



# **The South East Asia National Human Rights Institutions Forum (SEANHF)**

## **Baseline Paper on the Rights of People with Disabilities in Southeast Asia**

**2020**

## **Acknowledgements**

This Report was written by [a]n intern/consultant engaged under the Office of the Provedor for Human Rights and Justice (PDHJ), Courtney Ann Yachanin, with support from all SEANF members (Komnas HAM, SUHAKAM, MNHRC, NHRCT, CHRP, and PDHJ).

First Printing, 2020

© Copyright South East Asia National Human Rights Institutions Forum (SEANF), 2020

The copyright of this paper belongs to the SEANF.

## TABLE OF CONTENTS

Introduction.....	13
Purpose.....	13
Convention on the Rights of Persons with Disabilities (CRPD) .....	14
SEANF and CRPD.....	17
Findings on the Rights of Persons with Disabilities in SEANF Countries.....	18
Statistics .....	19
Major Government Actors and Actions for Persons with Disabilities .....	20
Specific Rights .....	21
<b>Article 5: Equality and Non-Discrimination:</b> .....	21
<b>Article 6: Women with Disabilities:</b> .....	23
<b>Article 7: Children with Disabilities:</b> .....	24
<b>Article 8: Awareness-Raising:</b> .....	27
<b>Article 9: Accessibility:</b> .....	29
<b>Article 10: Right to Life:</b> .....	32
<b>Article 11: Situations of Risk and Humanitarian Emergencies:</b> .....	33
<b>Article 12: Equal Recognition before the Law:</b> .....	34
<b>Article 13: Access to Justice:</b> .....	35
<b>Article 14: Liberty and Security of the Person:</b> .....	36
<b>Article 16: Freedom from Exploitation, Violence, and Abuse:</b> .....	37
<b>Article 17: Protecting the Integrity of the Person:</b> .....	39
<b>Article 18: Liberty of Movement and Nationality:</b> .....	39
<b>Article 19 :Living Independently and Being Included in the Community:</b> .....	40
<b>Article 20: Personal Mobility:</b> .....	41
<b>Article 21: Freedom of Expression and Opinion, and Access to Information:</b> .....	43
<b>Article 22: Respect for Privacy:</b> .....	44
<b>Article 24: Education:</b> .....	46
<b>Article 25: Health:</b> .....	49
<b>Article 26: Habilitation and Rehabilitation:</b> .....	51
<b>Article 27: Work and Employment:</b> .....	52
<b>Article 28: Adequate Standard of Living and Social Protection:</b> .....	55

<b>Article 29: Participation in Political and Public Life:</b> .....	56
<b>Article 30: Participation in Cultural Life, Recreation, Leisure, and Sport:</b> .....	57
Specific Obligations.....	59
<b>Article 31: Statistics and Data Collection:</b> .....	59
<b>Article 32: International Cooperation:</b> .....	60
<b>Article 33: National Implementation and Monitoring:</b> .....	61
Best Practices .....	62
Challenges.....	63
Recommendations for NHRIs.....	65

## **ABBREVIATION AND ACRONYMS**

ADHD	: Attention Deficit Hyperactivity Disorder
ADTL	: Asosiasaun Defisiensiia Timor-Leste (Timor-Leste Disability Association)
AICHR	: ASEAN Intergovernmental Commission on Human Rights (Malaysia)
AKAPIN	: Asosasyon ng mga may Kapansanansa Pilipinas (Association of Disabled in the Philippines)
AKAP-Pinoy	: Alyansa Ng May Kapansanang Pinoy (Alliance of Filipinos with Disabilities) (Philippines)
ALS	: Alternative Learning System (Philippines)
APCD	: Asia-Pacific Development Center on Disability
APHT	: Association of the Physically Handicapped of Thailand
ASEAN	: Association of Southeast Asian Nations
ATM	: automated teller machine
BALS	: Bureau of Alternative Learning System (Philippines)
BEAS	: Business Enhancement Assistance Scheme (Malaysia)
CBR	: community-based rehabilitation
CHED	: Commission on Higher Education (Philippines)
CHRP	: Commission on Human Rights of the Philippines
CPDT	: Council of People with Disabilities of Thailand
CRPD	: United Nations Convention on the Rights of Persons with Disabilities
CSR	: corporate social responsibility
DAISY	: Digital Accessible Information System for All (Philippines)
DepEd	: Department of Education (Philippines)
DICT	: Department of Information and Communications Technology (Philippines)
DILG	: Department of the Interior and Local Government (Philippines)
DOH	: Department of Health (Philippines)
DOJ	: Department of Justice (Philippines)
DOLE	: Department of Labor and Employment (Philippines)
DOTC	: Department of Transportation and Communications (Philippines)
DPO	: disabled persons organization
DPWH	: Department of Public Works and Highways (Philippines)
DSW	: Department of Social Welfare (Myanmar)
DSWD	: Department of Social Welfare and Department (Philippines)
DTI	: Department of Trade and Industry (Philippines)
EPDA	: Empowerment of Persons with Disabilities Act B.E. 2550 (2007) (Thailand)
ETBU	: East Timor Blind Union
FEPD	: Fund for Empowerment of Persons with Disabilities (Thailand)
FKKAK	: Communication Forum for Family of Children with Disabilities (Indonesia)

ICT	: sub-committee on Information Communication and Technology (Philippines)
IDEA	: Individuals with Disabilities Education Act (Philippines)
IT	: information technology
JITA	: Japan International Cooperation Agency
KAGABAY	: Katulong at Gabay Sa Mangagawang may Kapansanan (Help and Assistance for Workers with Disability) (Philippines)
Komnas HAM	: Komisi Nasional Hak Asasi Manusia (National Human Rights Commission of Indonesia)
LGBTI	: lesbian, gay, bisexual, transgender, and intersex
MKBOKU	: National Council for Persons with Disabilities (Malaysia)
MoJ	: Ministry of Justice (Timor-Leste)
MNHRC	: Myanmar National Human Rights Commission
MSDHS	: Ministry of Social Development and Human Security (Thailand)
MSSI	: Ministry of Social Solidarity and Inclusion (Timor-Leste)
MWFC	: Ministry of Women, Family and Community Development (Malaysia)
NCEPD	: National Committee on Empowerment of Persons with Disabilities (Thailand)
NCDA	: National Council on Disability Affairs (NCDA)
NEP	: National Office for Empowerment of Persons with Disabilities (Thailand)
NECTEC	: National Electronics and Computer Technology Center (Thailand)
NGO	: non-governmental organization
NHE	: Non-Handicapping Environment (JICA)
NHIP	: National Health Insurance Program (Philippines)
NHRAP	: National Human Rights Action Plan (Philippines)
NHRCT	: National Human Rights Commission of Thailand
NHRI	: national human rights institution
NFA	: National Food Authority (Philippines)
NPEPD	: National Plan of Empowerment of Persons with Disabilities (Thailand)
NPESD	: National Plan of Economic and Social Development (Thailand)
NTC	: National Telecommunications Commission (Thailand)
NVRC	: National Vocational Rehabilitation Center (Philippines)
OBEC	: Office of Basic Education Commission (Thailand)
ONTC	: Office of National Telecommunications Commission (Thailand)
PAO	: Public Attorney's Office (Philippines)
PDAO	: Persons with Disability Affairs Office (Philippines)
PDHJ	: Provedoria dos Direitos Humanos e Justiça (Provedor for Human Rights and Justice)
PHD	: Australian Timor-Leste Partnership for Human Development
PIA	: Philippine Information Agency
PRADET	: Psychosocial Recovery & Development in East Timor
PWDA	: Persons with Disabilities Act 2008 (Malaysia)

RA	: Republic Act (Philippines)
RANHAM	: National Action Plan on Human Rights (Indonesia)
SCABET	: Sub-committee on Accessibility of Built Environment and Transportation (Philippines)
SAII	: Subsídio de Apoio a Idosos e Inválidos(Elderly and Disabled Support Allowance) (Timor-Leste)
SDG	: Sustainable Development Goal
SEANF	: South East Asia National Human Rights Institutions Forum
SECOM	: Secretary of State for Social Communication (Timor-Leste)
SEN	: Special Educational Needs
SSS	: Social Security System (Philippines)
SUHAKAM	:Suruhanjaya Hak Asasi Manusia Malaysia(Human Rights Commission of Malaysia)
TAB	: Thailand Association of the Blind
TABW	: Thailand Association of Blind Women
TASKA OKU	: (Disabled Child Care Centers) (Malaysia)
TAWAG	: Tuloy-Aral WalangSagabal (Continuous Education to Mainstream Children with Disabilities) (Philippines)
TNI	: Tentara Nasional Indonesia (Indonesian National Military)
TRS	: Telecommunication Relay Service
TULAY	: Tulong Alalaysa Taong May Kapansanan (Help and Assistance for Persons with Disabilities) (Philippines)
UN	: United Nations
UNESCAP	: United Nations Economic and Social Commission for Asia and the Pacific
UNICEF	: United Nations Children's Fund (formerly United Nations International Children's Emergency Fund)
WHO	: World Health Organization

## **FOREWORD**

### **PROVEDORA DE DIREITOS HUMANOS E JUSTIÇA (PDHJ)**

According to the latest data from WHO, about 15% of the world's population has a disability. The UN estimates that 80% of those people live in developing countries. Formal recognition of rights of persons with disabilities is vital for addressing poverty concerns, as the contributions of persons with disabilities to society represents a large chunk of human capital, that could help lessen the strains of poverty. The United Nation's Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the United Nations General Assembly in 2006, with the aim of fostering inclusion, respect, and accessibility, as well as addressing discrimination. Protection of vulnerable people, which include those with disabilities, is one of the priorities for the SEANF's Strategic Plan for 2017-2021 and the 2030 Sustainable Development Goals (SDGs).

The South East Asia National Human Rights Institutions Forum (SEANF), a cooperative network of NHRIs in the sub-region consisting of the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Myanmar National Human Rights Commission (MNHRC), the Commission on Human Rights of the Philippines (CHRP), the National Human Rights Commission of Thailand (NHRCT) and the Provedoria for Human Rights and Justice of Timor-Leste (PDHJ), recognizes the importance of promoting and protecting the rights of Persons with Disabilities. Out of all the countries represented by SEANF, Timor-Leste is the only country that has yet to ratify the CRPD. When States make disability accommodation commonplace during development, It is easier to grow these efforts along with other strides being made, readjusting mindsets and constructing infrastructure that fulfil the needs and rights of People with Disabilities, making society more inclusive and better-off.

The rights of People with Disabilities issue has been on the 2019 SEANF meeting agenda. At the 1<sup>st</sup> Technical Working Group (TWG) on April 2019 in Dili, Timor-Leste, PDHJ raised the issue of People with Disabilities rights. On the 2<sup>nd</sup> TWG in July, PDHJ presented a draft baseline paper on People with Disabilities in Southeast Asia for comments and inputs of SEANF members. SEANF release the Statement on the Rights of People with Disabilities in Southeast Asia, to encourage national human rights institutions (NHRIs) to actively monitor, implement, and encourage policies and procedures in accordance with the CRPD in order to raise awareness, handle complaints, and make recommendations to the proper authorities, in accordance with CRPD principles. In October, 2019 at the 16<sup>th</sup> SEANF Annual Conference in Dili, Timor-Leste, under the chairmanship of PDHJ, the final version of the baseline paper on People with Disabilities in Southeast Asia, inclusive of all SEANF members comments and inputs, was presented by PDHJ and adopted by all SEANF members, on the 24 October 2019.

This Baseline Paper aims to be a tool for NHRIs, on how to promote and protect the rights of Persons with Disabilities in their respective countries, in line with the CRPD. The findings on



rights of Persons with Disabilities in the SEANF countries are meant to highlight the positive efforts being made and serve as examples of how different countries have addressed the different aspects of the rights of Persons with Disabilities, to possibly inspire others to make comparable efforts in their own country. I wish to especially thank all SEANF members for their efforts in collaborating with this initiative and hope that the Baseline Paper on the Rights of People with Disabilities in Southeast Asia will serve as a useful source of reference for further study and initiatives to better serve Persons with Disabilities in the region.

The SEANF members will continue to exchange information on achievements, gaps, best practices, and challenges to promotion and protection of the rights of Persons with Disabilities in this sub-region. This will help each of the countries to not only be in compliance with the CRPD, but also to support the capacity of each country to maximize its human capital to become more successful and prosperous nations.



**Jesuína Maria Ferreira Gomes**

Provedora

2019 Chair of the SEANF



## **The South East Asia National Human Rights Institutions Forum (SEANF) Statement on the Rights of People with Disabilities in Southeast Asia 2019**

In 2019, the South East Asia National Human Rights Institutions Forum (SEANF) member institutions have discussed the importance of addressing the rights of persons with disabilities. SEANF is comprised of national human rights institutions (NHRIs) from six countries in South East Asia: the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Myanmar National Human Rights Commission (MNHRC), the Commission on Human Rights of the Philippines (CHRP), the National Human Rights Commission of Thailand (NHRCT) and the Provedoria for Human Rights and Justice (PDHJ) in Timor-Leste. These NHRIs have a role in ensuring that the rights of persons with disabilities are respected and addressed by government institutions, non-governmental organizations, and society at large. To achieve this, the NHRIs will monitor, implement, and encourage policies and procedures in accordance with the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

Adopted in 2006, the CRPD emphasizes the need to “promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” (Art 1 CRPD). The CRPD focuses on addressing discrimination towards persons with disabilities by fostering inclusion, respect, and accessibility. (Art 3 CRPD). The CRPD maintains that State Parties to the convention take affirmative and reasonable steps to implement policies and infrastructure that allows for equal participation in society by persons with disabilities.

At the present time, all of the countries represented by SEANF have ratified this convention, with the exception of Timor-Leste. However, Timor-Leste’s National Parliament is currently taking significant steps toward ratification, so it is likely that Timor-Leste will become a State Party to the CRPD soon.

NHRIs have a significant role to play in ensuring compliance with CRPD principles. A significant part of the NHRI mandate requires them to make sure that their country complies with international human rights treaties and conventions. By monitoring institutions, encouraging inclusion, and making sure that needs of persons with disabilities are not overlooked in any functions of society, NHRI's can ensure that the goals of the CRPD are successful. Their mandates also require that they raise awareness, handle complaints, and make recommendations to the proper authorities, all of which can be done with incorporation of CRPD principles.

Protection of vulnerable people is one of the priorities for the SEANF Strategic Plan for 2017-2021 and the 2030 Sustainable Development Goals (SDGs). Vulnerable people include those with disabilities, LGBTI, women, children, indigenous, minorities, and older persons. The main issue for these people is discrimination, which can be both conscious and unconscious, intentional and unintentional. All SEANF member countries have provisions prohibiting discrimination in their respective constitutions or national laws. NHRIs can help vulnerable people to address cases of discrimination by having procedures to deal with complaints about discrimination and making sure that the public knows that they can seek redress for such violations of rights through the NHRI.

For the most part, SEANF countries have made substantial efforts toward recognizing, promoting, and protecting the rights of persons with disabilities. Notable efforts include: awareness-raising, facilitation of sport and cultural participation, increased education access (including training in vocational and life skills), support groups for persons with disabilities and their families, and proper inclusion of persons with disabilities in national and organizational action plans. Financial assistance is also a popular means of supporting persons with disabilities. Financial assistance that does things like provide subsidies for assistive devices and vocational training should be encouraged, as it helps persons with disabilities become more independent and productive members of society. However, it is important to be ensure that financial assistance is going toward projects that foster independence of persons with disabilities, not creating situations of dependency.

There are many ways in which SEANF countries are falling short in promoting and protecting the rights of persons with disabilities. Even in the areas where progress has been made, more needs to be done to ensure that programs and resources are efficient and productive, while maximizing outreach to assist more persons with disabilities in need.

There are also areas in which there are very few or no specific rights for persons with disabilities, including right to life; equal recognition before the law; liberty and security of the person; freedom from torture or cruel, inhuman, or degrading treatment or punishment; protecting the integrity of the person; liberty of movement and nationality; and respect for privacy. The most startling is with liberty of movement (from CRPD Article 18), as there are some countries that either had or continue to have reservations on this article. Not allowing someone in your country because of disability is blatant discrimination, which is completely contrary to the principles of the CRPD.

There are elements of SEANF countries' disability rights practices which should be recognized and encouraged as best practices. One such practice is taking a rights-based approach to persons with disabilities over an outdated charity-based approach. Another practice is including and involving persons with disabilities in decision-making and planning. A third practice is specifically addressing the rights of persons with disabilities in laws, policies, and regulations, which helps to combat intentional and unintentional forms of discrimination.

