**Input from Indonesian Disability Persons Organizations on**

**Preparation of General Comments of the Commission on Child Rights related to Children’s Rights, Environment, and Climate Change**

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# **Introduction**

1. This document has been prepared using the structure of the General Comments Draft as outlined by the CRC Committee.
2. The preparation of documents is coordinated by the organization OHANA and gathers inputs of organizations of persons with disabilities in Indonesia which provide support and assistance to children with disabilities, consisting of:
   1. Yapesdi (Yayasan Peduli Sindroma Down Indonesia), Jakarta – Organization for Down Syndrome
   2. Peduli Penyandang Disabilitas Ganda Banyumas, Jawa Tengah – Organization for People with highly intense support at Banyumas – Central Java
   3. LKS PKDAC (Lembaga Kesejahteraan Sosial Paguyuban Keluarga Dan anak Cerebral Palsy) Magelang, Jawa Tengah – Organization/Parents forum of children with Cerebral Palsy – Magelang, Central Java
   4. WKCP (Wahana Keluarga Cerebral Palsy), Yogyakarta - Parents forum of children with Cerebral Palsy - Yogyakarta
   5. Komunitas Cerebral Palsy, Tegal, Jawa Tengah – Community of Cerebral Palsy Tegal, Central Java
   6. Sapda (Sentra Advokasi Perempuan, Difabel dan Anak), Yogyakarta, Organization works for Advocacy for Women and Children with Disability - Yogyakarta
   7. CIQAL (Center for Improving Qualified Activity in Lives of people with disabilities), Yogyakarta
   8. PR YAKKUM (Pusat Rehabilitasi Yayasan Kristen Untuk Kesehatan Umum), Yogyakarta – Christian Rehabilitation Center Foundation
   9. Perdik (Pergerakan Difabel Indonesia untuk Kesetaraan), Makasar – Organization of Disability movement for Equality, Makasar, South Sulawesi
   10. Organisasi Harapan Nusantara Indonesia (OHANA), Yogyakarta

1. The preparation of the document was carried out jointly, including at a meeting on 12-13 January 2023 in Yogyakarta, followed by a drafting process, and refined through a review process by the meeting participants.

# **General Inputs**

1. The Draft of the General Comment has not included general or specific interests of disability, thus has not fully adopted the principle of leaving no one behind nor the principle of diversity, , especially as it relates to children with disabilities. Therefore, the inclusion of "children with disabilities" in the draft needs to consider “specific forms of intervention that need to be carried out by the State to respond to the specific barriers they face” so as to ensure that there will be concrete disability-inclusive policies that are more affirmative in nature.
2. The General Comment Draft needs to emphasize the existence of children with disabilities and ensure the principle of "sustainable inclusion". The General Comment does not sufficiently consider children with disabilities and their specificities, it thus requires addressing specific interventions that consider accessibility and appropriate accommodations for children with disabilities in every step taken by the State to ensure the rights of all children in the context of climate change and environmental damage.
3. The General Comment needs to emphasize the importance of systematically including and involving children with disabilities and strengthening data collection and disaggregation systems to capture the experiences of children with disabilities, including the disproportionate impact of climate change on children with disabilities. Indonesia currently does not have comprehensive data on climate change, especially the effect on persons with disabilities. As a result of the absence of data, persons with disabilities, including children, remain largely absent in policy formulation and planning related to climate action.[[1]](#footnote-1) Policies and protocols need to be informed by data and evidence to ensure effective measures, including ensuring accessibility and accommodations throughout preparedness and response, targeting the diverse range of children with disabilities. In addition, research on climate change should be disability-inclusive and include persons with disabilities, including children, in the design and evaluation of research projects
4. We call on the Committee to add a new paragraph on children with disabilities to the General Comment to highlight the particular impact of climate change on them and to render visible the obligations of governments to take disability-inclusive measures for children with disabilities to protect their rights and promote their participation in climate action.

# **Introduction**

1. **Paragraph 1:** In practice in Indonesia, environmental destruction has caused pollution which has caused children to be exposed and led their traditional environmental conditions to disappear. Even though Environmental Impact Analysis (AMDAL) is an obligation for companies or business operations, the implementation of AMDAL has not fully been implemented and often only becomes a formality. A number of reclamation projects also conduct practices that are damaging for the environment and the people around them, such as the use of sea bombs.
2. The government should strictly monitor the implementation of the AMDAL, develop specific SOPs, build an accountable and transparent system so that it can be monitored by the whole community, and develop comprehensive research related to the negative impact of environmental damage and pollution on the increasing number of children with disabilities.

