Editorial

Nothing About Us Without Us

This motto of the Disabled Persons International presents a huge challenge to governments and peoples. Discrimination against persons with disabilities is deeply ingrained in peoples' consciousness and reflected in the existing domestic political, social, economic and cultural systems. While governments in the Asia-Pacific have initiated efforts to address the problems faced by persons with disabilities, the full realization of these efforts is hindered to a large extent by the inadequate appreciation of the issues involved by the government officials and the general public.

The active participation of the persons with disabilities themselves in the planning and implementation of measures addressing the issues is a crucial element. In addition to recognizing the rights of persons with disabilities, the appropriate policies and mechanisms for their active participation have to be in place and effectively implemented.

This idea however is not an easy task. Persons with disabilities have to empower and organize themselves to be able to undertake the role. While some persons with disabilities could easily become active participants in the planning and implementation of measures addressing their issues without problems, others need much support to do so.

Governments and peoples have to provide the facilities as much as opportunities for persons with disabilities to exercise their capacities and develop their potentials in order to fulfill the motto "Nothing About Us Without Us."

Rights of Persons with Disabilities in the Asia-Pacific

Saowalak Thongkuay

Almost 60 per cent of the world's 650 million persons with disabilities live in Asia and the Pacific according to the United Nations (UN) estimates.[1] This translates into some four hundred million persons with disabilities in the region who need support in realizing their human rights. But these figures are all estimates at present. Differences in definitions of disability, methods of data collection as well as capacity of data collecting professionals prevent a more definitive accounting of the number of persons with disabilities in the Asia-Pacific, and in the rest of the world.[2] There are also problems in some countries of low priority and exclusion from official statistics of the data on persons with disabilities.

Data from the country profiles collected by the Asia-Pacific Development Center on Disability (APCD)[3] provide an approximated number of persons with disabilities (PWDs) in some of the countries in the Asia-Pacific region:

Table 1

Country	Estimate No. of PWDs
Bangladesh	518, 649
Bhutan	21, 000
China	60 million
India	15.9 million
Indonesia	6 million
Japan[4]	7 million
Lao PDR	52, 200
Mongolia	115, 000
Nepal	103, 795
Pakistan	1, 918, 705
The Philippines	942, 098
Samoa	2, 874
Sri Lanka	274, 771
Thailand	1, 100, 762
Vanuatu	2, 749
Viet Nam	4, 039, 241

Available data reveal wide disparities in the proportion of persons with disabilities in the region, ranging from 0.7 per cent (Cook Islands) to 20 per cent (Australia).[5]

The UN, through the Economic and Social Commission for Asia-Pacific (ESCAP), reports that in many cases in developing countries disability is caused by inadequate maternal and childhood nutrition, infection and disease, lack of clean water, accidents, armed conflict, terrorism and antipersonnel landmines. Seventeen per cent of Afghans developed disabilities as a direct result of the armed conflict. In Cambodia, 18 per cent of the persons with disabilities are amputees likely caused by antipersonnel landmines.[6]

In countries that are experiencing fast-paced globalization with the consequent tougher competition and higher level of stress, the number of persons with psychosocial disabilities is on the rise. Conflicts and natural disasters have also contributed to the increase.

Poverty and marginalization characterize the situation of majority of the persons with disabilities in the region. ESCAP considers them to be "among the poorest of the poor and the most marginalized in the society." Living mostly in the rural areas, they have difficulty accessing whatever facilities for them are available because these facilities are usually located in the cities. They generally have limited access to education, employment, housing, transportation, health services and recreation, leading to their economic and social exclusion. The International Labour Organization (ILO) states that the unemployment rate among persons with disabilities is usually double that of the general population and often as high as 80 per cent. They frequently face various barriers such as negative attitudes of employers, lack of accessible facilities, and lack of vocational and technical training.

Women and girls with disabilities in developing countries face triple discrimination due to their status as females, persons with disabilities and their over representation among the poor. They are two to three times more likely to be victims of physical and

sexual abuse at home or in institutions for persons with disabilities. Few victims ever talk or file a grievance due to lack of confidence and knowledge of where or whom to turn to for help.

Children with disabilities are largely excluded from educational opportunities. It is estimated that for the majority of countries in the region less than 10 per cent of children with disabilities are enrolled in school. The ESCAP Survey in 2004 indicates for example that the school enrolment rate of children with disabilities is 2 per cent in the Philippines and 4 per cent in Bangladesh and Pakistan.
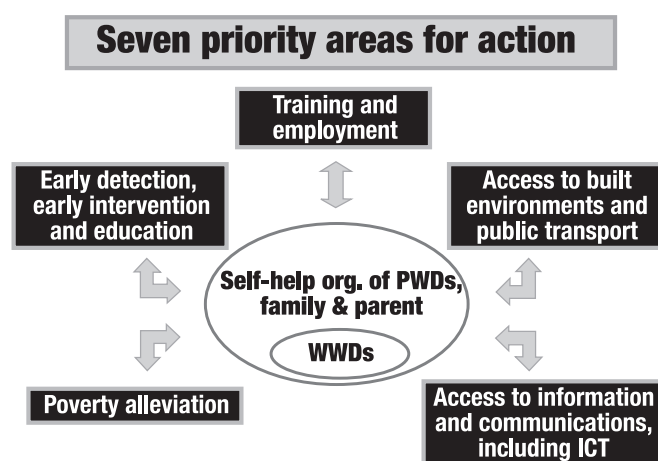
Regional response

The UN World Programme of Action concerning Disabled Persons[7] provided a framework for addressing the disability issue. The World Programme entails "long-term strategies integrated into national policies for socio-economic development, preventive activities that would include development and use of technology for the prevention of disabilities, and legislation eliminating discrimination regarding access to facilities, social security, education and employment."[8] ESCAP followed this up with the first regional decade on the issue, "The Asia Pacific Decade of Persons with Disabilities, 1993-2002."[9] The Decade was aimed at strengthening the regional support for the implementation of the World Programme in the Asia Pacific region beyond 1992, and to strengthen regional cooperation to resolve issues affecting the achievement of the goals of the World Programme, especially those concerning the full participation and equality of persons with disabilities.

