;
- **implementation:** through partnerships between DPOs (in expert role) and businesses. These partnerships could help in awareness raising activities and work with employment services job centres or the MoSA National Vocational Rehabilitation Centre to find qualified persons with disabilities.

Group 3: Accessibility to work and to training: focus on youth *(facilitated by Mr. Stephen Meyers, Victor Pineda Foundation VPF)*

The transition from school to work for youth (ages 15-24 yrs.) is often difficult, yet it can be especially difficult for youth with disabilities. Youth employment and training challenges are found in **stigma**; lack of **access** to facilities or resource persons to work with disability issues; students' **capacities** and time needed to graduate, and graduation certificates are not respected or are ignored by prospective employers and therefore many **companies do not hire** youth with disabilities.

The group recommended that **deeper involvement** by all stakeholders would address law enforcement and sanctions (clear and flexible regulations, and accessibility to the built environment), with the addition of more types of **training, internships**, and collaborations

with enterprises. Goodwill and stigma should also be addressed with the use of **media** to promote stories of youth and persons with disabilities as positive role models.

Group 4: Statistics on and Monitoring systems for programmes related to inclusion of people with disabilities*(facilitated by Mr. Jaka Tanakusuma, Trainer in Centre of Disability Studies, University of Indonesia)*

Data in Indonesia is very limited and inaccurate. Data collection when using the appropriate instruments combined with the needs of the institutions can promote better and effective planning, providing a broader picture of the situation of persons with disabilities. Data should focus on both quantitative and qualitative results, and should be used as a basic platform in composing effective policy, and monitoring and evaluation of implemented programs. The possibility of abusing and exploiting data exists and should be aware of.

Critical systemic challenges in collecting data are the:

- **lack of coordination:** amongst all stakeholders, decentralization of government contributes to these challenges;
- **lack of data indicators:** such as the newest census result from BPS, 2010, as well as inefficient collection question and collection methods which will affect indicators;
- **stigma:** families are not ready to report if someone in their home has a disability;
- **definitions of disability:** differ between ministries. Ministries need to come up with one clear definition of disability and this can be addressed through the ministerial committee on disability;
- **capacity: human resources** do not have the capacity for field work. Again, inefficient testing and collection methods, and lack of skilled data collectors contribute to this problem, as well as overall lack of personnel to perform data collection.

Recommendations for next steps should be undertaken in the following areas:

- **harmonization:** all laws on disability and ratify UNCRPD and Convention No. 159 (interpreting definition of disability or services for persons with disabilities should be congruent within all ministries);
- **enforcement:** done by legislative institutions, NGOs, DPOs, and law enforcement agencies; clear incentives and punishments;

- **stakeholder coordination:** collecting and processing data; monitoring and evaluation. For example, MoSA cooperates with the university and research institution for data collection, provide mechanisms to facilitate sharing of experiences and best practices from entities which have positive experiences and programme implementation success;
- **Media (what role, do they play and how?):** media is useful in disseminating information on how to access information regarding persons with disabilities, employment and legal services and systems (job fairs, legal rights, etc), and in promoting positive role model stories of persons with disabilities. The media could also be used in a monitoring and evaluation role.

Group 5: Implementation of the UNCRPD *(facilitated by Nicola Colbran, AusAID)*

Group 5 discussed the Government's plan to ratify the UNCRPD in 2013 (based on the National Action Plan on Human Rights), and the draft academic paper composed by the National Commission on Human Rights. The President assigned an initiator role to the MoSA, and preparation of the academic paper was conducted by the MoSA in collaboration with other DPOs, and was signed by all institutions. The MoSA will work on terminology with the other institutions. Finally, the three ministries dealing with the mandate are the MoSA, MoNDP (Bappenas), and the Ministry of Foreign Affairs, of which the National Commission on Human Rights is the focal point. All are harmonizing the legislation under the coordination of Bappenas.

Challenges to implementing the UNCRPD are:

- **stigma:** attitudes towards people with disabilities are still negative, and there are not enough positive stories of persons with disabilities being circulated through the media, institutions, and government agencies;
- **coordination and dissemination:** ministries need to improve sharing of information on UNCRPD and disability rights and **involve all DPOs** in the consultation process; consolidation of all;
- **ratification:** continue with process by holding periodical meetings of committees from the three responsible ministries, including DPO representatives, and persons with disabilities. Create a work plan and timeline;
- **capacity:** DPOs need assistance, (i.e. they may be lacking in members with skills to organize and encourage the ratification of the UNCRPD. Members may need training on the UNCRPD itself so that they can become the experts and provide future trainings. Then can encourage ratification of UNCRPD.