# **Key Concepts**

1. The environmental damage and pollution that occur have an impact on children with multiple and severe disabilities, including reducing and exacerbating the condition of their disability, especially in the absence of special interventions given. To that end, the General Comment needs to emphasize children with disabilities and provide affirmative action.
2. **Paragraph 7:** Children have the right to enjoy a good environment, including children with disabilities who live in urban areas. Green open spaces still do not effectively accommodate the needs and interests of children with disabilities, such as the absence of regulations that support safe spaces for children in green open spaces, accessibility and proper accommodation for children with disabilities.
3. Not only that, many development projects are increasingly reducing the spaces for natural environments and ecosystems, making floods more frequent.
4. **Paragraph 8:** A healthy environment is the most crucial issue for people with disabilities, especially for people with disabilities who require full assistance. One finding that can serve as an example is the case of Cerebral Palsy (CP) susceptibility in Yogyakarta, a province in Indonesia. Most CP children live in slum areas, in dirty riverside areas, or in houses that are adequate, but with low economic conditions, as most CP children's families come from the lower middle-class economy. Families with CP consider diapers to be a very valuable need, considering that CP children have to wear diapers. From field data, the absence of an inorganic waste treatment site has resulted in the disposal of diapers in rivers or at landfills mixed with general waste. The issue of diaper disposal has not been socialized properly. With the high need for diapers for CP children, the Government does not pay serious attention to this, for example by providing alternative solutions to for CP children, reducing the risk of environmental pollution due to diapers, ensuring environmentally friendly waste management, or efforts to reduce inorganic waste.

# **Specific rights of the Convention relating to the environment**

1. **Right to life, survival and development (Article 6)**
2. **Right to life**
3. **Paragraph 16:** Environmental pollution has an impact on the rapid spread of viruses and bacteria, which increases health risks to all children including children with disabilities. A new situation that occurred in Indonesia after several years of absence include the polio cases in Pidie district, Aceh Province, which reappeared in 2022.
4. **Paragraph 17:** The sentence "This requires taking precautionary measures to protect children against environmental harm which would impact their enjoyment of life with dignity" needs to add, “especially children with disabilities”.
5. **Right to life and development**
6. **Paragraph 22:** In the sentence, **“**They should have access to adequate environmental information and education focusing on respect for the natural environment, sustainable lifestyles and leading a responsible life in a free society,” it is necessary to add, “including ensuring accessibility and appropriate accommodations for children with disabilities to acquire environmental information and education on an equal basis with other children”.

**B. The right to the highest attainable standard of health**

1. In several cases children, experienced CP at the age of 2 years due to air and food pollution, as well as high heat. CP is also often caused by environmental damage and climate change. In terms of health, the State should maximize its efforts to ensure early childhood development and focus on the potential for children to be left behind which causes disability.
2. **Paragraph 28:** The social security scheme in Indonesia (BPJS) has not provided affirmation for children with disabilities to receive therapy services, even though Celebral Palsy (CP) children require lifelong therapy services in order to maintain conditions caused by weakened brain function. Some cases of weakened brain function can also be caused by brain trauma, poisoning or accidents that give children similar conditions with CP. Hence, the government also needs to evaluate the impact of the environment on children's health and provide services to children to ensure they develop to their full potential.

**C. Right to education**

1. **Paragraph 33:** TheGeneral Comment needs to include education about climate change and disasters in schools that can be accessed by children with disabilities in all their diversity, including various accessible and alternative forms of communication and information channels. Children with disabilities have the right to receive environmental and climate change education services in accordance with the educational methods and infrastructure that suit their learning and communication styles. Therefore, the State also needs to encourage learning materials on climate change and the environment inclusive of and adapted to children with disabilities across all schools and throughout all awareness raising campaigns targeting children. The Indonesian government should encourage the replacement of “special schools for children with special needs” with inclusive schools and direct inclusive schools to incorporate climate change and the environment in their curriculum in line with SDG 4, target 4.7 to ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles.
2. **Paragraph 37:** Bad weather, such as frequent extreme rains, greatly hinders children with disabilities from accessing school, they face greater barriers than other children in traveling to school safely. In addition, when they are at school, they are faced with conditions of construction that endanger children with disabilities, such as the floor that becomes slippery as the rain pours. The quality of educational services for children with disabilities is not only related to accessibility, but also to their safety and comfort at school.