An Agenda for Action adopted to implement the Decade requests all members and associate members to support its national implementation through public awareness activities, appropriate policies and other measures, and the allocation of resources; invites all governments, donor agencies and the private sector to contribute to the trust fund for the Decade to ensure the successful implementation of the Agenda for Action; also invites the United Nations Development Programme, the United Nations Children's Fund and other concerned United Nations bodies and agencies, in close cooperation with ESCAP, to strengthen their support for the building of national capabilities for effective implementation of the Agenda for Action.

Two regional meetings in 1999, held in close collaboration with stakeholders in the disability-related concerns, developed practical guidelines for advancing equal access by persons with disabilities to mainstream development opportunities on the following areas: 1) education and technology for the specific needs of children and youth with disabilities; and 2) implementation of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities and fulfillment of the Decade targets.

ESCAP extended[10] in May 2002 the Decade for another ten years from 2003 to 2012, and started a number of initiatives under the extended Decade. In October 2002, the high-level intergovernmental meeting held in Otsu, Shiga, Japan adopted as guideline for action the "Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific" (BMF). The BMF promotes a paradigm shift from a charity-based to a rights-based approach to disability. It promotes a barrier-free, inclusive and rights-based society, which embraces the diversity of human beings. Further, it enables and advances the socioeconomic contribution of its members and ensures the realization of those rights by persons with disabilities. It identifies seven priority areas, four major strategic areas, with twenty-one targets and seventeen strategies.

Seven priority areas for action

- Training and employment
- Early detection, early intervention and education
- Access to built environments and public transport
- Self-help org. of PWDs, family & parent
- WWDs
- Poverty alleviation
- Access to information and communications, including ICT

The BMF has five key strategies:

1. Reinforcing a rights-based approach to disability issues;
2. Promoting an enabling environment and strengthening effective mechanisms for policy formulation and implementation;

3. Improving the availability and quality of data and other information on disabilities for policy formulation and implementation;

4. Promoting disability-inclusive development;

5. Strengthening comprehensive community-based approaches to disability issues for the prevention of the causes of disability and for the rehabilitation and empowerment of persons with disabilities.

One of the most significant developments during the first five years of the extended Decade was the adoption of the Convention on the Rights of Persons with Disabilities (CPRD) and its Optional Protocol.[11] This marked the beginning of a new era in the global efforts to promote and safeguard the civil, political, social, economic and cultural rights of persons with disabilities, and to promote disability-inclusive development and international cooperation. In Asia-Pacific, fourteen countries as of March 2009[12] have ratified the CRPD (Australia, Azerbaijan, Bangladesh, China, India, Jordan, New Zealand, Oman, the Philippines, Republic of Korea, Saudi Arabia, Thailand, Turkmenistan and Vanuatu).

Implementing the BMF

The midterm review of the implementation of the BMF reveals some major developments:[13]

1. Institutional arrangements on disability – at least twenty-seven governments reported having national mechanisms on disability. Twenty governments reported that their national coordination mechanisms had representatives from more than one ministry and disabled people's organizations. But some governments still lack the financial and human resources as well as the technical capacity to engage in policy development and implementation using these mechanisms.

2. Disability provisions in the legal system - the Constitutions in at least twenty governments have disability provisions that are either of the two major types: (a) the obligation of the State to provide welfare, prevention and rehabilitation programs; and (b) the obligation of equal protection under the law and protection of the rights of persons with disabilities. At least fourteen governments have a comprehensive disability law. Comprehensive laws in nine governments cover the seven priority areas of the

BMF. Seven governments reported having a disability-specific anti-discrimination law.

3. National action plan, policies and decision-making processes on disability - At least twenty-one governments have such action plan, with eleven of them having developed it during the last five years. At least thirteen governments have policies to support the development of self-help organizations of persons with disabilities (SHOs). And at least fifteen governments have measures to ensure the inclusion of persons with disabilities in decision-making processes.

4. Anti-discrimination measures - At least ten governments have anti-discrimination measures to safeguard the rights of women with disabilities. Over the last five years, governments and non-governmental organizations have organized a number of workshops and seminars focusing on the theme of women with disabilities. In at least fifteen governments, the participation and equal representation of women with disabilities has been promoted by either law or SHO policy. In addition, fifteen governments reported that their women's associations included women with disabilities in their membership.

5. Primary education for persons with disabilities – a total of eighteen governments reported that children and youth with disabilities form an integral part of their measures to attain Millenium Development Goal 2 on achieving universal primary education. But the report observes that while "the general assessment on the attainment of Millennium Development Goal 2 was positive with most countries in the region having a primary enrolment rate above 80 per cent, the majority of data available indicate lower rates for children and youth with disabilities."

6. Community-based mechanism - At least thirteen governments have taken measures to provide community-based early intervention services and training programs. Nineteen governments provide services for the early detection of disability in infants and young children.

The review also provides a set of challenges that have to be overcome during the next five years of the BMF implementation. The review states that[14]

> Urgent action should be taken to reduce poverty and improve educational and employment opportunities for persons with disabilities.

