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It is important to note that the actual number of women and children with disabilities who have become victims of sexual violence is much higher than the figures reported. www.shutterstock.com

Why Indonesia's anti-sexual violence bill important for people with disabilities

Published: July 22, 2019 10.40am AEST

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Languages

Bahasa Indonesia

English

Despite many controversies surrounding deliberation on the anti-sexual violence bill in Indonesia's parliament, people with disabilities welcome the new bill.

Many disability organisations and advocates have demanded the parliament pass the bill as they believe it will be a major policy reform to protect people with disabilities from sexual violence. The law will also guarantee their equal rights with other fellow citizens. They laud the bill as a timely criminal justice response to people with disabilities, including children, suffering from sexual violence.

Current condition

The 2019 report from the National Commission on Violence Against Women showed a gradual increase in sexual violence cases against women with disabilities. It provided data showing the number of women with disabilities suffering from sexual violence had increased from 40 cases in 2015 to 89 cases as of March 2019.

Yogyakarta province, located 500 kilometres from capital Jakarta, recorded the highest number of cases, 47, followed by Jakarta with 17 cases as of March 2019.

This is mostly because Yogyakarta has the most active organisations advocating for legal rights and counselling for people with disabilities. Aside from civil organisations, there is also support from the local government in addressing sexual violence and promoting legal protection to people with disabilities.

Since 2016, there have been two district courts in Yogyakarta offering better legal protection to people with disabilities. They start by providing access for wheelchair users.

It is important to note that the actual number of women and children with disabilities who have been victims of sexual violence is much higher than the reported figures. The commission based the data mentioned above on the report submitted by disabled people organisations and legal aid foundations. Like fellow citizens, people with disabilities are often not aware of their legal rights.

Changes under the new law

The new law, which lists various forms of sexual violence as criminal offences including sexual harassment, sexual exploitation, forced contraception, forced abortion, rape, forced marriage, forced prostitution, sexual slavery and sexual abuse, will soon change this.

The law requires the government to adopt a series of policies to prevent sexual violence. This includes providing legal education to people with disabilities so they can understand their rights and what constitutes sexual violence.

Once passed, the law will better protect people with disabilities, especially women and children, from different forms of sexual violence.

Article 45 of the bill also acknowledges that people with disabilities have equal legal capacity to stand trial or testify as a witness. It also requires legal institutions, including courts, to address the needs of people with disabilities when they are engaged in legal processes.

This starts with providing well-trained staff to assist people with disabilities, including sign-language interpreters. The government can also provide assistive technology such as text-to-speech software to help visually impaired and blind people participate in trial processes.

One of the biggest challenges of women with disabilities when reporting sexual violence is Indonesia's complex legal system and incompetent authorities. There is simply a lack of understanding among law enforcement agencies about how to meet the needs of people with disabilities.

Due to these challenges, only a few were able to proceed their cases to court. In 2016, only three out of 76 cases went to trial in Yogyakarta.

The bill is in line with the United Nations Convention on the Rights of People with Disabilities, which Indonesia ratified in 2011. The convention aims to protect the rights and dignity of people with disabilities. The bill also supports the 2016 National Disability Law.

Remaining debates

The bill has triggered intense public debate, with opposition from Islamic parties led by the Prosperous Justice Party (PKS). They reject it because they believe the bill contradicts Islamic teachings as it promotes same-sex relations and other deviant sexual behaviours and liberal practices. They accuse the bill's supporters of being influenced by Western values.

They are missing the larger point.

They forget that the bill also promotes and protects the rights of the most marginalised and the most discriminated groups in Indonesian society: women and children with disabilities.

As politicians focus on the inauguration of a new parliament in October, supporters of the bill are concerned the bill might not be passed.

Should lawmakers decide to defer deliberation on the bill, it will raise the possibility that religiously motivated opposition continues to grow as it give them more time to continue with their campaign. This may lead to the defeat of this important law. Let's hope this will not be the case.