**D. Right to a decent standard of living (Article 27)**

1. **Paragraph 41:** Social security must be provided for children with disabilities who since birth incur greater costs than non-disabled children (disability related extra costs such as costs for support, assistive technology, accessible transport, housing, etc.). If children with disabilities fall into the criteria of being poor within the provision of social security, then this actually excludes children with disabilities from receiving this assistance. This is because the monthly costs required for CP children range from Rp. 1.5 million rupiah to Rp. 3 million. Therefore, the State needs to ensure that there is disaggregated data on children with disabilities and their various needs in order to avoid misdirection in providing the type of social assistance/security that serves to build resilience, also in the face of climate change.
2. **Paragraph 42:** Access to adequate housing must take into account the interests of children with disabilities. One priority concern is the evacuation route in the event of a disaster. The existence of disaggregated data and a register by name and by address is highly necessary so that children with disabilities can be prioritized for assistance when a disaster or evacuation occurs. Also included in this is adequate and appropriate disaster education and information in a language they can understand about ways to protect themselves in case of a disaster.
3. **Paragraph 43:** In terms of resettlement, the State must ensure that children who have lost their parents, especially children with disabilities, receive appropriate accommodation – including, but not limited to, providing safe and accessible places for all children with disabilities in all their diversity.
4. **Paragraph 44:** Every country has an obligation to commit to and learn from each other in ensuring, protecting and providing the rights of children, including children with disabilities, wherever they are, and aim to constantly learn and conduct good practices from other countries that have ensured their best interests towards children with disabilities.

**E. Right to rest, play, leisure, recreation, and artistic and cultural activities (Article 31)**

1. **Paragraph 47:** The sentence “*…are able to play and engage in recreational activities in safe, clean and healthy environments, including natural spaces, parks and playgrounds*” in the draft of General Comment, should ensures universal design for play spaces according to UN CRPD for all paragraphs, covering safety for children with disabilities, comfort, accessibility, and reasonable accommodation for all of impairment types. For this reason, the State must create a systematic and measurable evaluation framework to ensure the standardization of recreation areas and their facilities and infrastructure related to these universal design principles, so that all children with disabilities can enjoy these rights on an equal basis with other children.
2. **Paragraph 48:** Financial concessions are needed so that children with disabilities can enjoy their right to recreation and leisure, as this also enables children with disabilities to develop a better quality of life. In Indonesia, concessions for persons with disabilities has been regulated in Law No. 8 of 2016 Article 114 concerning Persons with Disabilities, but their implementation needs to be continuously encouraged.

**F. Rights of Indigenous Children (Article 30)**

1. Information and data related to indigenous children is quite difficult to find when it is related to how many indigenous children with disabilities exist in Indonesia. Referring to the data in West Kotawaringin as of June 2022, the number of indigenous children with disabilities has increased. The absence of regulations regarding indigenous peoples means that indigenous children with disabilities are also not fully protected, even though children with disabilities who live in traditional environments, such as forests, are more vulnerable to the effects of environmental damage and pollution. In addition, children with disabilities are rarely involved in customary decision-making processes.

**G. Rights of Children with Disabilities**

A new paragraph on children with disabilities could be added following the paragraph on Indigenous children to highlight: the disproportionate impact of climate change on children with disabilities including the risks they face in climate emergencies and in the aftermath; the need for accessible services, information, education and communications to ensure that all children with disabilities can benefit equally from preparedness, mitigation and adaptation measures and to ensure their equal participation in contributing to climate action discussions and solutions.

**H. Right to non-discrimination (Article 2)**

1. The need to ensure that data is disaggregated by disability and by impairment type of children with disabilities.

**I. Best interests for the child (Article 3)**

1. **Paragraph 54:** All laws, regulations, policies and decisions that affect children, apart from having to prioritize the best interests of the child as the primary consideration, also need to include and take into account the opinions of children, including children with disabilities.

**J. Children's right to be heard (Article 12)**

1. The involvement of children with disabilities must be carried out, in the development processes and planning related to climate change. The way that can be done is to widely provide information related to climate change in accordance with the variety of disabilities they have. This relates to the provision of accessible communication channels for children with disabilities in all their diversity, including alternative and augmentative modes of communication including sign language interpretation, easy read formats, accessible electronic formats, etc.

**K. Freedom of expression, association and peaceful assembly (Articles 13 and 15)**

1. In conveying opinions, children with disabilities need a support and alternative communication methods that are appropriate to them. This needs to be ensured by the State through the provision of adequate accommodations, alternative and augmentative modes of communication including sign language interpretation, easy read formats, accessible electronic formats, etc.