Similarly, measures to ensure that disabled persons have access to information, in particular, the use of sign language, and access to ICT have to be taken. Disability-specific data collection systems as well as the mainstreaming of the disability perspective into existing censuses, regular labour, education and health surveys, and poverty mapping should be further promoted. Enhanced support for women with disabilities, persons with disabilities in rural and remote areas, deaf-blind persons, persons with intellectual disabilities and persons with psychosocial disabilities is required. Disaster-resilient accessible communities have to be built and disability-inclusive disaster preparedness has to be promoted.

CRPD: Challenges and Opportunities

Most countries in the Asia-Pacific are contemporary societies that have adopted new ideas such as those related to persons with disabilities. But the persistence of traditional thinking that oppose new ideas (such as the rights of persons with disabilities) poses a question on how a Barrier-free Society can be achieved. An inadequately informed general public and an ineffective system of monitoring the implementation of relevant laws on disability reveal an interesting interaction between social attitude and the legal system. This situation leads to persons with disabilities being confined at home and unable to avail of the protection and benefits that the laws are meant to provide. The existence of the CPRD provides challenges and opportunities for the promotion of the rights of persons with disabilities among the general public, such as through the following activities:

1. **Public debates**[15] – They can facilitate the understanding on the way language use, attitudes, and people's view of disability impact on how societies handle disability issues, and on the paradigm shift about persons with disabilities.

2. **Cultural representations** – They can properly convey to the society the appropriate messages, images and ideas about persons with disabilities.

3. **Review of disability portrayal in literature** – The encounter of old images of persons with disabilities in literature (novels and other forms) and the contemporary ideas provides the opportunity for reviewing how persons with disabilities want the society to think about them, and how society think about disability issues.

4. **Use of legislative forums** – A greater understanding of disability and the needs of persons with disabilities should be highlighted in policymaking processes and legislative forums to address the gap between international standards and national systems.

Nothing about us without us

The Disabled Peoples' International (DPI) adopted the motto "Nothing about Us without Us" at its founding in 1981. The motto has been particularly effective in capturing a key idea of the struggle for human rights – self-determination is essential for achieving true equality. This is clearly acknowledged in the 1993 UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Rule 18 says,

> States should recognize the rights of persons with disabilities to represent persons with disabilities at national, regional and local levels. States should also recognize the advisory role of organizations of persons with disabilities in decision-making on disability matters.

The ideas of self-determination and human rights developed and fought for by persons with disabilities through their international disability movement and encapsulated in "Nothing about Us without Us" motto are also at the very heart of CRPD. It recognizes that "disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others." (Preamble, CRPD)

Conclusion

The Disabled Peoples Organizations (DPOs) are working hard to mainstream the rights of persons with disabilities and related concerns within existing inter-governmental and regional non-governmental mechanisms in Asia-Pacific. They would like the rights of persons with disabilities to be explicitly stated in policy documents and program guidelines as well as respected at all stages of program implementation (including the stages of engagement, country analysis, strategic planning, monitoring, and

evaluation). The direct participation of persons with disabilities and their organizations in the current discussion on human rights in ASEAN through the non-governmental networks (such as the Solidarity for Asian People's Advocacy) is an example of such mainstreaming efforts.

Networking and collaboration among civil society organizations, government agencies, international development agencies, and multilateral and bilateral agencies are key requirements in the implementation of CRPD and other human rights instruments that incorporate the rights of persons with disabilities in their development agenda.

Social mechanisms are crucial in enabling the participation of persons with disabilities in processes that would reduce the gap in implementing CRPD, BMF and other related programs. The persons with disabilities are the most qualified and best-equipped people to support, inform and advocate for their rights. Consequently, when including disability issues in any development plan, the participation of persons with disabilities is vital. Without the participation of the persons with disabilities in the process, especially in the decision-making one, it is unlikely to meet the needs of persons with disabilities. The DPI motto 'Nothing about Us without Us' proves true in many cases.

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Endnotes

[1] ESCAP Fact Sheet, page 11, available in http://www.unescap.org/esid/psis/FactSheets.pdf

[2] See *Fifth quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons*, Report of the UN Secretary General to the General Assembly, A/63/183, 28 July 2008.

[3] Country Profile, http://apcdproject.org/countryprofile/

[4] Based on Ryosuke Matsui, *"Employment Measures for Persons with Disabilities in Japan,"* in *FOCUS Asia-Pacific*, volume 54, page 8.

[5] ESCAP, op.cit.

[6] See Cambodia country profile, http://apcdproject.org/countryprofile/cambodia/cambodia.html

[7] United Nations General Assembly resolution 37/52, 3 December 1982.

[8] History of United Nations and Persons with Disabilities - The World Programme of Action Concerning Disabled Persons, UNEnable, www.un.org/disabilities/default.asp?id=131

[9] http://www.unescap.org/esid/psis/Disability/bmf/APDDP2_2E.pdf

[10] ESCAP resolution 58/4 of 22 May 2002.

[11] This optional protocol provides the Committee of Rights of Persons with Disability the authority to accept communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.

[12] UN Treaty Collection, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=1&chapter=4&lang=en

[13] *Review of Progress Made and Challenges Faced in the Implementation of the Biwako Millennium Framework for Action Towards an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific, 2003-2012*, High-level Intergovernmental Meeting on the Midpoint Review of the Asian and Pacific Decade of Disabled Persons, 2003-2012, Report of ESCAP to the ECOSOC (E/ESCAP/APDDP(2)/1, 22 August 2007).

[14] Ibid., page 20.

[15] Based on Antika Sawadsri, "Toward access legislations in practice: Experience from field work study," School of Architecture, Planning and Landscape, University of Newcastle (United Kingdom), 27 February 2008.