Group 5 recommended the next step of holding a **workshop involving all stakeholders to help create a committee and push ratification of the UNCRPD**. Workshop participants should include:

- **resource persons** in disability (sign language experts, mental health, etc.);
- **line ministries;**
- **UN Special Rapporteur**(conducting survey, monitoring and report findings)and should involve
- **networking:** amongst all stakeholders (create committee to address ratification)

IV. Day Two: Disability Inclusion in the Labour Market and Training System: Good Practices and Next steps for further Action

4.1 Session: Summary of Day One

Ms. Pozzan, ILO Disability Coordinator chaired the opening session with a summary of the previous day's events. Day One core findings of the presentation sessions indicated access to justice is limited for persons with disabilities and especially those with mental health issues. Furthermore, employment is a crucial issue for persons with disabilities to be able to participate equally in society, and needs to be supported through effective legislation and policies, improved skills training, and support of line ministries, employers' organizations, and businesses.

Key findings of the working group sessions indicated that stigma, awareness, low capacity of DPOs, governments, and service providers for persons with disabilities as challenge areas. Also indicated were coordination amongst stakeholders, information dissemination, ineffective monitoring and evaluation, accountability and transparency, and issues with disability statistics as challenges. The groups recommended improving enforcement and harmonization of laws by using media, partnerships and deeper involvement. Also recommended were to build capacities of stakeholders, conduct awareness campaigns and data collection, and provide more opportunities for trainings and internships.

4.2 Session: Disability Inclusion in Employment and Training

Presentation: ILO Perspective and Experience on Disability Inclusion

Experiences from Technical Co-operation Projects in Asia and around the World - Ms. Emanuela Pozzan, Disability Coordinator, ILO

PEPDEL and INCLUDE projects took place in five different South-East Asian countries and some partners were various ministries, employers' and workers' organizations, DPOs, the private sector, media and employment centers.

Ms. Pozzan discussed the objective of the PEPDEL project to improve the employability and employment of persons with disabilities through the revision of relevant legislation and regulations and through improved enforcement and implementation. The PEPDEL project had a number of positive benefits to employers' organizations through the dissemination of information on laws and regulations regarding persons with disabilities, training, and participation in the ILO Global Business and Disability Network. Other beneficiaries were trade unions through information awareness, and through the conduction of surveys and disability audits, and by including disability in the Mandate of the Union (Union Policy).

Ms. Pozzan explained that INCLUDE is a new approach reflecting the spirit of the UNCRPD which the ILO is still piloting in many countries. INCLUDE objectives are to promote the development and strengthen the capacity of disability inclusion support agencies, sensitize policy makers, programme and service providers to disability issues from a rights-based perspective, and finally to provide technical advice regarding the inclusion of persons with disabilities in mainstream policies, programmes and services. Highlights of the INCLUDE program were the establishment of an INCLUDE agency in Vietnam with the purpose of providing mainstreaming disability services such as (disability equality training, disability audits, and disability employment services), inclusive vocational education and training was promoted among ILO constituents through tripartite consultations, and capacity building of disabled women's associations to deliver business development training.

4.3 Session: Presentations on Good Practices in Indonesia

Presentation: MoSA National Vocational Center for Rehabilitation (NVCR), *Mr. Tunggul Sianipar, Director*

Director Tunggul Sianipar discussed the Vocational Centre's three main functions of rehabilitation, instructing, and research. Issues brought up were accessibility as a barrier to employment of persons with disabilities (many buildings are out dated), and that private and state companies are required to hire disabled people as per Law No. 4/1997, but do not understand the true meaning behind it. Consequently, questions exists as to the MoSA's abilities and role to make policies, therefore will ratifying the Convention make a difference because enforcement is difficult if left up to the MoSA and MoH alone. .

A comment from the audience echoed this statement with a question raised asking if the centre provides services to persons with mental disabilities. He explained the NVRC is only for those with physical disabilities, including deaf people, and with a separate centre for persons with mental health issues. Again, budgetary reasons were cited as the facility can only handle 120 people.