SEANF countries also face many of the same challenges with promoting and protecting the rights of persons with disabilities. One challenge is proper implementation of laws and procedures meant to promote and protect disability rights. A second challenge is lack of proper and complete data collection, which restricts efforts to address disability issues. A third challenge is inefficient use of resources. A fourth challenge is attitudinal barriers, including perpetuation of stigma and negative stereotypes which are counterintuitive to efforts made for the rights of persons with disabilities.

There are multiple measures that NHRIs can take to help promote and protect the rights of persons with disabilities. One way is to serve as examples of inclusion and respect for persons with disabilities which other ministries and organizations can follow by implementing disability-conscious practices. Another is by raising awareness and advocating for the needs and rights of persons with disabilities. A third is to actively address and prevent discrimination in laws, regulations, and practices. A fourth is to monitor and evaluate the effectiveness of current and future assistive measures to ensure efficiency and productivity.

In conclusion, efforts have been made to uphold the principles of CRPD in SEANF countries. However, there is much more to be done to ensure that the rights of persons with disabilities are properly recognized and respected. SEANF members should continue to

exchange of information on achievements, gaps, best practices, and challenges to promotion and protection of the rights of persons with disabilities. This will help each of the countries to not only be in compliance with the CRPD, but also to support the capacity of each country to maximize its human capital to become more successful and prosperous nations.

## **Introduction**

In 2019, the South East Asia National Human Rights Institutions Forum (SEANF) member institutions have discussed the importance of addressing the rights of persons with disabilities. SEANF is comprised of national human rights institutions (NHRIs) from six countries in South East Asia: the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Myanmar National Human Rights Commission (MNHRC), the Commission on Human Rights of the Philippines (CHRP), the National Human Rights Commission of Thailand (NHRCT) and the Provedoria for Human Rights and Justice (PDHJ) in Timor-Leste. These NHRIs have a role in ensuring that the rights of persons with disabilities are respected and addressed by government institutions, non-governmental organizations, and society at large. To achieve this, the NHRIs will monitor, implement, and encourage policies and procedures in accordance with the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

Formal recognition of rights of persons with disabilities is important for addressing poverty concerns. By ignoring the possible contributions of persons with disabilities to society, the state is essentially abandoning a large chunk of human capital that could help lessen the strains of poverty. By not making disability accommodation commonplace during development, the state is making things much more difficult to improve later. It is easier to grow these efforts along with other strides being made. It is much more difficult to readjust mindsets and reconstruct infrastructure that have already been firmly established.

This report discusses some of the basic tenants of disability rights in South East Asia. These include an explanation of the CRPD, CRPD and SEANF, findings on rights of persons with disabilities in SEANF countries, summaries of best practices and challenges, and recommendations for NHRIs.

## **Purpose**

The main purpose of this baseline paper is to be a tool for the SEANF member countries, and possibly other non-member NHRIs, on how to promote and protect the rights of persons with disabilities in their respective countries. The overview on the CRPD is meant to give the all interested parties an idea of the principles they need to pay attention to in order to comply with the Convention. The findings on rights of persons with disabilities in the SEANF countries are

meant to highlight the positive efforts being made and serve as examples of how different countries have addressed the different aspects of the rights of persons with disabilities, to possibly inspire others to make comparable efforts in their own country. The findings are laid out in such a way to show which areas the countries have made many efforts, as well as to draw attention to areas in which each country could do better by the absence of information. The analysis at the end point out overarching trends, both positive and negative, to help the SEANF members recognize where improvements can be made. Finally, the recommendations for NHRIs at the end are meant as a launching point, to help the NHRIs think of how to either get started with certain initiatives or to expand their current initiatives to better serve persons with disabilities.

### **Convention on the Rights of Persons with Disabilities (CRPD)**

The CRPD was adopted by the United Nations General Assembly in 2006. CRPD brings persons with disabilities out from the fringes and shadows of society. According to the latest data from WHO, about 15% of the world's population has a disability. The UN estimates that 80% of those people live in developing countries.

Before the CRPD, disability rights lacked a complete text that effectively protected the rights of persons with disabilities. The UN had addressed disability rights before through the World Programme of Action concerning Disabled Persons (1981), the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (1991), the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993), and Declaration on the Rights of Disabled Persons (1995). While these were useful for individual states to formulate their own standards and laws for addressing disability rights, none of these were legally binding. Additionally, though all the core UN human rights conventions apply to persons with disabilities as they do to all people, only the Convention on the Rights of the Child directly addresses discrimination due to disability. The CRPD was the solution to clarify and strengthen the protection of the rights of persons with disabilities.

The CRPD focuses on addressing discrimination towards persons with disabilities by fostering inclusion, respect, and accessibility. (Art 3 CRPD). The CRPD maintains that State Parties to the convention take affirmative and reasonable steps to implement policies and infrastructure that allows for equal participation in society by persons with disabilities.

The main purpose of the CRPD is to “promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” (Art 1 CRPD). This applies to all people with physical, mental, intellectual, or sensory disabilities. Accordingly, disability is no longer a defining characteristic of a person, hence the shift from “disabled person” to “person with disabilities.”<sup>1</sup> Disability is seen as 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 definition of which can adjust with time and circumstance. (Art 2 CRPD). Disability is used as a uniting term to ensure that no one is left behind in the effort for universal equality.

The Convention’s general principals include:

- “Respect for inherent dignity, individual autonomy, including the freedom to make one’s own choices and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities”<sup>2</sup>

Contrary to popular belief, the CRPD does not require infrastructural or accessibility changes prior to ratification. Rather, state parties to the Convention are required to:

---

<sup>1</sup> Individual or regional preference for terms describing persons with disabilities do vary and these preferences should be respected.

<sup>2</sup>“Frequently Asked Questions Regarding the Convention on the Rights of Persons with Disabilities.” United Nations. UN.org. Accessed November 27, 2019. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/frequently-asked-questions-regarding-the-convention-on-the-rights-of-persons-with-disabilities.html>.



- “adopt legislation and administrative measures to promote the human rights of persons with disabilities;
- adopt legislative and other measures to abolish discrimination;
- protect and promote the rights of persons with disabilities in all policies and programs;
- stop any practice that breaches the rights of persons with disabilities;
- ensure that the public sector respects the rights of persons with disabilities;
- ensure that the private sector and individuals respect the rights of persons with disabilities;
- undertake research and development of accessible goods, services and technology for persons with disabilities and encourage others to undertake such research;
- provide accessible information about assistive technology to persons with disabilities;
- promote training on the rights of the Convention to professionals and staff who work with persons with disabilities;
- consult with and involve persons with disabilities in developing and implementing legislation and policies and in decision-making processes that concern them.”<sup>3</sup>

The CRPD emphasizes avoiding discriminatory (intentional or unintentional) actions while taking reasonable action to implement positive changes.

International human rights law recognizes that not all countries or societies have the same resources. There are still ways to implement the CRPD, even with limited resource. Resources should be prioritized reasonably, objectively, and proportionally. The UN suggests prioritizing lower-cost programs, prioritizing those people of greatest need, being non-discriminatory whenever and wherever possible, utilizing international resources<sup>4</sup>, and including persons with disabilities in all aspects of planning and overcoming barriers.

Isolated changes to accessibility will not work to successfully integrate persons with disabilities into main stream society. Different governmental and non-governmental groups will need to work together. A person that uses a wheelchair will not be able to access the facilities at their school if they have no way to get there. Additionally, just changing one aspect of a building or procedure will not be satisfactory. All aspects (or as many as reasonably possible) will need to be adjusted to accommodate persons with disabilities. Increased accessibility

---

<sup>3</sup>*Ibid.*

<sup>4</sup> Such as the UN’s Voluntary Fund on Disability.

extends to websites and online communication, publications in Braille for persons with visual impairments, sign language and subtitles in presentations for persons with hearing impairments, as well as buildings (including toilets) that can be used and accessed by those with physical disabilities. Disability consciousness needs to be included in all aspects of development so that society can progress faster by being able to utilize the skills and talents of persons with disabilities while avoiding having to backtrack to re-adjust things that could have been done correctly the first time.

### **SEANF and CRPD**

At this time, all the countries represented by SEANF have ratified this convention, except for Timor-Leste. However, Timor-Leste's National Parliament is currently taking significant steps toward ratification, so it is likely that Timor-Leste will become a State Party to the CRPD soon. NHRI's have a significant role to play in ensuring compliance with CRPD principles. A significant part of the NHRI mandate requires them to make sure that their country complies with international human rights treaties and conventions. By monitoring institutions, encouraging inclusion, and making sure that needs of persons with disabilities are not overlooked in any functions of society, NHRI's can ensure that the goals of the CRPD are successful. Their mandates also require that they raise awareness, handle complaints, and make recommendations to the proper authorities, all of which can be done with incorporation of CRPD principles.

Protection of vulnerable people is one of the priorities for the SEANF's Strategic Plan for 2017-2021 and the 2030 Sustainable Development Goals (SDGs). Vulnerable people include those with disabilities, LGBTI, women, children, indigenous, minorities, and older persons. The main issue for these people is discrimination, which can be both conscious and unconscious, intentional and unintentional. All SEANF member countries have provisions prohibiting discrimination in their respective constitutions or national laws. NHRI's can help vulnerable people to address cases of discrimination by having procedures to deal with complaints about discrimination and making sure that the public knows that they can seek redress for such violations of rights through the NHRI.

To make sure rights of persons with disabilities are respected, NHRI's should consult disability rights groups when coming up with strategic and action plans. CRPD requires governments of state parties to get regular input from persons with many different kinds of

disabilities to ensure that efforts being made to accommodate disabilities are appropriate. It is important to consult multiple groups, or at least a group that deals with multiple disabilities, as input will vary for each type. For example, what is important to a man in a wheelchair is different than what is important to a vision impaired or blind woman which is different than what is important to a child with a learning disability. NHRI's should take as many perspectives as feasible into account to ensure that no one is being arbitrarily discriminated against.

### **Findings on the Rights of Persons with Disabilities in SEANF Countries**

Included in this report are examples of measures that Indonesia, Malaysia, Myanmar, the Philippines, Thailand, and Timor-Leste have taken for persons with disabilities. The comparisons should be used as examples of efforts that different countries have made so that others can think about how they might adopt comparable measures in their own country. Not everything that every country is doing is included, as many more efforts have been made in some areas (such as education) than is necessary to be useful. However, where no information is listed about a particular country, no information could be found on any disability-specific measures taken for that country in that focus area.

Failure to specifically mention disability in anti-discrimination protection is not in line with the principles of CRPD. The idea of assuming or implying protection from discrimination on the grounds of disability because persons with disabilities are the same as other people fails to afford them the necessary protection they need to fully assimilate into mainstream society. It was this lack of protection, and widespread discrimination because of it, that led to the establishment of the CRPD in the first place.

Included in this report are programs and efforts made in accordance with each of the Specific Rights and Obligations of the CRPD.

The Specific Rights are:

- Equality and Non-Discrimination (Art. 5)
- Women with Disabilities (Art. 6)
- Children with Disabilities (Art. 7)
- Awareness-Raising (Art. 8)
- Accessibility (Art. 9)
- Right to Life (Art. 10)

- Situations of Risk and Humanitarian Emergencies (Art. 11)
- Equal Recognition Before the Law (Art. 12)
- Access to Justice (Art. 13)
- Liberty and Security of Person (Art. 14)
- Freedom from Torture or Cruel, Inhuman, or Degrading Treatment or Punishment (Art. 15)
- Freedom from Exploitation, Violence, and Abuse (Art. 16)
- Protecting the Integrity of the Person (Art. 17)
- Liberty of Movement and Nationality (Art. 18)
- Living Independently and Being Included in the Community (Art. 19)
- Personal Mobility (Art. 20)
- Freedom of Expression and Opinion, and Access to Information (Art. 21)
- Respect for Privacy (Art. 22)
- Respect for Home and the Family (Art. 23)
- Education (Art. 24)
- Health (Art. 25)
- Habilitation and Rehabilitation (Art. 26)
- Work and Employment (Art. 27)
- Adequate Standard of Living and Social Protection (Art. 28)
- Participation in Political and Public Life (Art. 29)
- Participation in Cultural Life, Recreation, Leisure, and Sport (Art. 30)

The Specific Obligations are:

- Statistics and Data Collection (Art. 31)
- International Cooperation (Art. 32)
- National Implementation and Monitoring (Art. 33)

### **Statistics**

Statistics are very important for rights of persons with disabilities. Accurate data enable the government and other organizations to determine the extent of different disabilities to be

accommodated as well as what sort of projects to pursue and fund. Accurate statistics on disability are difficult to come by in SEANF countries, as well as most other countries around the world. One reason is lack of uniform data collection on disability, which leads to inconsistent results. Another reason is negative stigma which causes people to downplay or not report their own or their family member's disability. According to the World Health Organization, 15% of the world population has a disability. It's likely that statistics reporting much less than that are inaccurate or incomplete.

### **Major Government Actors and Actions for Persons with Disabilities**

Indonesia has no one ministry in charge of disability rights, but Komnas HAM is responsible for overseeing CRPD implementation. Rights of persons with disabilities have been expressly included in the National Action Plan on Human Rights (RANHAM) and the National Medium-Term Development Plan.

Malaysia's Ministry of Women, Family and Community Development (MWFCD) is the focal ministry and responsible agency in charge for social welfare of persons with disabilities in Malaysia. In 2016, MWFCD has launched Malaysia's second Plan of Action (2016-2022) for Persons with Disabilities. MWFCD also established the National Council for Persons with Disabilities (MKBOKU), an intragovernmental agency with a broad statutory mandate, including to oversee implementation of the national action plan and policies relating to PWDs in Malaysia and to make the necessary recommendations to the government. MKBOKU has 6 committees which focus on Education; Transportation; Quality Life Care; Employment; Registration of PWDs; and Universal Design and Build Environment.

Myanmar's Department of Social Welfare (DSW) within the Ministry of Social Welfare, Relief, and Resettlement is the main agency for disability affairs. Myanmar is currently working with the National Strategy on the Development and Rights of Persons with Disabilities (2015-2020), which is based on lessons learned from the previous National Plan of Action for Person with Disabilities (2010-2012).

In the Philippines, the National Council on Disability Affairs is the main agency for disability rights and activities. The National Human Rights Action Plan (NHRAP) includes provisions on disability, based on input from persons with disabilities.

Thailand uses multiple relevant agencies to oversee and coordinate implementation of the CRPD. Thailand works to protect and promote rights of persons with disabilities through the National Plan of Empowerment of Persons with Disabilities (NPEPD), according to the Promotion and Development of Quality of Life of Persons with Disabilities Act (B.E. 2550 and the amendment) and the National Plan of Economic and Social Development (NPESD).

In Timor-Leste, the Ministry of Social Solidarity and Inclusion (MSSI) is responsible for designing, executing, and coordinating efforts for the rights of and assistance to persons with disabilities. The Strategic Development Plan of Timor-Leste (2011-2030) includes provisions for persons with disabilities. Additionally, the National Policy for Inclusion and Promotion of the Rights of the Disabled (2012) seeks to promote equal opportunities and participation of persons with disabilities in mainstream society, as well as to identify areas in which the government could or should be of more assistance to persons with disabilities.

## **Specific Rights**

### **Article 5: Equality and Non-Discrimination:**

Equality and non-discrimination are achieved through avoiding negative or discriminatory actions and behaviors, and through making reasonable accommodations for persons with disabilities. Ensuring equality and non-discrimination for persons with disabilities starts with laws and other legal provisions that specifically address them.

Indonesia guarantees the right to non-discrimination through multiple legal provisions. The 1945 Constitution of the Republic of Indonesia offers all citizens protection from discrimination for any reason through Article 28I Paragraph (2). Law No. 39/1999 on Human Rights includes provisions on equality under the law (Article 3 Paragraph (2)) and protection from discrimination (Paragraph (3)). Rights of persons with disabilities are specifically addressed in Law No. 8/2016. The government allows persons with disabilities to seek legal recourse to combat instances of discrimination. Rights of persons with disabilities are also referenced in other legal contexts in Indonesia.

The Malaysian Constitution guarantees equality of all persons before the law and equal rights of all persons to the equal protection of the law under Article 8(1). However, discrimination on the grounds of disability is not one of the express prohibited grounds under

Article 8(2) of the Federal Constitution. Discrimination against persons with disabilities is also not expressly prohibited under the Persons with Disabilities Act 2008 (PWDA), but the PWDA recognizes the right of persons with disabilities to equal access for the promotion and development of their quality of life and well-being. The PWDA, which was enacted to incorporate Malaysia's obligation under the CRPD into Malaysian law, is currently under review.