Bangladesh and Persons with Disabilities

Khandaker Jahurul Alam

Bangladesh is not only one of the most densely populated countries in the world (with 926 persons per square kilometer) but also located in the world's largest delta, facing the Himalayas in the North, bordering India in the West, North and East, Myanmar in the Southeast, and the Bay of Bengal in the South. Its geographical position makes the country highly prone to natural disasters. Crisscrossed by two hundred thirty recognized rivers, each year about 30 per cent of the net cultivable land is flooded, while during severe floods, which occur every four to seven years, as much as 60 per cent of the country's net cultivable land is affected. Moreover, since the Bay of Bengal records the world's most pronounced storm surge disasters, the densely populated coastal regions of Bangladesh are subject to damaging cyclones almost every year. These are further compounded by tornadoes that affect the plains almost every year leaving a trail of death and disability. Economically, Bangladesh has one of the lowest annual per capita incomes in the world (under 450 US dollars). Even though agriculture is the premium bread earner of the common person and the nation, it also has the highest percentage of people living in poverty where the poorest 10 per cent and the middle 75 per cent of the population are acutely and chronically malnourished respectively. The majority of the population is Muslim and almost all citizens speak one language, Bangla. A country with a population close to 150 million people, it has a large human resource base. This is compounded with some natural resources, and a potential field for tourism that can raise the profile of the country many folds.

Disability scenario in Bangladesh

No comprehensive empirical study has been conducted at present to determine the incidence and prevalence of disabilities in Bangladesh. The few studies that have been conducted reflect a medical rather than a social model of disability, and they are also limited in geographical coverage. While no reliable national data exist, anecdotal information and a number of micro studies generally suggest a disability prevalence rate of between 5 to 12 per cent. This is close to the WHO estimate, which states that 10 per cent of any given population can be considered to have some or other form of disability.

Ignorance and wrong beliefs surrounding disability, compounded with a negative and derogatory attitude of the community (including family members) have contributed to the marginal development in the disability sector in Bangladesh.

Disability-related legislations and policy framework

The National Constitution[1] of Bangladesh has numerous provisions that obligate the government to protect the rights and dignity of all citizens of the country equally and without any bias whatsoever. It also allows room for additional and/or supplementary provisions that will ensure that citizens who do not have access to all the public amenities are able to obtain such services. This has given the government ample opportunities to adopt legislative and policy frameworks for the development of the full potentials of persons with disabilities in the country.

In accordance with all national and international commitments/obligations, and under the purview of the National Constitution, the Bangladeshi government developed a National Policy on Disability in 1995. This policy embodies the first official recognition by the government of the issue of disability as part of development agenda. This policy was given legislative support when the National Parliament enacted the Disability Welfare Act on 4 April 2001. This law provides the first ever national definition and classification of disability.

To implement the National Policy on Disability and the Disability Welfare Act, the government formulated a National Action Plan on 24 September 2006. The Action Plan is very comprehensive, involving forty-six Ministries and divisions of the government to undertake specific activities for persons with disabilities. The government has also appointed a focal person in every division of the

Ministries (forty-six focal persons) who can provide the persons with disabilities the opportunity to get services from the government easily. Bangladesh signed and ratified in 2007 the United Nations Convention on the Rights of Persons with Disabilities (CRPD). In May 2008 the government signed the CRPD's Optional Protocol.

The Ministry of Social Welfare, the Department of Social Services and the National Foundation for Development of the Disabled Persons are the three government bodies that cater to the needs of persons with disabilities.

Prevention

As Bangladesh makes progress in implementing its health policies on infant mortality rate, immunization coverage, and general health care, there is likely a lowering of incidence of disabilities. However, the gains due to improved health care can be outweighed by the triple effects of increased number of surviving children with disabilities, increased number of people incurring disabilities due to old age (e.g., cataracts and arthritis), and widespread malnutrition. Disabilities due to natural calamities and road traffic accidents imply that the prevalence of people having disabilities in Bangladesh is likely to continually rise over-time, although the nature and distribution of disabilities are also likely to change considerably.

Education

Access to education of children with disabilities is extremely limited. An un-equal educational system, a rigid and unfriendly school curriculum, ignorance and lack of awareness of parents, compounded with the inadequate knowledge of teachers and the unfriendly school environment are obstacles to promoting the education of children with disabilities in Bangladesh. Under the government system of Bangladesh, the education of persons with disabilities is under the Ministry of Social Welfare not under the Ministry of Education. This has created a big barrier to persons with disabilities to be included into mainstream education. It is estimated that only about 5 per cent of children with disabilities are enrolled in existing educational institutions.

Recently, the government has been promoting inclusive education for children with mild disabilities. This may create a space for the enrollment of more children with disabilities in the mainstream educational institutions. Another positive step is the program of providing stipend to students with disabilities. But this stipend is not for all students with disabilities. Only 12,000 students with disabilities are getting the stipend while 1.6 million children with disabilities are waiting at home to be enrolled in educational institutions.

Employment

The government had declared about two decades back a 10 per cent employment quota for persons with disabilities and orphans. But this quota has never been properly implemented due to the lack of sensitivity of employers about the potentialities of persons with disabilities, contradictory employment policies, loopholes in the system, and a lack of proper monitoring system. A few years back, the Prime Minister of Bangladesh declared a 1 per cent employment quota for persons with disabilities in all cadre service (government) jobs.

The Centre for Services and Information on Disability, a non-governmental organization (NGO), study found that only 5 per cent of the respondents were in government jobs, 17 per cent in NGOs and 66 per cent were self-employed. Only 22 per cent had been able to find a source of financial credit (or micro-credit) support.