Presentation: MoMT,- Directorate General for Manpower Placement Development- *Mr. Edy Juwono*

Countering the above discussion, Mr. Juwono expressed government has given commitment even though ILO Convention No. 159 has not been ratified, and asked that the ILO could give recommendations to facilitate issues so that companies will employ persons with disabilities. He further discussed MoMT Act 13 which supports training programmes organized by the central government and are designed to improve the employability of persons with disabilities, also taking some of the financial burden off their families. A clear accountability aspect to be addressed was that the while the MoMT has funding to provide training, it does not see it as their responsibility, and indicates it should be handled by the MoSA. Consultation meetings to disseminate information on laws and regulations and to issue decrees for making environments supportive for persons with disabilities were

currently happening, however, it was not stated when the results from these meetings would be enacted. Furthermore, the system is not structured and employment data and opportunities for persons with disabilities are very limited; and offices don't have the capacity to handle the jobseekers and employers, who consequently are not being served.

Presentation: MoMT (Disnakertrans), in NTT province Kupang,- *Dr. Felisberto Amaral*

Dr. Amaral explained that the organization's goal is to empower persons with disabilities. They have over 40 people with disabilities or who are deaf participating in trainings, and the trainees are taught accounting, banking, management, and subjects which are aimed to increase their skills and increase human resources. He discussed persons living with mental health disabilities may feel marginalized, dependent on others, and lack confidence. Therefore, PPCI kept training and providing follow-up after the trainings to help them move away from this condition. Finally, he stated that some employers are reluctant to hire persons with disabilities, but those that the organization has trained have a clear place to begin.

Presentation: Employment and People with Disabilities- *Ms. Ariani, Indonesian Association of Women with Disabilities (HWPCI)*

Employment is an important and crucial issue; however, employers are often not aware of Law No. 4/ 1997 which is the cause of much frustration by persons with disabilities due to its lack of enforcement. Ms. Ariani explained that the Manpower Act^{15,16} whereby people can be terminated or dismissed from their work as civil servants on the basis of disability (or in direct translation are not "physically fit") should be dismissed, and questioned how people were to become self-sufficient if there was no focus on employment issues. Responding to the issues that employers are still underestimating the ability and qualities of persons with disabilities, she provided two inspirational stories about persons with

¹⁵ mampu secara rohani dan jasmani untuk menjalankan tugas dan kewajiban': See for example, Art.14, Law No.49/2009 on the Second Amendment to Law No 2 of 1986 on General Courts; Art.13, Law No.50/2009 on the Second Amendment to Law No 7 of 1989 on Religious Courts; and Art.14, Law No.51/2009 on the Second Amendment to Law No 5 of 1986 on Administrative Law Courts.

¹⁶ 'sehat rohani dan jasmani': See for example Art.21 of Law No.2/2002 on the Indonesian National Police as taken from Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*. Annex4: Healthy Mind and Bodies. AusAid. Australia, pg. 46.

disabilities as role models. Finally, challenged the ILO to create a partnership with the Association of Indonesian Blind or other physical or mental disability associations so that they could together review lack of implementation.

Presentation:Corporate Social Responsibility (CSR) and Disability

Introduction to ILO Global Business and Disability Network and Panel Discussion- *Dr. Sandra Rothboeck, Skills and Employability Specialist, ILO*

The session was chaired by Dr. Sandra Rothboeck, Skills and Employability Specialist, ILO, who discussed the increasing role of CSR, and the ILO Global Business and Disability Network. This was then followed by a short panel of persons representing good case practices of inclusion of persons with disabilities in two multi-national corporations, and one national corporation. Much of what was said echoed comments and recommendations from working groups during Day One in that persons with disabilities are stigmatized, awareness raising needs to be addressed to help employers and co-workers understand persons with disabilities and their work capacity, more opportunities for trainings and internships should be given, and providing reasonable accommodations in built environment and in skills needs assessments (SNA) and testing should be addressed.

