



The Role of the Court in Implementing the Rights of Persons with Disabilities

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Legal Aspect

- Indonesia ratified the United Nations Convention on the Rights of Persons with Disabilities (**UNCRPD**) in 2011 (Law No 19/2011)
- The convention calls member states to guarantee **effective access to justice** for persons with disabilities on an equal basis with others, it also mandated State Parties to conduct **appropriate training for those working in the field of administration of justice**, including police and prison staff (CRPD Article 13)
- The ratification of UNCRPD requires Indonesian to improve services in all aspects for persons with disabilities, including **legal and judicial aspects**



***Indonesia Law on
Disabilities No. 8/2016***

***Demonstrated Indonesia's
commitment to protecting
the rights of persons with
disabilities***

Legal Aspect

- As mandated by the Indonesian Disabilities Law No 8/2016, law enforcer agencies are required to provide reasonable accommodations for persons with disabilities in the judicial process - **Article 36[1]**
- Thus, in 2020 the Government of Indonesia enacted **Government Regulation No 39/2020** concerning Adequate Accommodations for Persons with Disabilities in the **Judicial Process**

Two aspects of **appropriate accommodation** according to Government Regulation No 39/2020:

- **Adequate accommodation in terms of services**, among others:
 - Non-discriminatory treatment
 - Effective communication
 - Disability assistance and/or sign languages translator/interpreters
- **Adequate accommodation in terms of facilities and infrastructure**
 - must be adapted to the obstacles faced by persons with disabilities
 - among others: vision, hearing, speech, communication, mobility, concentration, intellectual, emotional behaviour, etc.



The roles of Courts in Protecting the Rights of Persons with Disabilities: Indonesia's experienced

Policy

- **Decree of the Director General of the General Court of Justice of the Supreme Court** Number 1692/DJU/SK/PS.001/12/2020 concerning Guidelines for the Implementation of Services for Persons with Disabilities at the High Court and District Court
- **Decree of the Director General of Religious Court** No. 206/DJA/SK/I/2021 concerning Service Standards for Persons with Disabilities in Religious Court
- These decrees regulate about Standard Operating Procedures for One-Stop Integrated Services

Practice

- **Developed training modules on Human Rights, Courts and Disabilities**
- **Conduct regular training for judges and court apparatus**
- **Short training and workshop of relevant disabilities law, government regulations and Supreme Court Decree on the protection of persons with disabilities**
- **Appointment of 50 Pilot Courts of Court Services for Persons with Disabilities**
- **11 courts deserve to be designated as pilot locations (best practices) for the delivery of public services that are friendly to vulnerable people in 2020.**



Survey in 2020

Respondents: 2,290 court apparatus from all over Indonesia



74 % respondents said that the court did not provide access to companions who could assist persons with disabilities.



94 % respondents stated that they did not have access to translators which might be needed by persons with disabilities in dealing with the law.



96 % respondents stated that the courts do not have access to experts or psychologists who can help persons with disabilities when they are faced with the law.

ACTION PLAN

- Equal Court Services
- Suitable Accommodation for disabilities
- Courts that are comfortable and safe for disabilities

Indonesia's experienced: Courts Facilities for persons with disabilities

- Sign for disabled parking
- Guide tile or guiding blocks
- Instruction in Braille
- The entrance of the courtroom is designed to be accessible for persons with disabilities
- Accessible toilet for persons with disabilities
- Disability-friendly staff
- Mobility assistance and support



COURT SERVICES FOR DISABILITIES





Terima kasih
Thank you