Myanmar is making efforts to specifically address equality and anti-discrimination for persons with disabilities. Article 347 of the Constitution (2008) guarantees equality in the law. Article 348 of the Constitution addresses discrimination protection for race, birth, religion, official position, status, culture, sex, or wealth, but it does not specifically mention disability. Myanmar adopted the Rights of Persons with Disabilities Law in 2015, but it has yet to be entered into force. The efforts of this draft law reflect Myanmar's intention to comply with the CRPD.

The Philippines has multiple legal provisions to protect persons with disabilities. Article III Section 1 of the 1987 Philippine Constitution guarantees equal protection to all citizens under law but does not specifically mention persons with disabilities. The main law addressing rights of persons with disabilities is Republic Act (RA) No. 7277 (March 1992). Section 2(b) guarantees persons with disabilities the same rights as all other people and Title 3 specifically addresses discrimination in employment, education, health, public accommodation, and transportation. RA No. 9442 is a more recent law that amended and updated RA No. 7277. Additional government agencies, such as the Department of Education (DepEd), also have specific regulations and guidelines for persons with disabilities. Currently, the Philippines has a comprehensive anti-discrimination law pending in Congress. This proposed law addresses multiple and intersecting forms of discrimination, prohibiting discrimination on multiple bases, including race, religion, ethnicity, sex, gender, sexual orientation, political belief, and disability.

Thailand also has legal provisions for persons with disabilities. The 2017 Constitution of the Kingdom of Thailand has multiple equality and anti-discrimination provisions, with Section 27 specifically prohibiting discrimination against disability. The Empowerment of Persons with Disabilities Act B.E. 2550 (2007) (EPDA) is the main law that protects disability rights and specifically addresses anti-discrimination in Section 15 and 16. The National Committee on Empowerment of Persons with Disabilities (NCEPD), which establishes disability rights

enforcement procedures, has a sub-committee on Elimination of Unfair Discrimination against Persons with Disabilities for addressing and investigating issues of possible discrimination.

Timor-Leste also has legal protection for persons with disabilities. Though there is no distinct law that specifically covers disability rights, the Constitution of the Democratic Republic of Timor-Leste includes provisions for persons with disabilities in its requirements for equal treatment and non-discrimination.<sup>5</sup> Article 23 of the Constitution maintains that the fundamental rights included in the Constitution shall be interpreted in accord with the Universal Declaration for Human Rights. Article 9 makes international human rights treaties binding law in Timor-Leste. Timor-Leste has already ratified a majority of the UN's international human rights conventions, most significantly the CRC which includes specific provisions for children with disabilities.

#### **Article 6: Women with Disabilities:**

General laws that protect women are understood to include women with disabilities. However, because women and girls face discrimination already because of their gender, women with disabilities face double discrimination. More specific laws and practices that specifically address women with disabilities help to give the extra protection that they need. CRPD requires that special attention is paid to women with disabilities to help them overcome their extra barriers.

Indonesia have taken some disability-specific measures through their Ministry of Women Empowerment and Child Protection, namely Regulation No. 23/2010 on Establishment of Consultation Center for Women with Disabilities and Regulation No. 7/2012 on the Standard of Procedure for Center for Consultation and Information for Women with Disabilities.

Malaysia is making efforts in this area. The government is developing a new law on gender equality and discrimination against women, which will include provisions to address discrimination against women with disabilities. SUHAKAM is one of the members of the Special Project Team, formed by MWFCDD to look into this matter.

Myanmar's draft law on persons with disabilities includes provisions for women with disabilities through general-equality approaches to development and implementation of action plans for persons with disabilities. Additionally, Myanmar's Gender Equality Network and

---

<sup>5</sup> Timor-Leste's Constitution Art. 6, 17, 21, 26(1), 40(1), 56(1), 57(1), 59(1-2, 5).



Myanmar Disabled Women Association are combining forces to address the issues of mental and physical health care, education, humanitarian aid, and social care and participation.

The Philippines also has a law that addresses the rights of women with disabilities. The Republic Act 9710, known as the Magna Carta of Women, was enacted in 2009.<sup>6</sup> It has multiple mentions of the rights of women with disabilities, including in the realms of children with disabilities, emergency relief, humanitarian crises, gender-based violence, qualification for state-sponsored educational scholarships, access to sports-related programs, social protection programs, and in local government considerations.

Thailand has taken some steps toward empowering women with disabilities. Thailand's Fund for Empowerment of Persons with Disabilities (FEPD)<sup>7</sup> supports women with disabilities by providing access to business loans. Women with disabilities are encouraged to participate in the Thai Women's National Assembly to be sure their needs are being recognized and included in national issues concerning women's development. Additionally, the Thailand Association of the Blind (TAB) has a Thailand Association of Blind Women (TABW) which ensures that blind women's rights are properly addressed and creates leadership roles for blind women. Annual seminars for women's rights and development are hosted by the Council of People with Disabilities of Thailand (CPDT).

Timor-Leste also has measures for helping women with disabilities. The national NGO PRADET has a program to help women with disabilities that have experienced domestic violence.<sup>8</sup>

### **Article 7: Children with Disabilities:**

Children are already at a disadvantage when it comes to realizing their rights based on the dependent nature of being a child. CRPD includes an article on them to ensure that they aren't

---

<sup>6</sup>Magna Carta of Women, RA 9710 (2009) (Phil.), available on [https://www.pcw.gov.ph/sites/default/files/documents/laws/republic\\_act\\_9710.pdf](https://www.pcw.gov.ph/sites/default/files/documents/laws/republic_act_9710.pdf): "The State affirms women's rights as human rights and shall intensify its efforts to fulfill its duties under international and domestic laws to recognize, respect, protect, fulfill, and promote all fundamental freedoms and human rights, encompassing all civil and political rights, and economic, social and cultural rights of women, especially marginalized women, without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education, and status."

<sup>7</sup> Established under Section 23 of EPDA.

<sup>8</sup> According to the Nabilan Baseline Study (2016) there is a strong correlation between women having disabilities and experiencing domestic violence. It is unclear whether the current data shows that women with disabilities are more likely than other women to experience domestic violence or if domestic violence is the cause of women's disabilities. Both are likely, and both are concerning.

overlooked in state parties' efforts to improve the lives of persons with disabilities. Much of the support for children with disabilities includes support for their parents. Creating communities of parents helps to not only raise awareness among parents but it serves the practical purpose of being a source of information on how to best support their children as well as a comfort for the difficulties come with raising a child with disabilities.

Indonesia has made significant efforts in this area. Many laws specifically address the needs of children with disabilities, including Government Regulation No. 2/1988 on Social Welfare of Children, Article 10, which includes provision of services for children with disabilities such as counseling, fulfillment of basic needs, vocational training, and education; and Law No. 35/2014 on Child Protection which states that children with disabilities have the same rights as other children to social integration and development.<sup>9</sup>Indonesia also has over 150 communication forums for parents of children with disabilities in 28 provinces, including disability-specific groups including PORTAS (Children with Down Syndrome), Portunda (Children with Physical Disability), and Communication Forum for Family of Children with Disabilities (FKKAK).

Malaysia has multiple provisions in the PWDA that recognizes the rights of children with disabilities. Section 28 of the PWDA provides that children with disabilities shall not be excluded from pre-school, primary, secondary and higher education, including vocational training and lifelong learning. The Ministry of Education also introduced the Education (Special Education) Regulations 2013 as subsidiary legislation to ensure that children with disabilities are enrolled in school and not left behind. MKBOKU is also specifically mandated to ensure that children with disabilities have equal access as other children without disabilities to participate in play, recreation, leisure, and sporting activities. The Council also works to foster an attitude of respect for the rights of persons with disabilities in the national education system at all levels starting at the early stages.

Myanmar has provisions and programs to promote rights of children with disabilities. The Child Law (1993) specifically discusses the rights of children with disabilities. They also have a recently drafted National Education Law that will increase accessibility. The Department

---

<sup>9</sup> Additional legal provisions: Law No 23/2002 on Child Protection; Law No.35/2014 on the Revision of Law No.23/2002 on Child Protection; Government Regulation No.1/2016 in lieu of Law No. 35/2014 on Child Protection; Minister of Education Regulation No.70/2009 on Inclusive Education for Children with Special Needs; Ministerial Decree No.10/2011 on Policy for Children with Special Needs.

of Social Welfare (DSW), together with UNICEF, is working to increase awareness and education on early detection of and caring for disability in children, particularly on types and causes of disability as well as how to prevent disability through pre-natal, pregnancy, and post-natal periods.

The Philippines also has multiple provisions for children with disabilities. There are many disability-specific support groups for parents of children with disabilities, such as Autism Society Philippines, ADHD Society, Down Syndrome Association of the Philippines, Parents of Visually Impaired Children, Parents Mobilization Action Group, AKAPIN and the Federation of Parents of Children with Disability. The Philippines' NCDA Regional Programs Coordinators support these parent groups, as well as other efforts including the Food for School Program that provides one kilo of rice per day for children with disabilities and provision of assistive devices supported by NCDA, DSWD, DILG, DepEd, and the National Food Authority (NFA). There are multiple actions that address access to justice for children with disabilities, including a directive for the courts to provide them interpreters, as well as free legal services provided by the Public Attorney's Office (PAO) for children with disabilities. There are also legal provisions in RA 7277 (1991) and Senate Bill No. 1298 or the Individuals with Disabilities Education Act (IDEA) of 2016 that aim to ensure access to education for children with disabilities.

Thailand also has specific provisions for children with disabilities. For example, through the Child and Youth Development Promotion Act B.E. 2550 (2007), Section 6(3), the State is required to provide children with disabilities, children with learning disability and gifted children special education provided appropriate to the child's level of ability. Available accommodations include specialized learning models, teachers, materials, and environments to foster learning in inclusive education, special classrooms, special schools, home schools, vocational education, and higher education. The Ministries of Education and Public Health advocate for early detection and early intervention to prevent or lessen the effects of disability in children. There is also a specific Fund for Educational Promotion and Development for Persons with Disabilities. In addition to private sector support homes, the Ministry of Social Development and Human Security (MSDHS) sponsors 5 homes for children with disabilities nationwide that support the basic life necessities, rehabilitation, and development.

Timor-Leste has some supports for children with disabilities. National NGO PRADET has programs that assist children, and others, with mental disabilities, particularly children that are prone to violence and/or have experienced abuse.

### **Article 8: Awareness-Raising:**

Awareness raising helps increase the respect afforded to persons with disabilities by society by making the general public more comfortable with persons with disabilities, confronting stereotypes and negative actions and behaviors toward persons with disabilities, and highlights the capabilities of persons with disabilities to contribute to society.

Indonesia has used multiple channels to raise awareness. Common methods are seminars, publications, and broadcasts through radio and television as well as training and education. Efforts have been made to increase accessibility of these programs to persons with disabilities. Radio Republik Indonesia has programs called “Voices of Persons with Disabilities” (*Suara Disabilitas*) and “Inspiring Disability” (*Disabilitas Menginspirasi*) to raise awareness. The Ministry for Human Development and Culture, the Ministry of Social Affairs, the Ministry of Law and Human Rights and others have worked to educate other ministries and government associations about Law No.8/2016. The Ministry of Foreign Affairs conducts annual seminars throughout Indonesia to educate government officials, academics, and representatives of DPOs on the CRPD and to get feedback from local stakeholders on how it should be implemented. It also works with the Center for Disabled Peoples’ Access to Elections (*Pusat Pemilihan Umum Akses Penyandang Cacat*) to translate and publish international and regional disability frameworks in disability-friendly book formats. The Ministry of Social Affairs has held seminars, workshops, and trainings on persons with disabilities for private companies to encourage them to be aware of and respect the rights of persons with disabilities and to see them as potentially valuable members of the work force. The Ministry of Health works to provide information and guidance for families with children with disabilities to promote respecting their rights and addressing their needs.

Myanmar has also made efforts to increase awareness of the CRPD and rights of persons with disabilities. Multiple versions of CRPD has been published and distributed to the general public. To increase understanding of CRPD, the Department of Social Welfare has conducted trainings on it for DPOs and other international and national NGOs. The Ministry of Education

also includes information about the CRPD in its refresher courses for educators. Disability awareness is also supported regularly through broadcasted messages. Persons with disabilities are included in the making of short video clips, documentaries, and interviews to increase disability rights awareness.

Multiple actors in the Philippines work to increase awareness. The NCDA subcommittee on advocacy with the Philippine Information Agency (PIA) promotes relevant disability-focused provisions of local laws and works with other media and DPOs to hold disability awareness events in major cities nationwide. Other government agencies and NGOs, including prominent DPO, AKAP-Pinoy, work to promote advocacy activities and awareness campaigns, and distribute information on disability rights to organizations, schools, local government, and private companies. Infomercials on rights, skills, and abilities of persons with disabilities are aired in cinemas and government-owned news channels. The Commission on Higher Education (CHED) provides information sessions on disability to school officials. There are also many annual holidays and celebrations to raise awareness of various disabilities.<sup>10</sup>

Thailand has also made efforts in this area. The Educational Technology Center and the Ministries of Education and Foreign Affairs help to promote participation of persons with disabilities and to share information on disability rights through radio broadcasts and websites. The Redemptorist Foundation for People with Disabilities raises awareness on disability with TV broadcasts on non-government-sponsored channels. The Association of the Physically Handicapped of Thailand (APHT) also works to raise awareness.

Timor-Leste has also made efforts towards raising awareness. Local DPO East Timor Blind Union (ETBU), with the help of the Leprosy Mission and Australian Aid, has campaigned

---

<sup>10</sup>Proclamation No. 744 (December 6, 2004) Declaring the Last Monday of March Every year as Women with Disabilities Day; Presidential Proclamation No. 40 Celebrating the month of August Every year as Sight Saving Month; RA no 6759 (September 18, 1989) “An act declaring August one of each year as White Cane Safety Day in the Philippines and for other purposes; Proclamation No. 92 (August 28, 2001) Declaring the Third Week of August of Every Year as “Brain Attack Awareness Week”; Proclamation No. 230 (August 12, 2002) Declaring the First Week of September of Every year as “National Epilepsy Awareness Week”; Proclamation No. 588 (March 25, 2004) Declaring the Period from September 16 to 22, 2004 and Every Year Thereafter as “Cerebral Palsy Awareness and Protection Week”; Proclamation No. 452 (August 25, 1994) Declaring the Second Week of October of Every year as “National Mental Health Week”; Proclamation No. 658 (July 5, 2004) Declaring the 3rd Week of October of Every year as “Bone and Joint (Musculo-Skeletal) Awareness Week”; Proclamation No. 472 (September 18, 2003) Declaring the Third Week of October of Every year as “National Attention Deficit/Hyperactivity Disorder (ADHD) Awareness Week”; Proclamation No. 110 (October 8, 2001) declaring the Second Week of November Every year as “National Skin Disease Detection and Prevention Week”; Presidential Proclamation No. 829 (November 8, 1991) Declaring the Period from November 10-15 of Every year as “Deaf Awareness Week”; Proclamation No. 1157 (October 16, 2006) Declaring December 3, 2006 and Every Year Thereafter as “International Day of Persons with Disabilities in the Philippines”

to put notices in public transportation in Dili to educate the public on disabilities. The Ministry of Social Solidarity and Inclusion (MSSI) hosted a seminar in June 2019 with Parlamento Nacional (National Parliament), local DPO Associacao de Deficientes de Timor-Leste (ADTL), Oxfam, and the UN Partnership on the Rights of Persons with Disabilities to coordinate efforts toward disability rights and ratification of the CRPD. In July 2019, PDHJ worked with other government agencies and DPOs on a television program to raise awareness of the challenges of persons with disabilities. In October 2019, the Secretary of State for Social Communication (SECOM) and the Ministry of Justice (MoJ) each hosted a seminar with relevant stakeholders to address issues facing persons with disabilities. The SECOM seminar focused on the 2020-2024 National Action Plan for Persons with Disabilities and involved ADTL and the Australian Timor-Leste Partnership for Human Development (PHD). The MoJ seminar focused on increasing access to justice and included MSSI, the Australian Embassy, and the Public Defender's Office.

### **Article 9: Accessibility:**

Accessibility is important for enabling persons with disabilities to be able to live independently and participate fully in society. Persons with disabilities should be able to use public transportation, services, and buildings, as well as information and communication available to the general population.