Good Case Practice Presentations and Discussion Presenters

- PT Omron, *Mr. Tjahjadi Wibisono, Human Resources& GA Division Manager*
- IBM, *Mr. Jaka Tanukusuma NGO Luminosity CEO, University of Indonesia, Center for Disability Studies*
- Indosiar Visual: *Mr. Gufroni Sakaril, Public Relations Manager (also representing PPCI)*

The first case was presented by Mr. Tjahjadi Wibisono, HR & GA Division Manager of PT Omron, established in 1992, and is a Japanese electronics manufacturing company. Omron experienced a positive impact by employing persons with disabilities. Most of their disabled workers have been working for five to ten years indicating their loyalty is very good and they are *very* productive. He explained that they give persons with disabilities the same treatment as non-disabled persons using the same skills test and placements based on that test. They are still limited in that they only hire physically disabled persons who are

not wheelchair users, and also deaf persons, but in the upcoming year they hope to make many accommodations to the physical built environment. Mr. Wibisono suggested trying out persons with disabilities in apprenticeships and asking questions because this opens up opportunity. He also suggested working with DPOs, to find out about accommodations and assistive devices.

Mr. Jaka Tanukusuma, CEO of NGO Luminosity, followed. He explained that the NGO focuses on disability training. Mr. Tanukusuma told the story of the partnership between the University of Indonesia Center for Disability Studies, which is a research based organization and where he is a volunteer, the Mimi Lusli (Mimi Institute), and IBM (International Business Machines). IBM was keen on hiring people with disabilities in Indonesia and had a good track record of doing this in other countries, so they decided to host a job fair. They disseminated information through SMS text messages to people in his address books, and sent the information through social networks. They also created posters and fliers in areas that have a lot of persons with disabilities such as the rehab centre. Eighty-nine people applied for jobs, and 72 were qualified to become employees. Consequently, he felt that text messaging was an effective way to communicate. He also understood that fellow persons with disabilities may have some limitations, such as opening an internet connection; therefore, text messaging is easier.

Mr. Gufroni Sakaril, Public Relations Manager (also representing PPCI) from Indosiar Visual (Indonesia's national television broadcasting network) spoke last and commented that they have 31 employees with disabilities. Their hope is that by employing persons with disabilities they will improve quality of living and sustainability. Indosiar would like to spread the issue of disability to various communities and companies, such as through the ILO's Global Business and Disability Network, as disabled people are part of the whole community. Indosiar gives information to DPOs and to training organizations when they are looking for skilled applicants. He urged businesses to try out employing persons with disabilities because they are given opportunity they are able to receive skills training and perform the requirements of the position. Mr. Gufroni also explained that he is a man living with a disability and started in the Public Relations department making clippings, but soon

proved himself to management, and moved up through the ranks to become a supervisor. He advised disabled employees just starting out to do small things and do them well, and keep their hopes up until they have something big to do.

Questions asked how much a company can support persons with disabilities, about CSR, accessible testing, and insurance.

It is important for persons with disabilities to have the proper skills to match a particular job. Companies must know what skills the person with a disability has, and if they make achievements they have the right to be promoted. In addition, modifications and adaptations are important, such as through alternative testing methods (like giving tests in sign language to hearing impaired applicants). It was also noted that due to barriers to education, some persons with disabilities did not have the skills and qualifications needed to perform a specific function. Yet, many youth of the current generation have bachelor's degrees and are more qualified to take jobs requiring higher skills. Affirmative action should be given to persons who are below skill level, including the opportunity to earn scholarships. Mr. Tanukusuma also warned about companies who are *seemingly* concerned about persons with disabilities (CSR activities) by using those opportunities for photo shoots and free publicity.

4.4 Session: Working Groups on Role and issues to be addressed to promote inclusion of people with disabilities

Thematic issues addressed in **Day Two** focused on Role and Issues of each group to promote inclusion of people with disabilities, followed by Recommendations and Next Steps. The groups consisted of trade unions; Employers' Organization APINDO; corporations; Government; and DPOs (two groups). The purpose of these four groups was to discuss each challenge/priority area, and then begin taking on the role for addressing the challenges (which were brought up in Day One) and how they will move forward.

The working groups found issues within each of the following areas: coordination and networking, data collection and information dissemination, collective action (all stakeholders) on advocacy, policy and legislation, monitoring and evaluation, capacity building, and revision of laws to reflect a rights-based approach. The groups then discussed the role that various stakeholders could play to address each issue.

For example, each group found the **media** as an important role in providing a number of functions to improve equal access to employment and justice for persons and youth with disabilities. It was noted that the media can hold press conferences, provide campaigning and advertisements, awareness raising activities, and that these can be used to influence the public, government, and enterprises on the positive impacts of employing people with disabilities.