**L. Access to justice and rehabilitation (Article 4)**

1. **Paragraphs 65 and 66:** To ensure access to justice and remedy for children with disabilities, the State must provide accessible complaint services supported by appropriate accommodation, as well as advocates for children with disabilities for those who need assistance in accessing their needs. In many situations, access to complaints and services for persons with disabilities has been carried out by civil society and organizations of persons with disabilities to be submitted to the Government.
2. Children with disabilities who are victims of the environmental impacts of the business sector must be brought to the attention of the Government and the business sector, including by providing temporary social assistance, cash assistance, and alternative long-term and sustainable solutions.
3. The State must continuously carry out studies and evaluations to monitor and track the situation of working children and the negative impact on their physical and psychological health, including children with disabilities and the effect of exacerbating impairment. The State should also be able to make policies that encourage companies to create recovery programs and business accountability for the impact resulting from the company's activities.

# **General obligations of the State**

1. **Obligations to respect, protect and fulfill**
2. **Paragraphs 75 and 76:** The government must ensure that creative economy development efforts, including through home industries, do not pose negative effects on children in the region. In one area in Central Java, there is a higher rate of health impacts compared to other areas, inferred to be caused by climate change due to the large number of home industry businesses making pots with metal materials, tofu factories (tofu waste), crackers factories with textile dyes, which indirectly pollute the environment of the population. Without having to make it difficult for small industrial enterprises, the State must ensure that there is an evaluation of environmental impacts and their effective implementation, including sanctions for those who are responsible.
3. **Paragraph 78:** To provide quality health services for children to the lowest level, including physiotherapy for children with disabilities.
4. **Paragraph 81:** The state needs to build a data system for children, including children with disabilities who are affected by environmental damage, air pollution and climate change, to provide a policy reference. Beyond data disaggregated by disability, environmental and climate change research should be disability-inclusive and include persons with disabilities, including children, in the design and evaluation of research projects.
5. **Increased Responsibilities**
6. **Paragraph 82:** The state needs to pay more attention to the severe and long-lasting effects on children with disabilities. The state also needs to ensure appropriate and effective handling of disaster emergency response for children with disabilities.
7. **Access to information**
8. To ensure access to climate change and environmental information is accessible to children with disabilities and their families taking into account the diversity of this population and promoting alternative and augmentative modes of communication.
9. **Child rights impact assessment**
10. **Paragraph 87:** The state must make laws, regulations and policies to prevent, deal with and provide recovery for children with disabilities from potential environmental pollution and climate change, and develop a long-term policy framework.
11. **Paragraph 88:** Assessment of the impact on children's rights must pay special attention to the differences in the impact of the environment and climate on children, especially the group of children who are most at risk or pose a higher potential to increase the number of children with disabilities in a particular region.

**F. Children's rights and the business sector**

1. **Paragraph 90:** The state must encourage the business sector, state-owned or private, to carry out a due diligence on the impact of business on children, including the risk and impact on the health of children including exacerbating impairments of children with disabilities.
2. **Paragraph 92:** The state ensures the provision of strict sanctions against businesses that violate children's rights, both legally and administratively, including compensation and remedies for children who experience health impacts as a result of the business operation.

# **Profile of OHANA**

OHANA is a women-led organization that focuses on the human rights of women and children with disabilities, as well as advocacy and community development. The vision of OHANA is to realize social justice and equal rights through increasing human rights for people with disabilities.

Address of OHANA: Jl. Kaliurang KM 16,5, Kledokan Hamlet, Umbulmartani, Ngemplak, Sleman, Yogyakarta 55584, Java, Indonesia

TEL: 62 274 2861548 | Fax: 62 274 2861548 | website: https://www.ohanaindonesia.org/

1. Meteorology, Climatology and Geophysics Agency (BMKG) publish simple data on climate change that could be accessed online. Indonesia developed the Climate Change Control Advisory Council (DPPPI) by the Minister of Environment and Forestry through Decree Number: SK.487/MenLHK/ Setjen/ OTL.0/ 6/2016 on 24 June 2016. One of the functions of this Council is to coordinate with Ministries/Agencies to provide data related to climate issues and efforts to reduce Green House Gas (GHG) emissions and collect data and information for database systems and information on programs/activities from all sectors and Ministries/Agencies. Meanwhile, the National Disaster Management Agency (BNPB) records data on the impact of climate change on livelihoods and disasters. [↑](#footnote-ref-1)