Indonesia has many provisions for accessibility. Law No. 8/2016 has provisions for inclusive public facilities and accommodation for public services. Law No. 22/2009 on Traffic and Transportation guarantees special driving license for vehicles modified for persons with disabilities. Many other laws include provisions for that address accessibility features such as ramps, elevators, signs, symbols, and special markers in transport services.<sup>11</sup> There are also multiple laws with provision for developers and contractors to comply with to make them fully

---

<sup>11</sup> Law No. 23/2007 on Railways; Law No. 17/2008 on Voyage; Law No. 1 /2009 on Aviation; Law No. 22/2009 on Traffic and Transportation; Minister for Transportation Regulation No. 31/2005 on the Implementation of Indonesian National Standards (SNI 03-7049-2004) regarding airport accessibility to people with special needs; Minister for Transportation Regulation No. 37/2015 on Minimum Service Standards for Watercraft Passengers; Minister for Transportation Regulation No. 38/2015 on Minimum Service Standards for Airline Passengers; Minister for Transportation Regulation No. 39/2015 on Minimum Service Standards for Ferry Passengers; Minister for Transportation Regulation No. 40/2015 on Minimum Service Standards for Land-Transport Terminals; Minister for Transportation Regulation No. 48/2015 on Minimum Service Standards for Train Passengers

physically accessible.<sup>12</sup> Building accessibility laws are enforced by the City Planning Office, which monitors building development permits. Additionally, awards encourage local leaders to improve public services in general, including by accommodating the needs of persons with disabilities.<sup>13</sup>

Malaysia has made some efforts in this area as well. Sub-sections 26(2) and 27(2) of the PWDA require government and service providers to account for universal design principles to increase accessibility. The government prepared the Universal Design Planning Guide to help increase accessibility. New government buildings have generally been constructed to be fully accessible to persons with disabilities, in accordance with universal design principles. The government also has a 50% reduction on the excise tax of locally made vehicles adapted for persons with disabilities.

Myanmar has also made efforts toward accessibility. Accessibility is part of Myanmar National Building Code (2012). Existing laws, rules, and regulations about communications need to be updated; but accessible technology (hardware and software) is being developed to accommodate persons with disabilities. Department of Social Welfare (DSW) developed a sign language and published Myanmar Standardized Sign Language dictionaries to facilitate communication. Workshops have been held at local and national levels to determine what sorts of barriers to accessibility for persons with disabilities still need to be addressed.

The Philippines have multiple provisions addressing accessibility. The NCDA Subcommittee on Accessibility of Built Environment and Transportation (SCABET) is comprised of government agencies, NGOs, and representatives of persons with disabilities to develop and recommend policies and programs to address accessibility issues and solutions. SCABET also supports various efforts to share information about accessibility and appropriately interacting with persons with disabilities. The Accessibility Law (BP 344) promises that the State will ensure barrier-free environment. Section 1 of RA No 7277 states that no license or permit for construction, repair, renovation for buildings open to public without accessible features. There are also specific regulations to ensure accessibility of health care facilities, financial institutions, and government facilities (including infrastructure, non-infrastructure, and civil works).

---

<sup>12</sup> Law No. 16/1985 on Flats; Law No. 28/2002 on Buildings; Minister of Public Works Regulation No.30/2006 on the Technical Requirements for Building Accessibility

<sup>13</sup> Human Rights City Award; Child-Friendly City Award; Inclusive City/Regency Award; Environment-Friendly City Award

Implementation is enforced by access audits by Department of Public Works and Highways (DPWH), which has given recommendations, including restructuring budgets and utilizing Regional District Engineering Offices. The Department of Transportation and Communications (DOTC) also has Task Force on Accessibility. Barriers to communication are addressed by NCDA sub-committee on Information Communication and Technology (ICT) efforts, including Digital Accessible Information System for All (DAISY) campaign, plus workshops and the Philippine Web Accessibility Group (association of web designers for accessibility). In 2017, the Department of Information and Communications Technology (DICT) issued a memorandum on how government bodies could increase the accessibility of their online content to persons with disabilities by addressing perceivability, operability, understandability, and robustness (with regard to use with assistive technologies).

Thailand has addressed multiple aspects of accessibility for persons with disabilities. The EPDA, Section 20, guarantees persons with disabilities access and utilization of public and state-sponsored facilities and services. This includes access to communication and information, access to everyday services and places, and the right to use assistive devices, including guide animals, to help them navigate their environments. The Cabinet resolutions of May 19, 2009 support this by requiring government agencies nationwide (including hospitals, city halls, district offices, offices of local administration organizations, educational institutions, and police stations) to have accessible facilities (ramps, toilets, parking, signs/symbols/info). The Ministry of Interior's Ministerial Regulations of 2005 includes Legislation on Prescribing Types and Aspect of Buildings Requiring Installation of Facilities Usable by Persons with Disabilities, which calls attention to the places persons with disabilities should be able to use and how these places can be updated to accommodate them.<sup>14</sup> The Ministry of Transport and Communications and related agencies have been and are continuing to work to make public transportation (pedestrian ways, cars, busses, ferries, trains, airports) more accessible to persons with disabilities, including by having quality and accessible means of entering and exiting the vehicle, space to accommodate

---

<sup>14</sup> Hospitals, medical treatment institutions, public health service centers, medical care units, governmental office buildings, educational institutes, libraries and museums, mass transport stations, offices, theatres, hotels, auditoriums, stadiums, shopping centers, any kinds of department stores with any part of their buildings exceeding 2,000 square meters area open to the general public to access their services, and for internal facilities in buildings such as elevators or ramps, stairs, parking, toilets, a specified area for wheelchairs, switches, signals or noise alarms, Braille, surfaces, width of doors including the signs indicating facilities usable by persons with disabilities, symbols representing persons with disabilities, signs indicating the directions to facilities and symbols or print indicating types of facilities usable by persons with disabilities.



assistive equipment, and accessible facilities including toilets. The Ministry of Science and Technology is working with other organizations to make web content more accessible according to the standards set by Digital Talking Book Standard, Office Equipment Accessibility Guidelines for Older Persons and People with Disabilities, and Telecommunications Accessibility Guidelines for Older Persons and People with Disabilities. The National Electronics and Computer Technology Center (NECTEC), the Office of National Telecommunications Commission (ONTC), and Sirindhorn National Medical Rehabilitation Center are working with university to research innovative and accessible assistive technologies.

Timor-Leste has started to make efforts to foster accessibility. Though there is no official state-sponsored sign language, but Agape School for the Deaf has developed a 1000-word sign language that combines local signs, Filipino Sign Language, and American Sign Language.

#### **Article 10: Right to Life:**

CRPD formally recognizes the inherent right to life and instructs state parties to ensure that persons with disabilities can live life fully, on the same level as others. Though many of the laws and protections of SEANF countries for persons with disabilities imply a right to life (by giving them rights to things that make up a full life, such as accessibility and health), there are not many specific guarantees of a right to life for persons with disabilities.

Myanmar has a provision that addresses this. Article 9(a) of Child Law (1993) specifically includes that children with disabilities have same right to life as other children. This is foster by the cultural norm that parents value child's right to life with or without disability.

Thailand also has a specific provision. Section 28 of the 2017 Constitution of Thailand states that “[a] person shall enjoy the right and liberty in his or her life and person.” Although the section does not specifically include persons with disabilities, the previous section, Section 27, dictates that “[a]ll persons are equal before the law” and specifically includes persons with disabilities.

Timor-Leste's Constitution also has a specific provision on the right to life. Section 29 (1 and 2) of the Constitution stipulates that “human life is inviolable” and “the State shall recognise and guarantee the right to life.” Even though persons with disabilities are not specifically included in Section 29, Section 16 of the Constitution states that “[a]ll citizens are equal before

the law” and includes “physical and mental condition” in the list of grounds on which discrimination is prohibited.

### **Article 11: Situations of Risk and Humanitarian Emergencies:**

CRPD emphasizes the importance of thinking about how persons with disabilities are going to be protected and accommodated in dangerous situations, such as armed conflict, humanitarian crises, and natural disasters. Many SEANF countries have disaster plans that take persons with disabilities into consideration. However, efforts in this area are hindered by lack of local data on persons with disabilities.

In Indonesia, there are laws and regulations that including persons with disabilities in disaster preparation. Law No. 24/2007 on Disaster Management, Law No. 7/2012 on Social Conflicts, and Law No.8/2016 on Persons with Disabilities include provisions that ensure protections to vulnerable groups, including persons with disabilities, during emergency rescues and evacuations, including provisions for shelters, health services, and education. Persons with disabilities are encouraged to participate in disaster mitigation, preparation, response, and recover through the Head of National Agency for Disaster Management Regulation No. 14/2014 on Treatment, Protection and Participation of Persons with Disabilities on Disaster Management.

Malaysia has provisions in this area as well. Section 5 of the PWDA maintains that persons with disabilities have the same right to assistance as persons without disabilities in such scenarios, including armed conflict and natural disasters. The government is required to provide legal and administrative assistance to persons with and without disabilities in situations of risk and humanitarian emergencies.

Myanmar also has provisions in place for persons with disabilities in disasters. The action plan for persons with disabilities in emergencies is grounded in lessons learned from the 2008 Nagris Cyclone. Currently, persons with disabilities have priority group status for Sub-section (b) of article 13 of Chapter 6 under the Natural Disaster Management Law (2012). Myanmar is also working on disaster risk reduction with UN agencies and other national and international organizations including DPOs.

In the Philippines, multiple agencies are working together to provide for persons with disabilities in emergencies. The National Disaster Risk Reduction and Management Council and the Department of Health’s Health Emergency Management Staff have come up with the Inter-

Agency Standing Committee Guidelines on Mental Health and Psychosocial Support in emergency settings. These guidelines address needs of vulnerable people, including persons with disabilities, in disaster relief.

Thailand has hosted conferences on disaster preparation for persons with disabilities. The 1st International Conference on Readiness Preparation for Coping with Tsunami for Persons with Disabilities with delegates from 12 countries<sup>15</sup> was held Phuket in January 2007. The goal was to establish a network of cooperation and information sharing to develop local tsunami warning systems. The 2nd Conference was held in May 2009 and focused on setting up a support network to better prepare persons with disabilities to deal with disasters.

### **Article 12: Equal Recognition before the Law:**

Persons with disabilities are largely capable of handling their own legal affairs and should be afforded the right to do so, including with property and financial affairs. In situations where they have difficulty with actualizing their full legal capacity, safeguards should be in place to make sure that persons with disabilities are not being abused or taken advantage of in a proportional and respectful way, in accordance with the person's wishes. In addition to general anti-discrimination provisions in their respective constitutions, some of the SEANF countries have specific legal provisions that enable persons with disabilities to conduct their own legal affairs.

Indonesia is working toward making ATMs more accessible to persons with visual impairments by adding braille. Additionally, the Indonesian Central Bank has come up with a new design for banknotes that include tactile features which allow persons with visual impairments to distinguish between different values of bank notes. The new bank notes were tested with participation of persons with disabilities before they were launched into circulation.

The Philippines are also making efforts to empower persons with disabilities to control their own finances by making ATMs more accessible with audio systems. The Philippines also has specific legal protections for persons with disabilities with regard to property rights.

---

<sup>15</sup> Bangladesh, Denmark, France, India, Japan, Malaysia, the Netherlands, the Philippines, Singapore, Sweden, Thailand and U.S.A.

### **Article 13: Access to Justice:**

Persons with disabilities should be able to fully utilize the justice system and should be treated with respect when doing so. Reasonable accommodation should be made, including training justice officials (police and prison staff) on how appropriately and effectively interact with persons with disabilities.

Indonesia has a program to improve accessibility to courts for persons with disabilities. Law No. 8/2016 includes provisions for legal aid to persons with disabilities such as disability assistance and sign language interpreter, and to use expert opinion (medical doctor, psychologist, and psychiatrist) for the court to determine a person's mental legal capacity. The goal is to increase disability awareness and sensitivity in legal officials, including legal counsel and judges; increase legal knowledge of disability assistants.

Malaysia is working to improve access to justice for persons with disabilities. Though sign language interpretation is one of the services provided by the Federal Court of Malaysia, there is no specific mention of access to justice in Act 685. SUHAKAM, through its former commissioner Mr. Francis, has raised the issue of access to justice for persons with disabilities on several platforms, including the 2018 AICHR Regional Dialogue on the Mainstreaming of the Rights of Persons with Disabilities in the ASEAN Community (Accessibility Through Universal Design), with one of the key issues being enforcement of universal design principles in accessibility of justice facilities, including court rooms, police lock-ups, and prisons.

Myanmar has a few provisions that specifically mention access to justice for persons with disabilities. Section 119 of Law of Evidence requires evidence to be provided to persons with disabilities in an accessible form, whether that be sign language interpretation, oral evidence, or written evidence. Chapter 10 of Child Law (1993) addresses taking disabled child's needs into account during juvenile trials. The Department of Social Welfare has provided awareness-raising and training workshops on disability rights for judges, lawyers, and prison officials. Additionally, the draft law gives persons with disabilities the right to get necessary assistance from the court for basic legal proceedings (to sue, defend, witness, be a witness).

In the Philippines, the Department of Justice (DOJ) is working with NCDA. The NCDA has a sub-committee on Access to Justice and Anti-Discrimination chaired by the DOJ. One focus of this sub-committee is on disability sensitivity for judicial officials, which is to be integrated in training programs for other agencies. RA No. 11106, known as the Filipino Sign

Language Act of 2018, mandates that courts not only provide sign language interpreters to direct and indirect participants in the legal system that want one, but also promote appropriate training for justice officials, including court personnel, police, and prison staff.

In Thailand, there are multiple facets protecting access to justice for persons with disabilities. Section 68 of 2017 Constitution maintains that vulnerable people including persons with disabilities have the right to appropriate protection in judicial proceedings. The Department of Corrections ensures legal and health assistance for persons with disabilities. The 2009 NCEPD Regulation on Sign Language Interpretation provides that persons with hearing impairments can get sign language interpreters for legal processes, including filing complaints or acting as a witness for an investigation or trial. Additionally, the Lawyers Council of Thailand, a private organization, provides legal assistance to persons with disabilities.

Timor-Leste also has provisions to assist persons with disabilities in this area. Article 106 of the Civil Procedure Code addresses access to justice for persons with disabilities, including interpretation and accessible formats of communication in legal proceedings. Additionally, Article 1 of the Statute of the Office of the Prosecutor General guarantees legal defense for the unable.

#### **Article 14: Liberty and Security of the Person:**

Disability is not a justifiable reason for depriving an individual of their freedom or autonomy. Persons with disabilities should be afforded the respect given to all people, in that they shall not be deprived of their freedom unlawfully or arbitrarily. Any lawful deprivation of liberty should be done in accordance with the CRPD, including reasonable accommodation.

Indonesia has a few specific provisions addressing this issue. Penal Code Article 44(2) has provisions for accommodating and addressing those with mental illness. Law No. 18/2014 on Mental Health, chapter IX article 86 outlines criminal charges for those who shackle, neglect, or commit violence against persons with mental disabilities.

Myanmar is making efforts. The Burma Jail Manual (1894) states that prisoners with disabilities have same rights as other prisoners. Forced institutionalization for persons with disabilities is currently not prohibited by law, but alternative care provisions are currently being implemented.

The Philippines has protections for those with mental illnesses. RA 11036 outlines for how mental health services are to be provided, including a section on very limited exceptions to informed consent, to ensure that those with mental health issues are treated appropriately and respectfully.

**Article 15: Freedom from Torture or Cruel, Inhuman, or Degrading Treatment or Punishment:**

CRPD calls attention to ensuring that persons with disabilities, like everyone else, have a fundamental right to freedom from torture or cruel, inhuman, or degrading treatment. This includes being subjected to medical or scientific experimentation without his or her legitimate consent.

In Indonesia, there are specific provisions for this. Law on Persons with Disability, Article 6(f) maintains that persons with disabilities are free from cruel, inhumane, or degrading punishment. There are also regulations for military (TNI) and police to abstain from cruel acts in course of duty, as well as monitoring mechanisms for police.

Malaysia has provisions protecting children with disabilities. The Child Act 2001 (Act 611) specifically includes that children with physical, emotional, and mental disabilities are entitled to protection. Sections 31-33 specifically address ill-treatment of children by their parents or guardians.

In Myanmar, the draft law specifically addresses rights of women and children with disabilities in this area. Additionally, Section 66(d) of the Child Law (1993) states that willful maltreatment of a child is a criminal offense.