Bangladesh has a thriving corporate sector, which is the principal job provider after the government. It is also the largest backbone of the national economy, after agriculture. Jute and tea used to be the prime export items, however, readymade garments (RMG), handicrafts and leather export has gradually taken over as the larger export-oriented industries. Cosmetics and medicines produced in this country are also gradually gaining popularity in the export market. But in this large corporate structure, employment or job creation opportunities for the people with disabilities had never really taken off.

Communications and accessibility

Bangladesh has a building code that clearly demarcates accessibility options for all people including persons with disabilities. Yet again loopholes in the system, the lack of proper monitoring, and a lack of system to penalize violators prevent accessibility for persons with disabilities. Public and private offices, educational institutions, public transportation, utility infrastructures, recreation and tourist spots, market places – almost all are inaccessible to persons with disabilities. The

government has decided to require the establishment of separate ticket counters and reserved seats for persons with disabilities in public transports. But this decision has not been implemented since the public transports themselves lack general accessibility facilities.

Isolated NGO development program

Bangladesh has a plethora of NGOs (around 40,000) sharing the development work in the country alongside the government. In a background of such a large number of NGOs, who are mostly dependent on external funding, international NGOs, finance institutions and donors play a major role in the development scenario in Bangladesh.

Unfortunately, among the existing NGOs only four hundred are working for persons with disabilities. This has greatly isolated the work for the persons with disabilities from the mainstream NGO development work. Some of the active NGOs are presented below.

The National Forum of Organizations Working with the Disabled (NFOWD) is the apex federating body of NGOs working in the field of Disability in Bangladesh with a vision of an inclusive society where all persons with disabilities are visible and contribute equitably in the nation-building process. NFOWD works in three areas: (a) coordination among its members, (b) raising national level awareness and sensitization on disability issues, and (c) policy advocacy and lobbying work, and its principal working relationship is with the government of Bangladesh. As such, over the years it has gained the reputation and recognition within the country as an example of a perfect interface between the government and the NGOs in this field. Government committee, taskforce, working group, etc. on disability issues includes NFOWD as a member by default. This is upheld either by law, policy or an administrative decision. At the Asian regional level, the United Nations Economic and Social Commission for Asia-Pacific (ESCAP) has recognized this linkage as one of the 'best practices' in the area of 'GO-NGO Collaboration' in the region.

Following the internationally acclaimed spirit of "Nothing About Us Without Us" and a more recent target set in the Biwako Millennium Framework (BMF) on self-help initiatives, a large number of Disabled People's Organizations (DPOs) are coming up all over Bangladesh, mostly being supported by two large NGOs – Action on Disability and Development (ADD) and the Bangladesh Protibondhi Kallyan Shomity (BPKS).

Bangladesh has a very active and well-informed civil society, which also plays a major role in the national development. A few civil society organizations are also gradually addressing disability issues. The Rotary Clubs, the Lions Clubs and their affiliates have long been involved in health camps and eye camps for decades in this country, contributing much in the area of control and prevention of blindness. The Rotary Clubs have, during the last three years, donated over eight hundred wheelchairs to poor persons with disabilities.

Conclusion

Disability will always remain in Bangladeshi society, with the entire social stigma attached to it. But in the backdrop of all the problems involved, the silver lining is that the government is showing an increasing interest on persons with disabilities, and a keen interest to work hand-in-hand with the non-governmental sector. But to make real progress in this field in a developing country like Bangladesh, an all-out effort from all quarters is mandatory. The persons with disabilities themselves, their organizations, other organizations working in this field, and all the advocacy platforms need to increase their awareness campaigns for the prevention of disability and for the recognition of the rights and privileges of persons with disabilities as equal citizens of this country.

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Endnote

1 These provisions are contained in Articles 10, 11, 15, 17, 19, 20, 21, 27, 28, 29, 31, 32, and 36 of the Constitution.

Normalization of Aceh:
Impossible Without Truth-telling[1]

Amiruddin al Rahab

The absence of acknowledgment and accountability for the thousands of victims of violence during the period of armed conflict in Aceh makes the current peace settlement merely symbolic. For the Acehnese, the only change that the peace settlement brought was the change of people who hold power, or the ranks of the elite. The political situation in Aceh today and predictably even for the next five years remains to be an 'abnormality,' and if ignored for too long will destroy the peace investment.[2] Hence, steps to normalize Aceh have to be taken.

The main step towards the normalization of the political situation in Aceh is truth-telling. This article explains why this step is important and what requirements should be fulfilled to make truth-telling possible.

Symptoms of abnormality

The symptoms of the abnormal situation in Aceh are seen in a number of incidents and situations that occur in the area. The presence of the Free Aceh Movement (GAM) military wing and other militia groups that perpetrate terror and armed robbery is one example. Within the last few months, armed groups were involved in robbery in several areas around East and Central Aceh.

Another example is the lack of coordination within the bureaucracy between the Governor, the executive head, and the Regents who all belong to GAM. The lack of coordination between them led to the many complaints from the people about the slow process of change in the local governments.

The mobilization of support for the creation of new provinces in Central, Western and Southern Aceh constitutes another symptom of abnormality. The people behind this effort argue that the new provinces would provide prosperity to the interior and western coastal areas, and stop dependence on the provincial government of Banda Aceh that does not really pay attention to their situation. But dividing the Aceh province into several provinces does not necessarily mean obtaining better economic condition since the natural resources and public facilities are not evenly spread in the province. Members of the Indonesian provincial elite still believe this idea, which actually "betrays" the ideals of the 2005 Helsinki Memorandum of Understanding and the Free Aceh Movement.