The following list is a combination of the identified key priority areas found by the working groups with recommendations on how to effectively cooperate and monitor their implementation. Each group expressed concern and recommendations in the following areas:

- 1) **Advocacy:** The groups emphasized advocating for the **rights of persons with disabilities**, and encouraged a paradigm shift from the charity to the social model of disability. CSR would play an effective and important role. Advocacy should be used as a strengthen agent so that that all stakeholders share the same perception in order to achieve collective goals. Advocating on policy content, budget, accessible facilities by **incorporating universal design**, and use **Media** for public campaigns.
- 2) **Access:** to services, culture, education and facilities(**inclusive education** and/or **certification of skills**) to improve overall implementation of programmes, professional growth and educational opportunities. Ensure all government buildings are accessible by doing accessibility audits in coordination with DPOs.

- 3) **Awareness: increase 'learning events'** for people with disabilities by inviting and involving all stakeholders, for example through internships, comparative studies, and workshops. Use Media to increase awareness and to share inspirational stories. **Promotion of potential/skillsof people with disabilities** through job fairs, and in workshops.
- 4) **Capacity building** of Human Resource managers, Trade Unions, DPOs, Governments, and service providers to persons with disabilities (all stakeholders).
- 5) **Commitment:** All stakeholders must extend their commitment for policies and programmes to be successful; the Government suggested appointing a coordinator at the regional level, and all groups felt it necessary to engage in **rewards and punishments**.
- 6) **Coordination and networking:** The Government suggested this should be addressed through **inter-ministerial and stakeholders meetings** by conducting cross-sectoral/program meetings, meetings with NGOs, academics, and the community. Other suggestions included the use of **consultations** and **dialog** between disabled people and other stakeholders; and to **build and strengthen the network of DPOs** who would work as pressure groupson the government in overcoming the issues, and to **promote better policies** and practices on the employment of people with disabilities.
- 7) In addition, **collective action** is needed on the protection of workers with disabilities (healthcare, health insurance), and finally to encourage the Government to ratify the UNCRPD.
- 8) **Data collection:** stakeholders establish aninteractive and accessible **database** on the number of persons with disabilities, their competencies and skills needs, information on assistive devices, and the success stories of persons with disabilities. Engage all stakeholders and allow access to all.

9) **Evaluation and monitoring:** DPOs should collaborate with the government in supporting the marketing of products produced by people with disabilities, and in helping procure their goods and services. A monitoring mechanism on the implementation of affirmative action involving the DPOs should be created.

10) **Implementation of programs:** change discriminatory policies on people with disabilities (ie “healthy mind and body” reference)¹⁷; improve healthcare for persons with disabilities (MoH), provide extensive employment opportunity in both formal and informal sectors (MoMT); **build appropriate and accessible facilities** and infrastructure in public space (Ministry of Public Works), compose **curriculum** that will support persons with disabilities (Academia), the provision of data (National Bureau of Statistics, BPS). Also, revising rules and regulations on the employment of people with disabilities that are not yet rights-based.

11) **Information dissemination:** The need to effectively collect and disseminate information is critical so that stakeholders will share the same understanding on the mechanism. The Government suggested this should occur at the central level with all stakeholders down to the province/district/city level. It was also suggested to do this through the use of **campaigns, advertisements, public gatherings, media, and seminars.**

The Ministry of Foreign Affairs should disseminate of information on the UNCRPD. The Trade Unions suggested providing information on law and regulations through websites, publications, and seminars. The DPOs in particular felt more information should be available on the one per cent quota policy to provide better understanding of the law to encourage enterprises to hire *more* than one per cent.

12) **Media:** Properly utilize the media by providing the perspective and view of persons with disabilities to society so as to urge the government to change their policies.

13) **Policy and regulation:** Planning, advocacy, meetings, seminars, workshops, and consultations act as the mechanism. The Government suggested composing technical

¹⁷ Colbran, N. 2010. *Access to Justice Persons with Disabilities Indonesia Background Assessment Report*. AusAid. Australia

implementation guidelines, and creating a circulation on protection of persons with disabilities according to their field. Finally, it was suggested to engage in ***affirmative action***.

4.5 Next Steps and moving forward

Group 1: Trade Unions, Employers' Organization APINDO, and corporations

The Trade Union and Employers' Organizations found the following priority action areas: **information dissemination, data collection, capacity building, partnerships, and media.**

Each next steps and recommendations for each priority area are listed below.