In the Philippines, National Ethical Guidelines for Health Research specifically address children, pregnant, and incapacitated.

**Article 16: Freedom from Exploitation, Violence, and Abuse:**

Persons with disabilities can be protected from exploitation, violence, and abuse of either disability, gender, or age through proper education and information on how to avoid, recognize, and report such occurrences, and through state policies, laws, and monitoring. This is a continuing problem in many countries, often due to lack of education and understanding about persons with disabilities, which leads to stigmatization, fear, and superstition. It is not

uncommon for women with disabilities to be at a higher risk for sexual violence and abuse due to falsely held beliefs about the women's rights and capacities.

Indonesia is making significant efforts in this area. For one, the issue of exploitation, violence, and abuse of persons with disabilities is specifically addressed in Law on Persons with Disabilities Article 26. Under Article 145 of the same law, violation of rights of persons with disabilities, which includes discrimination, abandoned, torture, and exploitation, can be punished by up to 2 years prison sentence and IDR 200,000,000 fine (USD\$14,110.80). There are additional laws that address such behaviors towards women and children, including those with disabilities. Secondly, the government is currently working to address the lack of knowledge that leads to such mistreatment of persons with disabilities. The "Indonesia Free from Shackling" (*Indonesia Bebas Pasung*) program has been held in several regions since 2011, when 8690 persons with mental disabilities across 19 provinces were found shackled. In 2015, 7961 shackling instances were dealt with. When found, shackling victims are set free and then provided medical treatment by the Government. Training about mental health awareness to 9000 health officers in 12 provinces with highest number of mental health patients.

Efforts are also being made in Myanmar. The draft law specifically addresses rights of women and children in this area. DPOs have been working to address this issue, as well as other disability rights, awareness, and inclusivity problems.

The Philippines has multiple provisions for protecting persons with disabilities. The definition of "child" in RA's 7610, 9710, 9262, and 9208 include not only those that are less than 18 years old but also those over 18 who are unable to care for or protect themselves from mistreatment due to physical or mental disability. RA No. 9442 Sections 39-42 protects persons with disabilities by penalizing those who abuse or ridicule them. DSWD provides care facilities which provide residential, educational, health, dietary, livelihood, rehabilitation, recreational, and other services for abandoned and neglected children with disabilities, as well as adults with mental illnesses.

Timor-Leste also has provisions that protect persons with disabilities. Article 153 of the Penal Code (Decree-Law 19/2009) addresses mistreatment of a person with disabilities, holding that mistreatment of person with disabilities by a person that is in a position of power or influence is punishable by 2 to 6 years imprisonment, if not more.

### **Article 17: Protecting the Integrity of the Person:**

The physical and mental integrity of persons with disabilities shall be respected. SEANF countries need to do more in this area to specifically protect persons with disabilities to make sure their rights are properly recognized.

Indonesia has a few laws that protect persons with disabilities in this area. Law No 26/2009 on Health promotes protection from harmful medical practices. Its Article 44 prohibits medical or scientific experiments on a person without their free and informed consent. The future penal code will punish violation with imprisonment of 3-15 years. Law No 8/2016 on Persons with Disabilities and Law No. 18/2014 on Mental Health also address this issue.

Forced sterilization of persons with disabilities is an issue that could use more attention from SEANF members. In the Philippines, forced sterilization due to disability is prohibited.

### **Article 18: Liberty of Movement and Nationality:**

Persons with disabilities have the right to choose in which country to live, and children with disabilities have a right to be registered and thereby granted citizenship of a state at birth. Generally, in SEANF countries, travel and immigration restrictions only exist for criminal, national security, public safety, or public health reasons. Countries need to be aware that disability could be drawn into one of these categories and take measures against arbitrary discrimination. Any law that includes mention of disability, in any form or extent, as a reason for not allowing a person entry into a country is discriminatory and not in line with international human rights standards.

Indonesia has measure that makes it easier for persons with disabilities to travel internationally. Persons with disabilities, along with older people and children, have a special line at immigration for getting a passport. Online registration for passports also available. One district even provides Home Services Passport for people to get passports without leaving house due to sickness or disability (Surabaya Immigration Office).

Myanmar's Citizenship Law (1982) specifically states that persons with disabilities have equal right to nationality.

The Philippines has laws for making sure children with disabilities are recognized from birth. RA No. 9288 holds parents responsible for newborn screenings, to protect the child from preventable disabilities or death. The law's Section 15 requires the test and any condition to be



registered in a database. If a disability is found, then the Implementing Rules and Regulations of RA No. 7277 Rule IV, Section 6, C. 2 requires report and registration of the child to the nearest rural healthcare unit.

### **Article 19 :Living Independently and Being Included in the Community:**

Persons with disabilities have a right to choose where to live and who to live with as well as to be active members of their chosen community, full enjoyment of which shall be facilitated appropriately and reasonably by the community. Efforts need to be made to expand the reach of these programs to maximize their efficiency.

Indonesia has programs to assist persons with disabilities in this area. There are social care houses for persons with disabilities who do not have families or whose families are unable to provide for them. They provide rehabilitation, therapy, and legal assistance, plus life-skills, vocational, and entrepreneurship training to enable them be productive members of society. They also allow the family members to visit, so they are not completely removed from their family life. The government is working with DPOs to expand the reach of rehabilitation and social services for persons with disabilities. For example, the Coordinating Ministry for Human Development and Culture is working with DPOs on the “Inclusion Meeting” (Temu Inklusi) biannually to facilitate cooperation to promote inclusion.

Myanmar is also using cooperative efforts for inclusion. Their DSW supports DPOs in providing technical support and training for assistance for persons with disabilities. Disability resources centers through community-based rehabilitation (CBR) projects and home care programs provide in-house services and mobility supports.

The Philippines has programs to support workers with disabilities. There is the Employee’s Compensation and State Insurance Fund for employee/dependents in event of work-related disability or death. There is also the KAGABAY program (“Katulong at Gabay Sa Mangagawang may Kapansanan” (Help and Assistance for Workers with Disability)) that provides many services to enable workers, including medical-surgical management, hospitalization, necessary devices and supplies, vocational training and assistance for job placement, plus transportation, lunch, and dormitory allowances.

Thailand’s disability law includes many provisions to help persons with disabilities live more independently. The EPDA provides for monthly disability pensions under Section 20 (9).

The Local Administration Department under the Ministry of Interior has allocated the budget to enable local administration organizations to provide disability pensions at the community level. The EPDA also has provisions for accessible housing, personal assistance, and the rights of caregivers. Section 21 of the law requires local government agencies to issue rules and regulations on living standards for persons with disabilities. Following this, the Don Kaew sub-district issued its 2008 Statute on Empowerment of Persons with Disabilities, which established an empowerment fund plus the Committee on Development of Living Standards of Persons with Disabilities.

Timor-Leste also provides financial support and vocational assistance for persons with disabilities. The *Subsídio de Apoio a Idosos e Inválidos* (SAII)<sup>16</sup> provides monthly financial assistance to persons over 60 years old and persons with disabilities over 18 years old. The program provided aid to 94,287 people in 2016. Additionally, Law 3/2006: Statute of the National Liberation Combatants entitles veterans to social and financial assistance, including pensions and free prosthetics. There are also provisions to help persons with disabilities fully integrate and participate in society, including in Law No. 4/2012 the Labor Code and Decree-Law No. 33/2009 that establishes the Fund for Employment and Vocational Training.

### **Article 20: Personal Mobility:**

States shall facilitate maximum independence of persons with disabilities by creating access to assistive devices, providing specialized mobility training, and ensuring all aspects of disability are addressed. Though this is closely related to accessibility, this provision focuses on assistive devices rather than external barriers to mobility. Though providing free assistive devices borders on the charity-based approach to disability that the CRPD is trying to get away from, providing such to persons with disabilities also enables them to be successful in the other aims of the CRPD. Countries should approach these services with caution and awareness to make sure that their efforts stay on the rights-based approach and do not stray so far into charity-based reasoning.

Indonesia is trying to enable other rights of persons with disabilities by providing assistive devices. The government regularly distributes assistive devices thru Ministry of Social Affairs and Ministry of Health, and in cooperation with various NGOS and state-owned

---

<sup>16</sup> PDHJ recognizes that “inválidos” (translation: invalids) is not a politically correct term.

enterprises under their corporate social responsibility (CSR) schemes. On International Day of Persons with Disabilities, various regions annually distribute assistive devices such as wheelchairs, canes for visual impairment, digital audio watches, and prosthetic limbs.

Malaysia has a few provisions in this area. The Department of Welfare provides a financial assistance scheme to help persons with disabilities to get artificial aids and assistive devices with the express goal of increasing capacity and mobility. The Road Transportation Department Malaysia allows persons with disabilities to obtain special driver's licenses. The Occupational Health Unit, Disease Control Division of the Ministry of Health Malaysia provides Medical Examination Standards for Disabled Driver's Licensing, which govern the licensing process in order to ensure that persons with disabilities are given a chance to drive without endangering the other road users.

Myanmar is making efforts to increase mobility-aid trainings. They have sponsored trainings at disability-specific schools and others for the general public.

The Philippines has provisions for distribution and training for assistive devices. The DSWD provides persons with disabilities with auxiliary services including medical intervention as well as assistive devices including prosthetics and hearing devices. Section 105 (u) of the Tariff and Customs Law of the Philippines allows conditional-free importing of articles donated to institutions, public or private, that have been established just for charitable, health, relief, philanthropic or religious purposes for free distribution among those in need for their exclusive use. The Philippines also provides mobility training thru the National Vocational Rehabilitation Center (NVRC) and three Area Vocational Rehabilitation Centers.

Thailand is also making efforts in this area. The Department of Land Transport's Fund for Traffic Safety provides financial assistance for mobility devices (prostheses, wheelchairs, canes, walkers, etc.) for those who became disabled due to traffic accidents. Additionally, the National Health Security Office has worked with the Ministry of Public Health, Thailand Nursing and Midwifery Council, Ratchasuda College and Thailand Association of the Blind on the White Cane Project and has trained 80,000+ persons with visual impairments nationwide on the use of white canes, which allows them to live more independently.

## **Article 21: Freedom of Expression and Opinion, and Access to Information:**

States will use, and encourage other public and private actors to use, accessible formats for sharing information, including sign language, Braille, and other augmentative and alternative forms of communication. In most SEANF countries, DPOs are very active and involved in sharing their opinions with the public and sharing input with the government. However, much work needs to be done to make accessibility measures more commonplace, to expand awareness and build capacity to do so.

Indonesia has implemented many activities for making information more accessible. Starting, the Ministry of Communication and Information has provided IT devices and training on how to use them in disability rehabilitation center. PT Telkom, the state owned-telecommunications company, has launched a disability-friendly website with involvement of people with hearing and speech disabilities. The Ministry of Social Affairs, through Indonesia Braille Publishing House (Balai Penerbitan Braille Indonesia), is publishing books and magazines in braille and/or digit/audio formats. The National Library and the Mitra Netra Foundation have established an online braille library. The Mitra Netra Foundation has also worked with IBM for their 1000 Books Movement for Persons with Disabilities, which converts published books into more accessible formats, such as braille or audio books, without violating the book copyrights.

Malaysia has a specific provision addressing access to information for persons with disabilities. Section 30 of the PWDA requires government and private providers of information, communication and technology to provide such in an accessible format to different disabilities without additional cost and in a timely manner. These parties will also utilize alternate and augmented forms of communication, including Malaysian Sign Language and Braille, in official transactions.

Myanmar is making progress toward accessibility of information. For example, DSW and Leprosy Mission Myanmar are increasing web accessibility by inventing braille software with Myanmar fonts and developing audio software.

In the Philippines, expansion of efforts is underway. The broadcast media encouraged to have sign language inset or subtitles for newscasts and special programming, and efforts are being made to make this mandatory. They are expanding DepEd Alternative Learning System to use Radio-Based Instruction Programs to widen its reach and increase access to formal and non-

formal education. Additionally, RA 10372 amended the Intellectual Property Code to allow not-for-profit accessible copies of published materials for visually-disabled people to be made without being subject to copyright laws. The Filipino Sign Language Act of 2018 (RA No. 11106) has multiple provisions requiring use of and interpretation for FSL to increase accessibility for hearing-impaired Filipinos to receive and share information.

Thailand has made substantial steps to help facilitate communication and information sharing between and for persons with disabilities. The 2007 Ministerial Regulation on the Establishment of Criteria, Procedures and Conditions, ensures persons with disabilities can access data, news, communications, and other public services. Websites for government agencies are required to be disability-accessible and user-friendly. The National Telecommunications Commission (NTC) has installed 8128 accessible public telephones and distributed 1 million telephone cards to persons with disabilities. NTC has also made information services more accessible to visually impaired people with computerized automated telephone systems and has established the Telecommunication Relay Service (TRS) center to help people with hearing impairments and communication disorders to communicate with other people without disabilities. Additionally, to encourage private sector to use accessible communications, tax benefits are given to businesses that provide accessible information and ICT services.

Increasing access to information is on the agenda for Timor-Leste. In a seminar on 8th October 2019, the Secretary of State for Social Communication (SECOM) outlined steps they will take as part of the 2020-2024 National Action Plan for Persons with Disabilities. These include increasing use of sign language during TV broadcasts and making radio broadcasts more accessible and widely available.

### **Article 22: Respect for Privacy:**

Persons with disabilities have the same right to privacy as everyone else, which should be respected by the state and not violated in an arbitrary or unlawful way. The government should work to enable persons with disabilities to fully have this right by providing appropriate tools and living environment. All SEANF countries need to do more to specifically honor this right for persons with disabilities.

In Indonesia, Article 8(e) of Law No. 8/2016 provides for the protection of personal, health, and rehabilitation information.

**Article 23: Respect for Home and the Family:**

Persons with disabilities have a right to choose and stay with their chosen family, as well as to choose if, when, and how to reproduce. Children with disabilities have a right to not be concealed, abandoned, neglected, or segregated by or from their families, as well as a right to protection by the state from mistreatment.

Indonesia offers protections for persons with disabilities in various aspects of the institution of family. Presidential Instruction No. 1/1991 Article 17 (3) allows for brides and grooms with disabilities to make their commitment vows in a way other than speaking them out loud, such as in writing or through sign language. There is also assistance available for families with children with disabilities. Law No.8/2016 on Persons with Disabilities, Article 5 paragraph (3) b, the government emphasizes that best practice for care of children with disabilities is through their family, which could include extended or alternate family. State foster care or social care houses are last resort options for providing care for children with disabilities.

Myanmar law also factors persons with disabilities into family life. According to religious and cultural practices as well as laws, persons with disabilities are free to choose marriage and family life as they will. Child Law (1993) article (12) protects children's rights to remain with their parents/families as long as it's within the best interests of the child

The Philippines also provides for protection of persons with disabilities in this area. E.O. 209 ("The Family Code of the Philippines") Articles 1 to 5, and Articles 37 and 38 prohibit discrimination on the grounds of disability from barring anyone, male or female, over 18 years old to marry. It is not uncommon for persons with disabilities to form families, as in 34.44% of households with persons with disabilities, a person with disabilities was the head of the household. Of these, 73.59% were male and 26.05% were female. The parental supports available to those that have children with disabilities extend to those with children over 18 who are incapable of self-sufficiency due to mental or physical disability. AKAPIN is a major support group for family members of persons with disabilities, including those with children with epilepsy, hearing impairment, mental development impairment, and cerebral palsy. It is sponsored by NORFIL, a private organization, which provides trainings and home-based special

education and therapy programs for parents and local workers and volunteers. DSWD handles adoptions and maintains foster homes for abandoned, neglected, abused, and otherwise unattached persons with disabilities. Reproductive rights also have protection, as forced sterilization for reasons of disability is prohibited.

In Thailand, there are multiple supports for persons with disabilities in this area. For starters, there are no legal restrictions that prevent persons with disabilities from family planning, fertility, or adoption services. Also, parental duties to child do not change due to disability of either parent or child: a parent cannot abandon child with disabilities, child cannot be taken from a person with disabilities. The state may intervene if it's in the best interest of the child, but parent can dispute in court. The government, through CBR, provides additional support in the form of disability pensions, family subsidies, business loans, occupational rehabilitation, family counseling, scholarships, day care nurseries, and foster families. There are also aid and moral support through disability-specific parent support groups, such as the Association of Parents for Thai Persons with Autism, the Association for Persons with Intellectual Disability of Thailand, and the Association for Persons with Psychological Disability.