The most obvious symptom of 'abnormality' is the implementation of the Islamic Laws (*Syariat Islam*). While the Islamic Laws address the particularity of the situation in Aceh, they have also become means for political negotiation. The Islamic Laws are tools to "threaten" the National Government to agree to demands of those in power in Aceh by making the Aceh provincial government adopt strict Islamic regulations that in turn become example for other Indonesian provinces with majority Muslim population to follow. The National Government does not want this to happen, as this will cause disruption of the national unity and stability. This also traps the elites and the Acehnese society as a whole since the Acehnese identity becomes strictly Muslim. This means that those who were born and lived in Aceh all their lives cannot declare themselves non-Muslim in order to be identified as Acehnese. Finally, this has become the source of confusion in the attempt of people to institute political reforms.

Why do these symptoms of abnormality happen? The lack of standard guidelines in understanding, as well as the absence of a wide acknowledgment, of the bitter experiences of the Acehnese people in the past would explain these symptoms. All new political regulations and the coming of new elites in the political arena merely function as short-term transactions. This implies that the Acehnese society faces difficulty in identifying substantial difference in the characters and systems of the ruling governments in the past and at the present. The only identified difference refers to the different personalities among the elite.[3]

Suffering of the past and expected change

In 1989, the National Government established the Military Operation District (DOM) in Aceh in support of its military response to the Aceh issue. In 1998, the DOM ended and a State of Emergency (DO) was instituted instead. During the DOM and DO periods, the armed conflict raged and thousands of Acehnese suffered from human rights violations.

With the high cost of the armed conflict situation in terms of lives lost and properties destroyed and other problems, the National Government and the armed opposition group (GAM) started peace negotiations through the mediation of Finland.

The peace process raised the expectation of a real change in the situation of Aceh. But change turned out to be merely symbolic.

This symbolic change started right after the leaders of GAM and the delegates of the government of the Indonesian Republic (RI) signed the Memorandum of Understanding (Helsinki MoU) on 15 August 2005 in Helsinki, Finland. The treaty was formally legalized when the National Government passed Law No. 11 Year 2006 on Aceh Governance (UU PA). From that time onward, the existence of peace in Aceh hinged very much on the fulfillment of the mandates under the Helsinki MoU. The three major mandates are the following:[4]

a. Autonomous governance of Aceh - "Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration…" – Article 1.1.2[5] UU PA has established the autonomous Aceh government.

b. Resolution of human rights issues - "The government of Indonesia will adhere to the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights;" establish a Human Rights Court; and establish a Commission for Truth and Reconciliation that will formulate and determine reconciliation measures..." – Article 2.

c. Amnesty and reintegration of former combatants into the society - The National Government, in accordance with constitutional procedures, will grant amnesty to all persons who participated in GAM activities as soon as possible but not later than fifteen days from the

signing of the MoU; unconditionally release all political prisoners and detainees held due to the conflict; restore to those who received amnesty and freed from prison and detention all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and at the national level – Article 3.2.

Peace in Aceh therefore is very much determined by the implementation of these Helsinki MoU mandates.

However, there is an old wound that cannot be healed instantly. That wound is the collective memory of the past atrocities that affect the whole body of the people of Aceh, especially the victims of violence during the long-winding conflict in the past. That collective memory has become a trauma that spreads beneath the surface without getting noticed.

This wound (collective memory) should be cured otherwise the process towards a peaceful Aceh would be hard to achieve. This is a big problem when talking about Aceh, a problem that weighs heavily in discussing its future.

In general, the problems that are related to the collective memory of violence and human rights violations that happened in Aceh can be categorized into two: first, violence and human rights violations that happened during the DOM era (1980 – 1998); second, violence and human rights violations that happened post-DOM era.

Aceh in transition

The armed conflict situation in Aceh resulted from two major problems that the Aceh people faced. The first was the loss of opportunities for the Aceh people to prosper under the centralized government system (with Jakarta as the center). The second was the brutal system of the dual-function military establishment that claimed thousands of lives.[6]

To address these root causes of the armed conflict, the Helsinki MoU called for the establishment of an autonomous government in Aceh in the context of the Unitary State of the Republic of Indonesia (NKRI). An autonomous government started to operate in Aceh by 2007 under the 2006 UU PA.

To solve the problems related to the brutality of the security apparatus and other armed forces, a Human Rights Court and a Truth Commission should be

established as soon as possible. The establishment of these two institutions will open a "gate of peace" that will help Aceh normalize the social life of its people as they recognize the dark past through truth-telling and by upholding the sense of justice of the society. The process of solving the main causes of armed conflict until a normal condition is achieved takes a long time. The process from the initial peace to the normal situation is called transitional process.

The transition time is an interval[7] from the end of the armed conflict to the process towards a new political system. This interval is politically seen as the most critical as it is the period when the moral legitimacy of the old order is lost, while the new order has yet to be wholly established. In this kind of situation, political compromises automatically ensue. Parties to the peace process enter into these compromises so that they will not risk their respective positions or cause the peace process to fall back to zero.[8]

The political transition currently happening in Aceh is a "transplacement" process or a compromise, using Huntington's theoretical framework on democratization.[9] This transitional process is characterized by an opposition or resistance having concluded that it could not win the battle against the government, and the latter having realized that it would not be capable of completely suppressing the former. Another characteristic is the fragility of the situation that can turn bad if the resistance force continues resisting, bringing back the conflict and risking the positions that have been secured. Or, on the other hand, the situation can turn bad if the government continues to suppress the opposition and brings about the dilemma of either losing the international legitimacy of the government or the current ruling group losing power to a more conservative group.[10]

A closer examination of the process of Helsinki negotiations that produced the MoU and of making it legal through UU PA shows the "transplacement" characteristics. Conservative groups within the nationalist faction of Partai Demokrasi Indonesia Perjuangan (PDIP) and retired Army generals put pressure on the government of Jakarta to review the present status of Aceh province based on the Helsinki MoU and, if possible, revoke the special status and autonomy that the Aceh Province has been enjoying. This is due to their centralistic governance viewpoint. They also do not want an Islamic province within a secular State.[11] The National Government that has the support of Golkar and

PDIP factions continues the negotiation to show that the ultranationalist groups could not dictate upon it and to keep its international legitimacy. Meanwhile, GAM itself is facing problems as it starts to lose its legitimacy before the international community and the people of Aceh. Other than that, GAM also faces a shortage of personnel and weapons. In that situation both parties were not capable of taking any offensive anymore, hence they resorted to negotiation as a *lose-lose solution*.