Next steps to **disseminate information** on laws and regulations should utilize websites, publications, and seminars as mechanisms. This indicates the need for trade unions, APINDO and corporations to cooperate with relevant stakeholders (i.e. Government, foundations, etc.) by building a network and composing a Memorandum of Understanding (MoU) collectively. The MoU could address partnerships and networking concerns resulting in an agreement on curriculum and standards of competence is necessary.

Data collection (conducted by each company and trade union) next steps are to establish a survey team and discover the number of persons with disabilities within each organization or trade union, the specific disability, skills needs and existing skills. After collecting the data a database is established, survey results are processed (APINDO), and changes are made based on the survey results.

Next steps recommended for **capacity building** should involve the education and training of chosen Human Resource managers and trade union appointees based on Training Needs Assessments (TNAs), and developing a curriculum/syllabus. An internal obligation within the company (job description, procedures, and memos) would act as the mechanism.

Group 1 suggested next steps to address **Media Focus** should be through cooperation with national and local television, radio broadcast stations, and newspapers by (again) signing an MoU, holding press conferences, and working on relationship building.

Regarding advice on how stakeholders could cooperate and **monitor** the implementation effectively, Group 1 suggested to ask for government and other stakeholders' **commitment** (DPO, NGO, Associations) and the appointment of a coordinator at the regional level; rewards and punishments for enterprises who employ persons with disabilities by giving incentives (tax reduction, etc), imposing routine monitoring, and information dissemination through newsletters, websites, job boards.

Group 2:Government

Priority action areas for the Government lie are **policy and regulation planning, dissemination of regulations, improved coordination** among sectors and the ministries, **integrated implementation**, and an **evaluation and monitoring system**.

Group members' next steps to improve evaluation and monitoring and policy and regulation planning could be achieved by **networking** and coordinating in groups or a **consortium** with the **composition of technical and implementation guidelines** through each supporting ministry of persons with disabilities. **Creating a circulation on protection** of persons with disabilities according to their field should be the next step to address **advocacy**, with meetings, seminars, workshops, and consultations as the mechanism. Finally, coordination among sectors could be achieved by cooperating with NGOs, associations, and educational institutions through the **creation of community based services**.

In addition, stakeholders should concentrate on **coordinating, consulting, consolidating**, and **advocating for** accessible facilities for persons with disabilities by **incorporating universal design** in built environments, and by using public campaigns to create a **dialog** between disabled people and other stakeholders (using media),

Next steps to address **information dissemination** should be done through campaigns, advertisements, public gatherings, and seminars, and should occur at the central level with all stakeholders down to the province/district/city level.

Next steps to improve **coordination** should include holding inter-ministerial and stakeholders meetings which are cross-sectoral, and should include meetings with NGOs, academics, and the community.

Suggested next steps to address improving **implementation of program activities** are to create a curriculum on disability or a public facility concerning disabled people. Further steps include improving healthcare for persons with disabilities (MoH), providing extensive employment opportunity in both formal and informal sectors (MoMT), building appropriate and accessible facilities and infrastructure in public space (Ministry of Public Works), composing curriculum that will support persons with disabilities (Academia), the provision of data (National Bureau of Statistics, BPS), and dissemination of information on the UNCRPD (Ministry of Foreign Affairs).

Groups 3 and 4– Disabled People’s Organisations (DPOs)

Due to the many participants representing DPOs, two separate groups were formed. The two DPO working groups’ areas of priority action were:

- **promotion of potential/skills of people**with disabilities
- ***affirmative action*** from the government
- **advocacy of CSR and rights** of persons with disabilities
- **information dissemination**
- **change discriminatory policies**, and
- **networking**

Recommended next steps to **promote potential/skills of people with disabilities** should include increasing the number of 'learning events' for people with disabilities (extending invitations to all stakeholders). Examples of events include internships, comparative studies, and workshops. In addition, an interactive and accessible database created on the number of persons with disabilities, their competencies, information on assistive devices, and the success stories of persons with disabilities will help address this issue. The perspective and view of persons with disabilities should be presented to society urging the government to change their policies. Building and strengthening DPOs helps them to put pressure on the government in overcoming confronting issues to **promote better policies** and practices on the employment of people with disabilities.

Advocacy and sharing inspirational stories also helps to promote better policies. This is done by expanding the DPO networks to institutions other than the DPOs (NGO, universities), INGOs, Media, and Community Based Organisations. Advocacy should address shifting society's perceptions regarding persons with disabilities from the medical and charity model to the social and rights based model. Advocacy areas should include disability rights, policy content, budget, protection of workers with disabilities (healthcare, health insurance), and to encourage the government to ratify the UNCRPD.