#### **Article 24: Education:**

Persons with disabilities have a right to education without discrimination, which includes provision of inclusive education and reasonable accommodation at all levels.

Indonesia has multiple provisions addressing education. Article 5 of Law No. 20/2003 on National Education System, Law No. 8/2016, and Law No. 35/2014 on Child Protection all include provisions for the education of persons with disabilities.<sup>17</sup> Ministry of Education No. 16/2007 on the Standards and Competence of Teachers addresses the issue of educating teachers for persons with disabilities by standardizing required competencies and skills for teachers in inclusive education institutions. As of 2016, Indonesia had 9130 inclusive schools (elementary to senior high) (including 371 elementary, 97 junior high, and 6 high schools in outlying areas) and 2186 special needs schools.

---

<sup>17</sup>Additional provisions: Ministry of Education Regulation No. 70/2009 on Inclusive Education (specifies the right of persons with disabilities to education); Ministry of Education Decree No. 34/2006 on the Management of Children with Special Needs and Special Abilities; Government Regulations No. 19/2005 on National Education Standard; and Ministry of Education Decree No. 70/2009 on Inclusive Education, and Director General of Primary and Middle School Circular Letter No. 380/C.C6/MN/2003

Malaysia has multiple measures to facilitate access to education for persons with disabilities, particularly in inclusive schools. Section 28 of the PWDA stipulates that not only are persons with disabilities not to be excluded from educational opportunities based on disability, but also that government and private education providers will provide them with reasonable accommodation for standard education as well as vocational training, social development skills, and life skills. Early childhood education is addressed through TASKA OKU, inclusive child care centers that can address the needs of children with disabilities while fostering their inclusion and development with children without disabilities. The Special Education Center helps Special Educational Needs (SEN) children that are in full or partial inclusion programs in schools by assessing their abilities and coordinating their needs through consultations with students and teachers. The proportion of SEN students in inclusive education increased from 30.24% in 2016 to 40.88% in 2017, in 4308 primary schools and 2002 secondary schools. In 2016, the Inclusive Pedagogy Implementation Guide was developed to help teacher with fostering inclusive classrooms, by sharing information on different type of disabilities, SEN-specific teaching and learning methods, therapies, learning accommodations, and special learning tools.

Myanmar also has multiple provisions and programs for the education of persons with disabilities. The Article 18(a)(i) of Child Law (1993) provides the right to basic and vocational education to children with mental and physical disabilities. The Early Childhood Care and Development Policy (2013) stipulates barrier-free school environments, catering lessons to different disability types, and expanding the reach of disability-accessible education. Disability-specific schools are both state-sponsored and privately-run.<sup>18</sup> Myanmar Training School for the Blind was established in 1914 and is now called the Training School for the Persons with Visual Disabilities. The Ministry of Education is working on disability-training for teachers and other awareness raising to increase number of persons with disabilities in schools.

The Philippines has some unique programs to address this issue. The Tuloy-Aral Walang Sagabal (TAWAG) (Continuous Education to Mainstream Children with Disabilities) program provides therapies, health examinations, counseling, and early education activities to help prepare persons with disabilities for mainstream school. To support TAWAG, the DSWD

---

<sup>18</sup>DSW has 2 specialty schools for visual disability, 1 for hearing disability, and 1 for children with disabilities; other civil society/private organizations have 6 schools for visual disability, 1 for hearing disability, and 6 for children with intellectual and physical disability



provides services for early detection, early intervention, and early education in increase the effectiveness and efficiency of education for children with disabilities. DepEd provides financial and other support for special education programs. The DepEd, with other government groups, NGOs, parents' groups, and academics, form Special Education Caravans to bring educational services to the communities of persons with disabilities, primarily for awareness-raising, but also for capacity-building. DepEd also has a Distance Education Program to help children with disabilities in remote areas. DepEd also has a Bureau of Alternative Learning System (BALS), which started the Alternative Learning System (ALS) program to help those persons with disabilities who are no longer in formal schooling to learn sign language and braille. For higher education, the Commission on Higher Education (CHED), with NCDA, made Guidelines in the Admission of Students with Disabilities in Higher Education and Post-Secondary Institutions which provides reference material for administrators and coordinators to help them address the needs of persons with disabilities. Additionally, some entrance exams available in visually-impaired and hearing-impaired accessible formats.

Thailand also has specific provisions for persons with disabilities and education. Section 5 of the Education Provision for Person with Disabilities Act B.E. 2551 (2008) states that a person with disability shall have the educational rights such as to receive education without cost at birth, or upon discovery of the disability until the end of life, as well as to receive technology, facilities, media, services, and other educational assistances; to choose educational service, establishment of education, system, and style of education, by taking into consideration, skills, interest, aptitude, and special requirements of such person; and to receive up-to-standard and quality-assured education, including educational course, educational examination which are appropriate and harmonious with special requirements of each individual person with each type of disability All public and private educational institutions that provide barrier-free environments for education for persons with disabilities are eligible for financial and professional support. Persons with disabilities are not to be denied admission to an educational institute without justified reason or cause, as stipulated by Office of Basic Education Commission (OBEC). OBEC sets the standards for required accommodations for students with disabilities, including for curriculum development, learning, examination, and evaluation. OBEC also sponsors sign language courses are provided for parents of children with deafness. Additional supports for

persons with disabilities and education include government scholarships for persons with disabilities to travel abroad for bachelor's degrees and PhD programs.

Timor-Leste has some provisions for the education of persons with disabilities. The Ministry of Education's policies promise non-discrimination to all citizens' pursuit of education and appropriate accommodations for children with mental and physical disabilities. These points are stressed in the Government Resolution No.14/2012 which adopts the National Policy for Inclusion and Promotion of the Rights of People with Disabilities and the Decree-Law No. 2/2019 which establishes the Organic Statute of Ministry of Higher Education, Science and Culture.

### **Article 25: Health:**

Persons with disabilities have a right to the same level of health care as others without discrimination based on disability, including health services that have to do with their disability.

In Indonesia, there are multiple provisions for persons with disabilities in this area. Multiple laws guarantee equal rights to access health services. To address preventable disabilities for infants and children, the Ministry of Health provides free regular immunization programs through community-based health care service providers. Mental health services are available in 11 provinces. Health information is provided in accessible forms.

Malaysia has multiple provisions for the health rights of persons with disabilities. The Mental Health Act of 2001 sets a minimum standard for diligent treatment for persons suffering from mental illness. Chapter 3 (sections 35-37) of the PWDA stipulates private and public provisions of health, including disability prevention, early diagnosis, and awareness-raising on avoidable causes of disabilities; as well as rehabilitation treatment, immunization, nutrition, genetic counselling, and environmental protection and preservation. It also requires that private and public health care providers have disability-specific health care personnel or therapists and lays out exemptions and alternatives should a particular facility be unable to accommodate full-time specialists. This chapter also instructs for the government to provide necessary lifelong protection and social support for those persons with severe disabilities whose parents or caretakers have died. Additionally, NGOs providing institutional care and caregivers for persons with severe disabilities are also eligible for tax and other incentives under subsections 39(2) and (3) PWDA. Currently, the Plan of Action on Health Care for Persons with Disabilities 2011-

2020 is working to provide equal opportunities for healthcare at all levels, in accordance with advice from MKBOKU.

Myanmar has also approached this issue in multiple ways. For one, the draft law includes a chapter on early disability detection and intervention, input of persons with disabilities to properly classify disability, and ensuring equal quality affordable health care for persons with disabilities as for those without disabilities. The Myanmar Policy for Early Childhood Care and Development Policy (2013) also emphasizes developing, improving, and expanding early childhood intervention and rehabilitation services, which will enable each child to maximize their potential, as well as mitigating discrimination and stigmatization of children with disabilities. The government also sponsors training programs on special care of cerebral palsy, stroke, and spinal cord injuries. There is also awareness raising through educational journals distributed to medical staff in rural areas. The Ministry of Health has been fostering community-based health services since 1982 and is currently focusing on preventing disabilities caused by rheumatic disorders. There are also isolated programs which teach sign language to nurses and medical staff in rural areas.

The Philippines also has multiple provisions in this area. RA No. 7277, Section 18, mandates a National Health Program for the prevention of disability, which includes pre- and post-natal development, as well as early diagnosis of disability and early rehabilitation for persons with disabilities. Section 20 of the same Act requires protecting and promoting the health rights of persons with disabilities, which includes taking a comprehensive approach to their healthcare and making essential health care services affordable. RA No. 9288 recommends early testing for all newborns to detect certain genetic mental disabilities. RA No. 9709 supports early identification and intervention programs for newborn children with hearing impairments. Implementing Rules and Regulations Rule IV, Section 6 B, includes provisions that all persons with disabilities receive appropriate out-patient and inpatient services through all government or private health care providers without prejudice to their disability. Health care services available in government health facilities shall be provided free to poor persons with disabilities, and at discounted rates for other persons with disabilities, as stipulated by DSWD and DOH. Additionally, RA No. 10354, the Responsible Parenthood and Reproductive Health Act of 2012, has a specific section on increasing accessibility of sexual and reproductive health programs for persons with disabilities.

Thailand also has multiple provisions. The 2007 National Health Act protects the rights of vulnerable groups, including persons with disabilities and older persons get necessary health services. In 2009, the Ministry of Public Health issued a ministerial notification on Medical Rehabilitation and Cost of Treatments, Devices, and Assistive Technologies for persons with disabilities, which includes specific criteria for select health services including dental, traditional and alternative medicine, and independent living skills training. The Ministry of Public Health's Department of Medical Services oversees implementation of accessibility standards for medical centers, including ramps and toilets. The National Health Security Office is in charge of providing assistive devices for all disability types, including prosthetics, hearing aids, magnifiers, white canes, and wheelchairs.

Timor-Leste also has provisions addressing health and persons with disabilities. Law No. 10/2004 on the Health System, the National Mental Health Strategy (2011-15), and the Decree-Law No. 3/2019 on the Organic Statute of the Ministry of Health all include specific measures for persons with disabilities to help them to get equal access to care.

#### **Article 26: Habilitation and Rehabilitation:**

The state should provide health, employment, education, and social services to enable persons with disabilities to maximize their potential.

Indonesia takes a multilateral approach to this issue. The Ministry of Social Affairs' National Coordinating Team coordinates efforts of other ministries and agencies to provide rehabilitation and social services to persons with disabilities. There are also CBR programs, which provide assistance through societal and familial support in the community. There is also a mobile social services unit and vocational training facilities program that help build skills for employment.

Malaysia is addressing this issue from multiple angles. Sections 33 and 34 of the PWDA provides for habilitation and rehabilitation as well as community support services to prevent isolation and segregation of persons with disabilities from the community. The government is sponsoring community-based rehabilitation programs at 544 community centers throughout the country to help with early intervention and rehabilitation of persons with disabilities. PDKNet, an IT and multimedia program, helps to assist persons with disabilities in rehabilitation, while also increasing their computer skills.

Myanmar utilizes community- and institution-based rehabilitation services. Examples of institution-based services include vocational training, daily-living training, primary education, and social relations training.

The Philippines also has multiple provisions for the rehabilitation of persons with disabilities. RA No 7277 specifically refers to the rehabilitation, self-development and self-reliance of persons with disabilities as an invaluable part of their integration into society. CBR is the main conduit for delivering services to persons with disabilities. Vocational Rehabilitation Act (RA 1179) of 1954 promotes vocational training for those that become physically or mentally disabled in the course of their job, which helps them to resume active participation in society. DSWD has residential facilities for training persons with disabilities in socio-economic activities.<sup>19</sup>

Thailand has multiple habilitation and rehabilitation programs. Such programs provide assistance for health, employment, education, and social services. Through multiple veteran support offices, the government provides support for war veterans with full medical rehabilitation services, comprehensive cost of living expenses, educational fees, and subsidies. Medical services are regularly provided by mobile medical units in remote rural areas. Additionally, the Sirindhorn Center for National Medical Rehabilitation provides services in multiple regions, with prototype one-stop-service rehabilitation centers, as well as child development programs and trainings on assistive technologies. Through occupational therapy centers and support groups, the National Office for Empowerment of Persons with Disabilities (NEP) also works to improve living standards of persons with disabilities by encouraging community participation, job placement, and interest-free loans that support entrepreneurship. Special initial training and continuous training for is provided for habilitation and rehabilitation personnel including Social Welfare Organization employees, community-based caregivers, village public health volunteers, and parents of children with disabilities.

### **Article 27: Work and Employment:**

Persons with disabilities have an equal right to freely chose to work and to be accepted without discrimination in the workforce, which should be enabled and encouraged by the State.

---

<sup>19</sup> Examples: Elsie Gaches Village for abandoned and neglected children with disabilities, Marilac Hills for abused young girls age 7-17, and Haven for Women for those over 18 years with mental illnesses.

Indonesia has multiple resources for employment of persons with disabilities. Law No. 13/2003 prohibits discrimination for access to work and labor rights based on disability. It also requires public sectors, including state-owned companies, to employ 2% minimum persons with disabilities. Law No. 8/2016 also addresses labor rights of persons with disabilities in Article 11. There are also awards and incentives to private sector for disability employment. South Jakarta's Local Office of Employment and Transmigration has a training and recruitment program to help persons with disabilities get employment positions in administration, marketing, call centers, graphic design, editing, and others. NGOs and local government in other regions have established a website to help persons with disabilities find jobs.<sup>20</sup>

Malaysia has multiple programs that focus on the employment right of persons with disabilities. The Employment Committee of MKBOKU has programs to increase participation of persons with disabilities in the workforce by training. The Job-Coaching Program helps to create awareness and understanding in the community. The Economic Empowerment Program helps to develop vocational skills, in addition to those provided at the Industrial Training and Rehabilitation Center. The Business Enhancement Assistance Scheme (BEAS) assists persons with disabilities in starting their own business and helps to provide job opportunities to other people with disabilities. The Talent Enhancement Program helps to fund training and education opportunities for persons with disabilities to help them enter and progress in the workforce. The Ministry of Women, Family, and Community Development (MWFCDD) has introduced an online registration service for employers and persons with disabilities seeking employment. Through this system, registered employers may list vacancies at any time and persons with disabilities looking for job opportunities may apply for those vacant positions. Additionally, the One Percent Employment Opportunity Policy in public sector, pursuant to Circular No 16/2010, aims to assist persons with disabilities with qualifications and/or skills to have opportunity to work in public service. Based on the policy, every government public sector agency must ensure that at least one percent of the total number of officers and staff members is made up of persons with disabilities, subject to sufficient applications by such persons and the individual's compatibility with the field of work as well as the facilities provided. There is also the Code of Practice for the Employment of Persons with Disabilities to realize employment opportunities for persons with disabilities in the private sector, which is currently only available in Peninsula Malaysia.

---

<sup>20</sup>Kerjabilitas: Jobs for Persons with Disabilities, [www.kerjabilitas.com](http://www.kerjabilitas.com).

Myanmar has also conducted programs to help persons with disabilities with employment. DSW conducts advanced vocational and pre-job training to promote job opportunities for persons with disabilities. Additionally, job fairs have been organized in conjunction with the International Day for Persons with Disabilities. The draft law also includes specific provisions for employment.

The Philippines has made various efforts to ensure the right of persons with disabilities to employment. RA No. 7277, Section 5, outlines the rights of persons with disabilities and labor, including that a qualified employee who is also disabled shall be treated the same as a qualified employee without disabilities for employment terms and financial benefits and privileges. It also requires that 5% of all casual, emergency, and contractual jobs in the DSWD, DOH, DepEd, and other government bodies shall be held open for persons with disabilities. Section 9 of the same law requires the government to provide training and assistance for persons with disabilities to develop vocational and technical skills they may need for specific job opportunities, including entrepreneurial opportunity programs. The Department of Labor and Employment (DOLE) has “*Tulong Alalaysa Taong May Kapansanan*” (Help and Assistance for Persons with Disabilities) (TULAY) projects nationwide to provide training and/or financial assistance to help persons with disabilities get involved in sustainable self-employment through various trades and services such as massage, plumbing, cosmetology, electrical servicing, welding, native snack preparation, car washing, and repairing motorcycles, cellular phones, appliances, and upholstery. The TULAY program was able to help 4,144 persons with disabilities in 2008-2010. The Department of Trade and Industry (DTI) has also come up with various ways to help persons with disabilities, including with the Framework for Persons with Disabilities Economic Empowerment to increase confidence, competency, employment, and entrepreneurship through directives and programs. Various DTI offices and bureaus have made efforts toward including and assisting persons with disabilities.<sup>21</sup>

Thailand has also taken substantial measures. The EPDA, Section 33, recommends that private and public sectors employ persons with disabilities in suitable positions and in proper proportion of the entire number of employees. The Ministry of Labor’s Department of Skill

---

<sup>21</sup> Included agencies: Product Development and Design Center of the Philippines (PDDCP); Bureau of Domestic Trade (BDT); Cottage Industry Technology Center (CITC); Bureau of Export Trade Promotion (BETP); Bureau of Small and Medium Enterprise Development (BSMED); Philippine Trade Training Center (PTTC); Small Business Corporation (SBC); Regional Operations and Development Group (RODG)

Development helps persons with disabilities get comprehensive employment training at the provincial and regional level. The same department has also done research on models of skill development for different types of disability to help private and public sectors to ensure that persons with disabilities excel in their job positions. The Ministry of Labor protects those disabled from injuries at work through vocational training and job retention, including rehabilitation with provision of assistive technology devices and prosthetics. The Ministry of Labor also facilitates peer support groups from those who become disabled due to work, as well as skills training and assistance in searching for financial capital to help self-employment.