Lose-lose solution as a political democratization step in Aceh is marked with the shift of the demand for independence to a form of autonomous government. To reach this demand, GAM should surrender its weapons, which means that they have to dissolve its armed forces too. On the government end, it gave amnesty by dropping all criminal charges against the members of GAM. GAM also gained a political opportunity to form a political party and compete in the Provincial Elections (Pilkada) within the national political system.

Officials of GAM announcing the new party symbol to be submitted to the Department of Law and Human Rights of Indonesia for approval.
(Photo courtesy of Aceh Recovery Forum/Jamal)

By characterizing the political transition in Aceh as a "transplacement" (compromise) transition the efforts on dealing with problems of human rights violations during the armed conflict (DOM era) come within the political compromise domain. The question is, what are being compromised in solving the human rights violations?

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Endnotes

1 Written in Bahasa Indonesia by the author, Dhyta Catura translated the article into English. This is the first of two-part series of articles on Aceh peace process.

2 The opening of political democratic space for GAM exponents that allowed them to enter the formal political arena is the most important investment, of which the elements can now be seen from the election of Irwandi Yusuf and Muhammad Nazar (known as IRNA), the presence of six local parties in the elections, and the victory of personalities who were associated with GAM in some municipal elections. Another important investment is the space for freedom for the people of Aceh.

3 During the DOM regime, the elites in Aceh were dominated by members of Golkar and supported by the Armed Forces (ABRI), but now the elites are associated with GAM. The method of governance and the programs are similar but the budget for the MoU regime is bigger.

4 See *Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement.* An Indonesian-version of the MoU has been agreed upon by the delegates of both sides.

5 The power of autonomous governance does not extend to matters relating to foreign affairs, external defense, national security, monetary and fiscal affairs, justice and freedom of religion. (Article 1.1.2 of the Helsinki MoU).

6 Tim Kell, *The Root of Acehnese Rebellions, 1989-1992*, Cornell Modern Indonesia Project No. 74 (Ithaca, New York: 1995).

7 Theoretically, "interval time" is marked by the uncertainty of rules in the political process. This uncertainty occurs because of the ongoing changes and the decision-making process being employed in the conflict arena by the parties involved. See further, Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions and Uncertain Democracies*, LP3ES, Jakarta, 1993, pages 6-8.

8 The most obvious compromise was the willingness of GAM to change its name, from GAM Party to Independent Aceh Movement Party (Partai Gerakan Aceh Mandiri) and finally to Party of Aceh. The latest clarification by the General Elections Commission (KPU/KIP) finally confirmed the name as Party of Aceh (PA).

9 Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, (Jakarta: Grafiti, 1995), page 146. Theoretically, Huntington explains that there are three forms of transition - *transformation*, *replacement*, and *transplacement*. Transformation (reformation) is marked with the willingness of the old ruling political regimes and elites to initiate change. It means that political changes are conceived and initiated by the old regime itself. Replacement is marked by the success of opposition forces or resistance to overthrow or replace the old political regime and elites. Transplacement means the change towards a new political system is achieved through compromises between the opposition or resistance forces and the old political regime.

10 Ibid, page 192.

11 PDIP was the faction of the ruling party that declared the State of Emergency in Aceh in 2003. PDIP was also against the peace negotiation process in Helsinki and opposed the UU PA.

Symposium on Multi-cultural Families and the Local Community

Koonae Park and Nobuki Fujimoto

A symposium entitled "Multicultural Families and the Local Community - Examining Co-existence in Japan, Korea and Taiwan" explored the necessary governmental policies and programs (central and local) to address the plight of foreign immigrants and migrants in Japan, South Korea and Taiwan. The symposium also discussed the experiences in these countries on securing the human rights of foreign immigrants and migrants, and promoting the idea of "multicultural families."

The symposium focused on the situation of foreign immigrant women married to Korean, Taiwanese and Japanese husbands and who raised families in South Korea, Taiwan and Japan respectively. Kim Hyun Mee of Yonsei University (South Korea) gave a presentation entitled "Current Situation and Challenges in South Korea, Taiwan and Japan - Integration for Whom?: Married Migrant Women Policies in South Korea and Patriarchal Imagination." She pointed out that those cross-border or international marriages constituted 11.1 percent of the total marriages in South Korea in 2007. 88 percent of these marriages involve Korean men marrying foreign women. And among the foreign wives, Korean-Chinese women constitute 53.4 percent. Other nationalities constitute the rest: Vietnamese (19.8 percent), Japanese (4.9 percent), Filipino (4.5 percent) and Mongolian (1.9 percent) women. International marriages have been a "boom" since 2000 with the support of matchmaking enterprises. She stressed that the Korean government under its 2006 "Transition to a Multicultural, Multiethnic Society" policy saw international marriage as an answer to a number of issues in the current Korean society: low birth rate, high divorce rate, the imbalance of the sex ratio in marriage market, etc. Laws were enacted to address the increasing number of fraudulent marriages as well as to implement the integration policy. Matchmaking enterprises treated international marriages as "consumer-broker-product/service" matter, while scam marriages and marriages with false information arose. The integration policy was criticized for pursuing the assimilation of the foreign wives into the Korean society and the lack of respect for their own cultures. It was also criticized for promoting the objective of international marriages of forming, maintaining and reproducing the 'family'. As a result, the foreign wives dropped their cultural identity in order to adjust to the expected gender roles in Korean society and suffered from the problems of negotiating the adjustment process. She posed the challenge of uniting the Korean and foreign women into a single cause and recognizing the foreign women as the "new citizens" of Korea.