Encouraging the government to **implement existing rules on employment** and **revise rules and regulations** on the employment of people with disabilities that are not yet **rights-based**, and **applying affirmative action** by increasing the number of people with disabilities employed in various enterprises, and supporting the marketing of products produced by DPOs combined can be accomplished by **implementing a reward and punishment mechanism** for companies who employ people with disabilities, as well as through advocacy and information dissemination.

Information dissemination was addressed (again) through an interactive and accessible database on persons with disabilities and by using **media**. This is important to provide information on policies in the labour law to relevant stakeholders (hence stakeholders will share the same understanding and implementation), and in particular regarding the one

per cent quota policy. Providing a better understanding of this law will encourage enterprises to hire more than the requirement.

Next steps include collaboration with the government to support the marketing of products produced by people with disabilities, provide space for them to sell their products, and to help procure their goods and services. They will need to **build a monitoring mechanism** on the implementation of affirmative action involving the DPOs.

V. Wrap-up and Closure of Workshop

Governments, DPOs, businesses, service providers, trade unions, employers' organizations, and persons with disabilities in Indonesia have shown their commitment to improve equal access to justice, and opportunities towards decent work for youth and persons with disabilities through their energetic and passionate participation in the July 25-26, 2011 workshop held in Jakarta. The working group sessions found Indonesia has many priority areas for action to address equal opportunity to work and employment, and access to justice for persons with disabilities. Day Two working groups found the need for clear and effective implementation of policy and legislation, improved awareness about the abilities of persons with disabilities, effective data collection, advocacy, and access (i.e. to information, built environment, and opportunities for education and vocational training).

Recommendations from working groups to address these issues advised further networking, coordination, and technical cooperation partnerships; improved monitoring systems through deeper involvement of all stakeholders and the creation of a committee composed by representatives from all line ministries, DPOs, APINDO, trade unions, and persons with disabilities; using the media to promote positive stories of persons with disabilities, CSR activities, and monitoring; and the capacity building of all stakeholders but especially for entities who provide services to persons with disabilities (HR managers, health care and employment service centre workers), DPOs, and the Government.

The ILO promotes a rights-based approach to disability inclusion founded on principles of non-discrimination, equal access to opportunity and employment, community involvement, and the mainstreaming of disability into vocational and rehabilitation programmes and services. The ILO's engages in technical cooperation projects and partnerships, such as through successful projects PEPDEL and INCLUDE, which can act as a basis for further projects in the Asia-Pacific. The ILO looks forward to Indonesia's next steps on ensuring access to justice, and equal opportunities in accessing skills training and development, and employment and work opportunities for persons with disabilities.

Ms. Pozzan provided the closing remarks and graciously thanked everyone on behalf of both the ILO and AusAid for participating in the workshop. She emphasized that the working groups were active and participated enthusiastically, providing fruitful inputs. Ms. Pozzan concluded the workshop by encouraging participants to get together and work closely with the government to improve mainstreaming of disability in Indonesia by ratifying the UNCRPD, and promoting access to justice and employment for persons with disabilities.

VI. Annexes

Working Groups Questions Day 1

1. What do you think are the advantages and disadvantages of the [Section topic] to promote social inclusion in the workplace in Indonesia?
2. What do you consider the 5 critical systemic weaknesses/challenges of the [Section topic] in Indonesia which delays/prevents effective implementation?
3. Which most critical steps need to be taken so that the [Section topic] can be effective?
 - at policy level
 - institutional level
 - stakeholder level (government, employers, trade unions, DPOs)
4. Who should enforce and supervise the provisions/implementation of [Section topic] at the local level?
 - Who has the legal authority/mandate to do it? Do they have the human and financial resources needed?
 - Which structure would you see as the most effective and which stakeholders should be involved?
 - Effective laws require an enforcement mechanism and sanctions of disadvantages if employers fail to comply: how can this be done?

Working Group Questions Day 2

1. Identify five priorities for immediate action in the field of disability inclusion.
2. What steps will you take to ensure that these priorities are effectively implemented?
3. What mechanisms will your organization put in place to achieve these goals?
4. Suggest practical recommendations, how stakeholders can effectively work together and oversee/supervise effective implementation.