**Article 28: Adequate Standard of Living and Social Protection:**

The state shall safeguard and promote the right of persons with disabilities to adequate living conditions and social protections, without discrimination. Assistance in this area can easily cross from the preferred rights-based approach to the outdated charity-based approach to disability. Agencies should be sure to emphasize empowering persons with disabilities to take care of themselves and elevate their lives with long-term solutions, and not just throwing money at the problem or creating dependencies.

Indonesia has programs to help persons with disabilities improve their standards of living. Law No. 11/2009 on Social Welfare has an affordable housing program, for which persons with disabilities are a priority group. Persons with disabilities can get financial assistance with a Social Assistance for Persons with Severe Disabilities Card, Indonesia Health Card, and/or Indonesia Smart Card, which can be acquired through meeting the requirements and registering at a Social Affairs Local Office.

Myanmar has made some effort in this area. The 2012 Social Security Law provides for disability benefits. It is also covered in the draft law.

The Philippines also provides financial assistance for persons with disabilities. The Social Security System (SSS) provides income replacement for those who've lost income due to disability, sickness, maternity, old age, or death. There are also allowances available for caretakers. Additionally, RA No. 11228, known as An Act Providing for the Mandatory Philhealth Coverage for All Persons with Disability of 2018, ensures that all persons with disability are automatically enrolled in the National Health Insurance Program (NHIP) of the



Philippines Insurance Corporation (Philhealth) and provides that the national government will cover their insurance premium payments.

Thailand also has programs and provisions to help persons with disabilities financially. The EPDA, Section 20 (9) requires the government to give a monthly disability stipend to registered persons with disabilities. The EPDA's Fund for Empowerment of Persons with Disabilities also provides loans to help persons with disabilities set up small businesses. The Department of Social Development and Welfare has social support pensions for all types of disability, available from birth. Persons with disabilities who have reached retirement age become entitled to an additional pension.

### **Article 29: Participation in Political and Public Life:**

For persons with disabilities to be able to realize their right to vote for and be elected to political positions, the state needs to ensure accessibility in voting processes and promote participation in disabled persons organizations (DPOs) and non-governmental organizations (NGOs). Any laws which limit political rights of any class of disability, including mental, behavioral, and autistic, are discriminatory and not in line with CRPD policies.

Indonesia has provisions to ensure the right of persons with disabilities to vote. Political participation is included in Articles 5 and 13 of Law No. 8/2016. Law No. 10/2008 on the Election of Members of House of Representatives, Regional Representative Council, and Regional People's House of Representatives, Article 164 guarantees the right of persons with disabilities rights in general elections. For voting, ballots are available in braille and personal assistance is available.

Myanmar has taken steps to facilitate persons' with disabilities participation in this area. Article 48 (c) of the Pyithu Hluttaw Election Law (2010) provides advanced ballots to those with leprosy or serious illness that are unable to go to the polls. Problems with accessible voting in 2010 led to workshops and awareness programs to increase accessibility of polling places. In 2013, the Myanmar Independent Living Initiative gave persons with disabilities awareness training to representatives from the Union Election Commission, which convinced them, and helped with coordination, to make polling places barrier-free environments.

The Philippines has also made efforts toward persons with disabilities in this area.<sup>22</sup> RA No. 7277 gives persons with disabilities right to participate in any form of political life, including protests and demonstrations, as well as to form organizations to promote and protect their interests. RA No. 10366 has multiple provisions addressing accessibility of polling places for persons with disabilities and senior citizens, including creation of special precincts, reasonable accommodations in ballot design, sensitivity training for election officials, and how voting assistance should be administered. Persons with disabilities may register for voting assistance and are allowed to choose who helps them to vote. Many precincts have voter express lane for persons with disabilities, senior citizens, and heavily pregnant women. Voting precincts should have accessible booths for persons with disabilities, but if an assigned precinct is not accessible to a person with disabilities then they can vote at different precincts. Some cities have special registration days for persons with disabilities to register to vote.

Thailand has also made effort for persons with disabilities with this issue. The Office of the Electoral Commission of Thailand ensures accessible voting by providing clear and usable election materials. Election officers on duty at every polling place facilitate voting by assisting persons with disabilities with secret ballots.

### **Article 30: Participation in Cultural Life, Recreation, Leisure, and Sport:**

The state shall make reasonable accommodations to enable persons with disabilities to participate in cultural and physical activities. All SEANF countries highly value physical activity and culture. All SEANF countries have sent delegates to compete in international sports competitions, such as the Paralympics.

Indonesia has put forth effort in this area. The Indonesian Ministry of Youth and Sports sponsor training plus financial and logistical support for athletes to compete at international and national Paralympic competitions. Student Paralympic athletes also compete at the national level. The government hosts accessible sports events for the general public, such as disability marches and fun walks. The government also hosts non-athletic inclusive events, such as those which highlight talented disabled artists.

---

<sup>22</sup>For examples, see: <https://www.philstar.com/the-freeman/cebu-news/2019/04/05/1907488/comelec-set-special-polling-centers-pwds-seniors>; <https://www.rappler.com/newsbreak/iq/228755-how-elections-made-accessible-to-persons-with-disabilities-senior-citizens>; <https://www.rappler.com/nation/politics/elections/2019/230454-photos-senior-citizens-pwds-vote-accessible-polling-place>

Myanmar has also supported persons with disabilities in this area. The Ministry of Sports formed Myanmar Disability Sports Federation in 1989. Myanmar also hosted the 7<sup>th</sup> ASEAN Para Games in 2014. In 2013, DPOs put on the Immense Spectrum Myanmar Arts Festival of Disabled Artists in Yangon.

The Philippines is making efforts as well. RA No. 7277 gives persons with disabilities the right to use government recreation and sports centers free of charge for appropriate activities. Persons with disabilities also have a 20% discount on cultural life, recreation, leisure, and sports activities and events.

Thailand is making efforts in sports, culture, and tourism. The Ministry of Culture hosts short-term courses on drama and music for persons with disabilities, including those from that have hearing disabilities or those who attend special education centers. In 2010, a Thai drama program trained students with disabilities in musical theater and put on traditional Thai music concerts with persons with disabilities. The Ministry of Tourism and Sports' gives the Department of Physical Education an annual budget to develop and promote athletic programs for persons with disabilities. The Office of Sports and Recreation Development helps to give persons with disabilities opportunities to participate sports by making facilities accessible with various sign symbols and prints, access ramps, and disability parking, as well as hosting local, regional, and national sports competitions. The Department of Tourism's Ministry of Tourism and Sports is working to make tourist attractions and activities barrier-free for persons with disabilities, children, older persons, and pregnant women. This includes accessible informational materials, modifications for physical accessibility, and annual trainings on disability for tour guides. Not only does this make things more inclusive, but it also taps into a new stream of revenue as it brings in people would otherwise would not have been able to visit.

Timor-Leste also has made efforts in this area for persons with disabilities. Law No. 1/2010 on Sports specifically mentions the right of persons with disabilities to participate in sports activities. Timor-Leste has also sent competitors to the Paralympics.

## Specific Obligations

### **Article 31: Statistics and Data Collection:**<sup>23</sup>

Information is invaluable to countering difficulties for persons with disabilities. It is important that the information be gathered in a respectful, confidential, ethical, and efficient to protect privacy and other fundamental rights. Collecting accurate information is crucial for State Parties to understand the extent and type of disabilities that must be accommodated. A current issue in many SEANF countries is getting accurate and useful data and statistics on persons with disabilities. Though DPOs and other organizations and agencies are useful for finding out information, chunks of data are hard to assimilate without a standardized base.

In Indonesia, the government is working to improve their data collection. Currently, different government ministries and agencies use different data collection methods, and different definitions of disability, which yields different results. The government has established provincial and city/regency level offices of the National Statistic Agency. They are also working to develop disability questionnaires to help with their accommodation and accessibility efforts.

Malaysia is working to improve their data collection. The Ministry of Women, Family, and Community Development (MWFCD) has collected information and data on persons with disabilities, but it could be improved upon in terms of intersectionality, coordination with other governmental agencies, and Malaysia's current secrecy laws. A law on freedom of information that is currently being developed may help with data collection.

Myanmar has also made efforts to improve their data collection. They conducted the First Myanmar National Disability Survey (2008-2009) with the Leprosy Mission Myanmar in over 100,000 households and published the results in 2010.

The Philippines is making efforts as well. Using the WHO's framework on functional difficulty, the National Statistics Office is improving their disability survey questions. They were the first country in the western Pacific to implement the WHO Model Disability Survey. Additionally, RA 10070 established mechanisms for implementing a Persons with Disability

---

<sup>23</sup> Washington Group Disability Questions are a useful and internationally recognized means of properly collecting data on persons with disabilities.

Short set: <http://www.washingtongroup-disability.com/wp-content/uploads/2016/01/The-Washington-Group-Short-Set-of-Questions-on-Disability.pdf>

Extended set: [http://www.washingtongroup-disability.com/wp-content/uploads/2016/01/WG\\_Extended\\_Question\\_Set\\_on\\_Functioning.pdf](http://www.washingtongroup-disability.com/wp-content/uploads/2016/01/WG_Extended_Question_Set_on_Functioning.pdf)

Affairs Office (PDAO) in every province, city, and municipality, which would, among other things, collect relevant data on persons with disabilities in their localities.

Thailand has also worked to improve data collection on persons with disabilities through the NEP. A disability-specific survey conducted every 5 years. The Disability Information Center then works to collect and disseminate disability data. The NEP and the Ministry of Health have worked to established budget allocations based on the data collection and increased registration of persons with disabilities due to government pensions and tax exemption schemes.

Timor-Leste is also working to improve their information on persons with disabilities. The 2010 Population and Housing Census was the first to collect national information on disability. The 2015 National Census also collected information on disability, but it was not as accurate as the 2010 collection.

### **Article 32: International Cooperation:**

International Cooperation includes partnerships between States, and with international and regional organizations. It could include technical and economic support.

Indonesia works with other countries to further the missions of persons with disabilities. They work with ASEAN countries, as well as UNESCAP disability initiatives and activities. Indonesia regularly participates in the annual CRPD Conference of State Parties.

Myanmar works with international organizations through their DSW. They work with ASEAN, as well as receive assistance from UN agencies such as UNICEF and UNESCAP.

The Philippines has also utilized international resources. The NCDA works with the Japan International Cooperation Agency (JICA) on the Non-Handicapping Environment (NHE) project to increase accessibility for persons with disabilities.

Thailand also has used international support. Through their MSDHS, they have worked with the JICA on the Asia-Pacific Development Center on Disability (APCD). The APCD works to utilize an international network on disability, increasing participation of regional DPOs, conducting trainings on the rights and issues of persons with disabilities, and sharing data. Thailand has also worked with the World Health Organization (WHO) and UNESCAP to host the 1<sup>st</sup> Asia-Pacific CBR Congress in 2009 and continues to regularly support Asia-Pacific CBR Congress efforts.

Timor-Leste has also worked with international agencies for disability rights. For example, the East Timor Blind Union has worked with The Leprosy Mission and Australian Aid on an awareness-raising campaign with informative stickers in Dili *microlets*(mini-busses). Additionally, the Australia Timor-Leste Partnership for Human Development (PHD) has included addressing the needs of persons with disabilities in the 2020-2024 National Action Plan.

Additionally, the Australian Embassy is working with the Ministry of Justice (MoJ) to address access to justice for persons with disabilities.

### **Article 33: National Implementation and Monitoring:**

State Parties need to have a means of implementing and monitoring the rights of persons with disabilities. Without it, the laws are basically ineffective.

Indonesia has made efforts towards implementation and monitoring. Article 42 (4) Law No.8/2016 requires local governments to have a Disability Services Unit to monitor and evaluate efforts being made to accommodate persons with disabilities. The Ministry of Social Affairs is the main government agency for disability issues, but other ministries have created networks for handling complaints.

Malaysia is working to improve its implementation and monitoring. Under the PWDA, the intragovernmental MKBOKU is responsible for implementing the CRPD. SUHAKAM as an independent institution is now seeking to be appointed as Malaysia's independent national monitoring mechanism under Article 33.2 CRPD, or at least as an independent member or observer of MKBOKU.

In Myanmar, the drafted disability law references this issue.

In the Philippines, efforts have also been made. NCDA is the focal agency for addressing the rights of persons with disabilities, including implementation of CRPD. Additionally, section 1 of E.O. 417 "Directing the Implementation of the Economic Independence Program for Persons with Disabilities" requires all national government agencies and government-owned entities to support and cooperate to implement the Economic Independence Program for Persons with Disabilities.

Thailand has also made efforts in this area. The NEP is the main agency in charge of disability rights and issues, and so is responsible for implementing the CRPD. The National

Human Rights Commission of Thailand (NHRCT), by its mandate, monitors the implementation of the Convention.

## **Best Practices**

SEANF countries are working toward better practices for promoting and protecting the rights of persons with disabilities. There are certain elements of their efforts that should be encouraged and expanded as best practices: rights-based approaches, inclusion, and specifically addressing the rights of persons with disabilities.

One major element is the emphasis on rights-based approaches to the needs of persons with disabilities over charity-based approaches. A charity-based approach involves treating persons with disabilities as objects that need someone else to do everything for them. Persons with disabilities tend to be viewed as a burden. A rights-based approach involves treating persons with disabilities as subjects that have a right to provide and decide for themselves. Persons with disabilities are seen as capable and contributing members of society. Charity-based treatment of persons with disabilities is not sustainable nor truly helpful long term, as it creates dependency which drains resources and leads to stagnation. It discourages positive efforts by persons with disabilities to take control of their lives. Enabling independence with a rights-based approach creates so much more human capital which can be used to help local communities, and greater society, thrive. Examples of rights-based measures include increasing accessibility, education, vocational training, and support networks, as well as creating job opportunities for persons with disabilities. For examples of this, please see the above sections on Living Independently and Being Included in the Community (Art. 19), Personal Mobility (Art. 20), and Education (Art. 24).

Another major element is inclusion. Inclusion of persons with disabilities in discussions regarding how to address their needs and wants those needs and wants are being addressed. It also helps to make sure that resources are being directed toward efforts that actually help persons with disabilities, rather than being wasted things that look good but are not helpful. This can be accomplished through supporting and referencing DPOs, fostering cooperation between DPOs and government agencies, and establishing disability rights councils. For examples of this, please see the above sections on Awareness-Raising (Art. 8), Freedom of Expression and Opinion and Access to Public Information (Art. 21), and Work and Employment (Art. 27).

A third major element is specifically addressing the rights of persons with disabilities. The whole point of the CRPD was to address the rights of persons with disabilities that were being ignored, even though persons with disabilities were assumed to be included by general terms or policies. There is nothing wrong with including persons with disabilities in other groups, such as with women and children generally, but it's not enough to rely on general policies to address the needs of persons with disabilities. For example, though women with and without disabilities have many of the same concerns, women with disabilities also have different concerns that need to be acknowledged properly so that they may be addressed. An easy way to accomplish this is by expanding references to "vulnerable" or "marginalized" people to lists including persons with disabilities and others (older persons, women, children, LGBTI, etc). This ensures that attention is being paid to each group so that their needs will not be forgotten or overlooked. Though only provisions which specifically address the rights of persons with disabilities, the best examples of this are in the above sections on Equality and Non-Discrimination (Art. 5), Children with Disabilities (Art. 7), and Situations of Risk and Humanitarian Emergencies (Art. 11).