Hsiao-Chuan Hsia of Shih Hsin University (Taiwan) gave a presentation entitled "The Development of Immigrant Movement in Taiwan – the Case of Alliance of Human Rights Legislation for Immigrants and Migrants." She explained that according to the Ministry of Interior of Taiwan, as of the end of 2006, there were 384,000 foreign spouses, 65.1 percent of whom were from Mainland China and 34.9 percent from other countries (mostly Southeast Asian countries). A study by the Ministry of Interior showed that between 1987 to August 2003, there were 240,837 foreign spouses, including those from Southeast Asia (42.2 percent) and Mainland China (57.8 percent). Ninety-three percent of these foreign spouses were women. Among the women from Southeast Asia, 57.5 percent were from Vietnam, 23.2 percent from Indonesia, 5.3 percent from Thailand and another 5.3 percent from the Philippines. She said that foreign wives in Taiwan suffered from economic difficulties, isolation, and discrimination due to public perception that they acquired "fake marriages," that they (and their children) have low social status (low "quality") image, and that they were wasting social welfare resources. She also mentioned that foreign wives have difficulty getting Taiwanese citizenship due to legal constraints (particularly on financial requirement), which led to non-enjoyment of legal rights. These problems increased the barrier between the foreign wives and the mainstream Taiwanese society. Hsiao explained the response of the non-governmental organization community to this problem by forming the Alliance of Human Rights

Legislation for Immigrants and Migrants (AHRLIM). The AHRLIM wanted to make the public become aware of the situation of foreign wives and other foreign immigrants and migrants in Taiwan; promote the ideas of human rights, multi-culturalism and democracy; create public empathy to the plight of the foreign wives and other foreign immigrants and migrants; and demonstrate the subjectivity of the immigrant women. She stressed the need for the foreign women to participate in the campaigns, a multi-sectoral movement on immigrant women issues, and networking with other institutions outside Taiwan.

Emiko Miki a lawyer and the President of the non-governmental organization House for Women "Saalaa," gave a presentation entitled "Current Situation and Challenges of International Marriages and Multicultural Families in Japan – Women of Foreign Nationality who have Chosen to Live in Japan and their Children." She spoke about the history of foreign migration to Japan that led to trafficking and also international marriages. She pointed out that by the 1990s there were many children born of foreign mothers and Japanese fathers, as well as foreign parents who either have special permanent residence visa or lapsed visa.

She said that after 2000, many problems arose such as the problem of migrant foreign children adjusting to life in Japan, the aging of foreign women themselves, the adoption of regulations on human trafficking and their effects, the relationship between foreign children and the Japanese society, the declining birth rate, and the aging population in Japan. She also mentioned that many junior and senior secondary-level foreign students are struggling to survive in the Japanese society.

Maria Hiramatsu, a Filipina married to a Japanese for about ten years and a part-time staff of Toyonaka Association for International Activities and Communication, pointed out that since the situations in Japan and in the Philippines were very different, it was necessary for Filipinas to see such differences through social interactions with the Japanese. But there should be occasions for social interactions for the Filipinas to participate in, and for the Japanese to learn about the Philippines (its various languages, religion, etc.). She also expressed the importance of the foreigners being able to empower themselves, and being able to say "no." They should be able to decide by themselves on what to do, instead of simply accepting the advise of the Japanese supporters.

Mariko Kawabata of Toyonaka Center for Gender Equality spoke on the problems of foreign wives in Japan. She also stressed the importance of helping the foreign wives and migrants in empowering themselves. She agreed with Maria Hiramatsu about the need to address the issue of proper communication to government officials of the problems and sentiments of the foreign wives. She also supported the need for government officials to explore other effective options, instead of strictly sticking to one solution to the problems presented to them. They should also be knowledgeable of other countries, in addition to knowing foreign languages.

Most symposium participants from the local communities in Japan did not know the current situation of foreigners living in Korea and Taiwan. The symposium made them realize the similarity of issues regarding foreign immigrant women in Japan, South Korea and Taiwan, and understood that the civil movements' lobby with the government to improve the situation of foreign immigrant and migrant women was much ahead in South Korea and Taiwan.

HURIGHTS OSAKA co-organized with the Toyonaka Gender Equality Foundation and the Toyonaka Association for International Activities and Communication the symposium that was held on 18 October 2008 in Toyonaka city, Osaka prefecture. The Women's Studies Center of the Osaka Prefecture University and the Asian Center for Women Studies of the Ewha University (South Korea) cooperated in holding the symposium.

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For further information, please contact HURIGHTS OSAKA.

HURIGHTS OSAKA CALENDAR

HURIGHTS OSAKA (in cooperation with the Office of Human Rights Studies and Social Development in Mahidol University) has published the full research report of the United Nations World Programme for Human Rights Education – Asia Project in February 2009. The report is entitled *Human Rights Education in the School Systems in Southeast Asia - Cambodia, Indonesia, Lao PDR and Thailand.*

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