## **Challenges**

Though each SEANF country has its own unique challenges when it comes to fully recognizing and respecting the rights of persons with disabilities, there are some challenges that are present in all countries. Those challenges include implementation, data collection, efficient use of resources, and attitudinal barriers.

The first major challenge is implementation of laws and policies that promote and protect the rights of persons with disabilities. Though well-intentioned, these laws and policies are ineffective if not properly implemented. Measures should be taken by governments to enable persons with disabilities to obtain justice with accessible forms of redress. NHRIs can help with this by having accessible complaint procedures, including online or electronic reporting to make it easier for persons with disabilities (and others) to file complaints without having to physically be at the NHRI, having forms in braille, and NHRI complaint receiving officers that know sign language. NHRIs should get input from persons with disabilities on how to best accommodate them to help with implementation. They can also make sure that their own budgets and those of relevant government agencies include disability-sensitive allocations



Another common challenge is improper or incomplete data collection. Data on persons with disabilities informs policy and budgeting to address their needs. Without proper or complete data, it is unlikely that the type or extent of the needs of persons with disabilities will be recognized or addressed. For example, lack of specific data on women with disabilities hampers policies designed to protect women and persons with disabilities, especially when it comes to the threat of gender-based violence such as sexual abuse, including that within the family. NHRIs can help in this area by monitoring and evaluating data collection. It is important that the data collected from multiple sources be aggregated. To this extent it should be uniform so that it can be better aggregated and compared. It would be easiest if national censuses were conducted appropriately and thoroughly. To ensure that data is collected properly and completely, NHRIs should encourage the use of the World Health Organization Model Disability Survey or the Washington Group Disability Questions.

The third significant challenge is efficient use of resources. Resource for the rights of persons with disabilities include human, technical, and financial resources. Inefficient use of resources leads to limited reach of assistance. Efficient use of resources is especially vital in countries where resources are limited in general. However, limited resources are not an excuse for failing to address disability rights. Low-budget measures can make a big impact, such as including persons with disabilities in planning meetings. Another example of a simple yet effective measure is allowing employees with disabilities to have offices on the ground floor. It is a reasonable accommodation to accessibility that increases job opportunities, which fosters independence and promotes the image of persons with disabilities. To make sure that resources are being used effectively, NHRIs can practice and advocate for disability-sensitive budget allocation, input from persons with disabilities, better data use, and thoughtful, thorough planning.

The fourth major challenge shared by SEANF countries is attitudinal barriers. This includes the perpetuation stigma and negative stereotypes. Some of these are intentional, but the majority are unintentional, from outdated and ill-informed ways of thinking that many people do not even recognize for what they are. For example, a common misconception is that women are more likely to have mental disabilities than men, when in reality, women are just more likely to report and seek help for their mental illnesses. NHRIs can help address this challenge. One way is to consult with persons with disabilities to help identify attitudinal barriers that persons

without disabilities may fail to recognize. Another way is to eliminate systematic discrimination perpetuated by colloquial and official use of terms and policies that perpetuate negative stereotypes.

It is important to remember that these are some of the many challenges that every society needs to overcome to fully recognize and respect the rights of persons with disabilities. However, by addressing these specific challenges, many other obstacles, such as limited access to education or job opportunities, will become smaller and more manageable.

### **Recommendations for NHRIs**

The following are recommendations for steps NHRIs can take to promote and protect the rights of persons with disabilities. These are in addition to their general mandates, which include urging their respective States to ensure that any discrimination and human rights violations of persons with disabilities are redressed effectively. As with the general provisions of the CRPD, implementation of these and other measures are subject to a given country's available resources. Priority should be given to those efforts which will assist the most at-risk people and/or those which will have the largest impact relative to cost. Additionally, persons with disabilities from a variety of backgrounds and perspectives, particularly those in local and national DPOs, should be involved and consulted in all measures pursued in their interests.

NHRIs should act as examples of inclusion and respect for persons with disabilities which other ministries and organizations can follow. They should demonstrate how simple adjustments can be made to their public services, such as using the proper language to address and describe persons with disabilities. For starters, NHRIs should be sure to include persons with disabilities input in all decision making and planning, especially with things that will or are likely to directly affect them. Additionally, NHRIs must ensure that complaint procedures are accessible and disability-conscious. This includes training staff on disability-sensitivity and proper communication techniques. Ideally, this would include training staff members on sign language to assist those with hearing and speaking impairments. NHRIs should take measures to make sure that persons with disabilities are aware that NHRIs are resources through which they can seek redress for discrimination and other human rights violations. It is also important for any public communications to be in accessible formats. This includes distributing copies of publications in braille and putting subtitles on television broadcasts. NHRIs should also include

elements of persons with disabilities rights in all efforts, including internal and external trainings. For example, a seminar on educating members of the police on human rights conscious procedures would include points on disability awareness and best practice, using input from DPOs and other groups on those best practices.

Another major point is that NHRIs can and should work to raise awareness and advocate for the rights and inclusion of persons with disabilities. It is vital that the public mindset toward disability shift from the traditional charity-based approach to the progressive rights-based approach. This will make all the difference for persons with disabilities and society as a whole, as the increased contribution of persons with disabilities will help society (particularly the poorest sectors) to improve and succeed. NHRIs can raise awareness by highlighting the capabilities of persons with disabilities and showcasing their abilities in a positive light, both in public messages and also in practice by utilizing services provided by persons with disabilities. It is also vital to shift the mindset on the concept of inclusion. The typical model of separate accommodation for persons with disabilities is segregation, not inclusion. This sort of concept is prevalent in education, where children with disabilities are placed in separate classes from other children. The government should provide and promote mainstream schooling for children with disabilities. It is good to have separate schools and programs to provide children with disabilities with techniques and skills to overcome the obstacles presented by their disability. However, it is crucial that these measures enable children with disabilities to integrate into mainstream schools, so they can learn and benefit from the social and academic advantages of regular schooling. Another area in which NHRIs can advocate for persons with disabilities is in the budgeting of various ministries. In addition to being gender-sensitive, government and organization budgets should be disability-sensitive and include a special allocation of money within budget to target capacity development and needs of persons with disabilities.

A third major action for NHRIs is prevention, particularly with discrimination. NHRIs can address the systemic discrimination, both the intentional and the more pervasive unintentional biases that many people have toward persons with disabilities. To start, NHRIs are perfectly placed to advocate for changing existing laws and legislation to be more politically correct and inclusive. Making laws more politically correct helps to shift the mindset toward properly respecting the rights of persons with disabilities as capable members of society. Making the laws more inclusive is a crucial aspect of the CRPD. The CRPD came around

because, even though persons with disabilities were technically included in other human rights conventions, their rights were largely still being ignored. By specifically including persons with disabilities in legislation that pertains to them helps government and other groups to remember to think about and include persons with disabilities in the implementation of those laws. Just saying “vulnerable people” or “women” and assuming persons with disabilities will be included in implementation is not enough to protect and promote their rights. “Persons with disabilities” should be specifically included in all legislation and regulations that have anything to do with any of the above-mentioned articles of the CRPD. Each one of them is separately addressed in the convention for a reason, as those are areas in which the rights of persons with disabilities have been systemically ignored. Additionally, it is important to educate ourselves and others on discrimination, especially unintentional discrimination. Only by learning to recognize the outdated thinking and practices that perpetuate negative stigma and discrimination will it be properly addressed and avoided.

A fourth key area in which NHRIs can help persons with disabilities is through monitoring and evaluating the effectiveness of assistive measures. NHRIs should monitor assistive programs to make sure that they are enabling the independence of persons with disabilities and not creating dependency. Proper evaluation of programs is also crucial. Evaluation should include lessons learned and best practices, as well as identifying mistakes and inefficiencies to not repeat for promotion and protection of the rights of persons with disabilities.

## Reference

- About Us, National Council on Disability Affairs (Phil.) (2009-2012) (accessed on November 27, 2019) <https://www.ncda.gov.ph/about/>.
- An Act Authorizing The Commission On Elections To Establish Precincts Assigned To Accessible Polling Places Exclusively For Persons With Disabilities And Senior Citizens, RA No. 10366 (July 23, 2012) (Phil.), <https://www.ncda.gov.ph/disability-laws/republic-acts/republic-act-no-10366-an-act-authorizing-the-commission-on-elections-to-establish-precincts-assigned-to-accessible-polling-places-exclusively-for-persons-with-disabilities-and-senior-citizens/>.
- An Act Declaring the Filipino Sign Language as the National Sign Language of the Filipino Deaf and the Official Sign Language of Government in All Transactions Involving the Deaf, and Mandating its Use in Schools, Broadcast Media, and Workplaces, R.A. No. 11106, (July 23, 2018), available on <https://www.officialgazette.gov.ph/2018/10/30/republic-act-no-11106>.
- An Act Establishing a National Mental Health Policy for the Purpose of Enhancing the Delivery of Integrated Mental Health Services, Promoting and Protecting the Rights of Persons Utilizing Psychosocial Health Services, Appropriating Funds Therefor and Other Purposes, R.A. No. 11036 (July 24, 2017) (Phil.), [https://www.lawphil.net/statutes/repacts/ra2018/ra\\_11036\\_2018.html](https://www.lawphil.net/statutes/repacts/ra2018/ra_11036_2018.html).
- An Act Providing For The Rehabilitation, Self-Development And Self-Reliance Of Disabled Person And Their Integration Into The Mainstream Of Society And For Other Purposes, R.A. No. 7277 (July 22, 1001) (Phil.), available on <https://www.ncda.gov.ph/disability-laws/republic-acts/republic-act-7277/>.
- Commission on Human Rights of the Philippines, *Human Rights Advisory on the Accessibility as a Matter of Right of Person with Disabilities*, A2019-005, <http://chr.gov.ph/wp-content/uploads/2019/08/Human-Rights-Advisory-on-the-Accessibility-as-a-Mtter-of-Rights-of-Persons-with-Disabilities-A2019-005.pdf>.
- Comprehensive Anti-Discrimination Act of 2019, Senate Bill No. 137 (filed on July 2, 2019) (Phil.), available on [https://www.senate.gov.ph/lis/bill\\_res.aspx?congress=18&q=SBN-137](https://www.senate.gov.ph/lis/bill_res.aspx?congress=18&q=SBN-137).
- Department of Social Welfare: Ministry of Women, Family, and Community Development (Mal.), <http://rotary3300.org/DSW%20slide%20for%20%20Seminar%20on%20Autism.pdf>.
- “Disability Scheme,” Official Website of the Department of Labor Peninsular Malaysia: Ministry of human Resources, <http://jtksm.mohr.gov.my/en/sumber-sumber/penerbitan/buletin/88-orang-awam/706-skim-penggajian-orang-kurang-upaya-spoku>.
- Driver Selected Articles: Application for Disabled Class A and A1, Official Portal of Road Transport Department Malaysia, (2017) (accessed on November 27, 2019) [https://www.jpj.gov.my/en/web/main-site/pemandu-en/-/knowledge\\_base/driver/application-for-disabled-class-a-and-a1](https://www.jpj.gov.my/en/web/main-site/pemandu-en/-/knowledge_base/driver/application-for-disabled-class-a-and-a1).

- “Frequently Asked Questions Regarding the Convention on the Rights of Persons with Disabilities.” United Nations. UN.org. Accessed November 27, 2019. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/frequently-asked-questions-regarding-the-convention-on-the-rights-of-persons-with-disabilities.html>.
- ILO Social Protection Department, *Timor-Leste: Universal old-age and disability pensions*, <https://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54034>.
- Individuals with Disabilities Education Act (IDEA), Senate Bill No. 1298 (May 3, 2017) (Phil.), available on [https://www.senate.gov.ph/press\\_release/2017/0503\\_villanueva1.asp](https://www.senate.gov.ph/press_release/2017/0503_villanueva1.asp).
- Magna Carta For Persons With Disability, RA No. 11228 (February 22, 2019) (Phil.) <https://www.ncda.gov.ph/disability-laws/republic-acts/republic-act-no-11228/>.
- Magna Carta for Disabled Persons, As Amended, And For Other Purposes, RA No. 10070 (July 27, 2009) (Phil.), <https://www.ncda.gov.ph/disability-laws/republic-acts/republic-act-no-10070/>.
- Magna Carta of Women, RA 9710 (2009) (Phil.), available on [https://www.pcw.gov.ph/sites/default/files/documents/laws/republic\\_act\\_9710.pdf](https://www.pcw.gov.ph/sites/default/files/documents/laws/republic_act_9710.pdf)
- Memorandum Circular No. 2017-004 from Republic of the Philippines Department of Information and Communications Technology (May 12, 2017), available on <http://www.dict.gov.ph/wp-content/uploads/2017/10/DICT-MC-004-2017-PRESCRIBING-THE-PHILIPPINES-WEB-ACCESSIBILITY-POLICY-AND-ADOPTING-FOR-THIS-PURPOSE-ISO-IEC-405002012-INFORMATION-TECHNOLOGY-W3C-WEB-CONTENT-ACCESSIBILITY-GUIDELINES-WCAG-2.0-A.pdf>.
- Occupational Health Unit: Disease Control Division, Ministry of Health Malaysia, *Medical Examination Standards for Disabled Driver’s Licensing* (2011), <http://www.moh.gov.my/moh/resources/auto%20download%20images/585118e9ed603.pdf>
- PKDNet, Official Portal of Community Rehabilitation Program (Program Pemulihan Dalam Knmuniti), [http://pdk.jkm.gov.my/ms\\_MY/pdknet-2/](http://pdk.jkm.gov.my/ms_MY/pdknet-2/).
- “Programs,” PRADET – East Timor, PRADET.org, accessed on November 27, 2019, <http://www.pradet.org/programs>.
- Responsible Parenthood and Reproductive Health Act, RA No. 10354 (2002) (Phil.), available on <https://www.pcw.gov.ph/law/republic-act-10354>.
- Rights of Persons with Disabilities 2015, 30/2015, (adopted on June 9, 2015) (Myan.) (not yet entered into force), available on [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=100494&p\\_count=8&p\\_classification=08](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100494&p_count=8&p_classification=08).
- Rule on Examination of a Child Witness, SC A.M. No. 004-07-SC, (November 21, 2000) available on [http://www.lawphil.net/courts/supreme/am/am\\_004\\_07\\_sc\\_2000.html](http://www.lawphil.net/courts/supreme/am/am_004_07_sc_2000.html).
- Services: Bantuan Alat Tiruan/Alat Sokongan Official Portal of the Department of Social Welfare (Mal.), JKM.gov.my (2016) (last updated May 4, 2019) (accessed November 27,

2019)

<http://www.jkm.gov.my/jkm/index.php?r=portal/left&id=TXNWWG1iRXhLUmFrb2c5UDJaSVdBQT09>.

- The Asia Foundation. 2016. Understanding Violence against Women and Children in Timor-Leste: Findings from the *Nabilan* Baseline Study – Main Report. The Asia Foundation: Dili.
- United Nations, Committee on the Rights of Persons with Disabilities, *Consideration of reports submitted by States parties under article 35 of the Convention – Initial reports of States parties due in 2010 – Thailand*, CPRD/C/THA/1, (03 December 2012), available from <https://undocs.org/en/CPRD/C/THA/1>.
- United Nations, Committee on the Rights of Persons with Disabilities, *Initial report of the Philippines submitted in accordance with Article 35 of the Convention*, CRPD/C/PHL/1 (24 November 2014), available from <https://undocs.org/en/CRPD/C/PHL/1>.
- United Nations, Committee on the Rights of Persons with Disabilities, *Initial report of State party due in 2013 – Indonesia*, CRPD/C/IDN/1 (03 January 2017), available from <https://undocs.org/en/CRPD/C/IDN/1>.
- United Nations, Committee on the Rights of Persons with Disabilities, *Initial report of State parties due in 2013: Myanmar*, CRPD/C/MMR/1 (19 November 2015), available from <https://undocs.org/en/CRPD/C/MMR/1>.
- United Nations, Department of Economic and Social Affairs: Disability, PowerPoint Presentation from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.
- United Nations, Human Rights Council, *National Report to the Human Rights Council*, A/HRC/WG.6/31/MYS/1 (2018).
- Information on Malaysia is based on input recorded by SUHAKAM during its previous engagement with relevant stakeholders, SUHAKAM’s activities and SUHAKAM’s observation. Malaysia has yet to submit its initial report to CRPD Committee. Information on government action, and policies to implement CRPD is therefore limited. (source on file with the author)
- Information on Timor-Leste is based on input recorded by PDHJ during its previous engagement with relevant stakeholders, PDHJ’s activities, and PDHJ’s observations. (source on file with the author)