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This brief focuses on disability rights in the ASEAN countries, namely Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic (PDR), Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

The situation of persons with disabilities in the ASEAN countries

There are no reliable, up-to-date statistics on disability across the ASEAN region. Existing data are based on projections, for example using the WHO/World Bank average prevalence rates, or on sample surveys.

The variance in prevalence rates in the various studies depends on different definitions of disability used. The Convention of the Rights of Persons with Disabilities (CRPD) uses a broad definition of disability: *"Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on*

an equal basis with others". Many countries still have narrower, medical definitions in their laws as these have not yet been adapted to the CRPD. These narrow definitions often refer to specific bodily limitations (such as "loss of function in more than two limbs" or "less than 10% of normal vision despite wearing glasses").

According to *World Report on Disability*, the regional prevalence rate for disabilities in low- and middle-income countries in Southeast Asia is estimated at 16%, (WHO/World Bank 2011). The following table presents disability statistics for the ASEAN countries based on estimates gathered by the United Nations Economic & Social Commission for Asia & the Pacific (UNESCAP 2012a) and the *World Report on Disability* (WHO/World Bank 2011). Many of these percentages are assumed to be underestimated as most of the countries still use a narrow definition of disability (WHO South East Asia Regional Office 2013).

Country	Total Population (2011)	Disability Prevalence (ESCAP Disability survey 2011)		Disability Prevalence (WHO/WB/National Surveys)	
		Rate (%)	No. of persons	Rate (%)	No. of persons
Brunei Darussalam	401,890	1.1	4,421	Not available	Not available
Cambodia	14,701,717	1.4	205,824	8.1	1,190,781
Indonesia	245,613,043	1.4	3,438,583	21.3	52,315,578
Lao PDR	6,477,211	1	64,772	8	518,177
Malaysia	28,728,607	1.3	373,471	4.5	1,292,787
Myanmar	53,999,804	2.3	1,241,995	6.4	3,455,987
Philippines	101,833,938	1.2	1,222,007	28.8	29,328,974
Singapore	4,740,737	3	142,222	3	142,222
Thailand	66,720,153	2.9	1,934,884	2.9	1,934,884
Viet Nam	90,549,390	7.8	7,062,852	6.4	5,795,161
Total	613,766,490	-	15,691,031	-	95,974,551

The figures above suggest that there are at least 16 million persons with disabilities living in the ASEAN region, and using broader definitions of disability (as is done in the Convention of the Rights of Persons with Disabilities), the figure

could be closer to 95 million. Persons with disabilities remain among the most marginalised people in Southeast Asia. Many lack access to basic services, as well as rehabilitative services and employment opportunities (Handicap

International). It is estimated that less than 10% of children with disabilities in the region attend school (UNICEF 2003). The prevalence of disabilities in the region is exacerbated by the presence of landmines and explosive devices (for example in Cambodia and Laos), high road accident rates, and poor access to maternal health services in many rural areas. Persons with disabilities are particularly vulnerable during and after natural disasters (such as the 2014 typhoon in the Philippines) and in refugee camps.

Legal and policy frameworks

The country governments of Southeast Asia, and the ASEAN region as a whole, have taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. At the same time, significant legal and policy gaps remain. In terms of **international instruments**, the situation can be summarised as follows:

- Nine out of the ten ASEAN countries have signed the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD) and eight have ratified it. (See the table below for more details). The CRPD is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. However, only one ASEAN country, namely Cambodia, has signed the Optional Protocol to the CRPD, which allows persons with disabilities whose rights have been violated to bring complaints to the Committee on the Rights of People with Disabilities. Read more

www.un.org/disabilities/convention/conventionfull.shtml.

- Six of the ASEAN countries have signed and ratified the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (also known as the Ottawa Mine Ban Treaty) – an important instrument for reducing the incidence of disabilities. (See details in the table below). This treaty places an obligation on the governments in question to clear all known areas contaminated by anti-personnel mines within 10 years.
- Three of the ASEAN countries have signed the *Convention on Cluster Munitions*. However, only Lao PDR has ratified the convention, thereby agreeing to destroy all stockpiles of cluster munitions within eight years, clear all areas contaminated with cluster munitions remnants within 10 years, and provide assistance to and fulfil the rights of victims of cluster munitions.
- All of the ASEAN countries are also state parties to the *UN Convention on the Rights of the Child* (CRC) and the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) – both of which make reference to protecting the rights of persons with disabilities to fair treatment, appropriate care and full participation in society.

Country	CRPD		CRPD Optional Protocol		Ottawa Mine Ban Treaty		Convention on Cluster Munitions	
	Signed	Ratified	Signed	Ratified	Signed	Ratified	Signed	Ratified
Brunei Darussalam	✓				✓	✓		
Cambodia	✓	✓	✓		✓	✓		
Indonesia	✓	✓			✓	✓	✓	
Lao PDR	✓	✓					✓	✓
Malaysia	✓	✓			✓	✓		
Myanmar		✓						
Philippines	✓	✓			✓	✓	✓	
Singapore	✓	✓						
Thailand	✓	✓			✓	✓		
Viet Nam	✓							

At the **regional** and **sub-regional level**, the following policies are important to note with reference to disability rights:


- All the ASEAN countries are signatories to the *Proclamation on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region* and the *Biwako Plus Five Framework for Action Towards an Inclusive, Barrier Free and Rights Based Society for Persons with Disability*. Signatories pledge their commitment to developing effective policy and programmes at national, sub-regional and regional levels aimed at systematically improving the conditions of persons with disabilities and harnessing their full development potential.
- The ASEAN countries are also party to the UNESCAP's Incheon Strategy, titled *Make the Right Real*, which accompanies the new Asian and Pacific Decade of Persons with Disabilities (2013 - 2022). The Incheon Strategy provides the Asian and Pacific region (including the ASEAN countries) with the first set of regionally agreed disability-inclusive development goals, linked to implementation targets and indicators.
- Within the larger Asian and Pacific region, the ASEAN countries in 2011 adopted their own sub-regional disability policy framework, in the form of the *Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community*. The main aims are to encourage member states to ratify the CRPD, to bring domestic laws in line with the convention and to develop regional indicators to track implementation. It also calls for the effective participation of persons with disabilities in all aspects of decision-making, including elections, and the mainstreaming of disability perspectives in all ASEAN policies and programmes. The period 2011 to 2020 has been proclaimed the ASEAN Decade of Persons with Disabilities.
- With the 2013 *Declaration on Strengthening Social Protection*, the ASEAN countries furthermore recognised the right of persons with disabilities (amongst others) to social protection and undertook to advance the quality, coverage and sustainability of social protection in ASEAN

member states. This included a commitment to allocate adequate financial resources to social protection in line with national targets (and subject to the circumstances and capacity of each government).

- The ASEAN also endorsed the 2011 *Busan Partnership for Effective Development Cooperation*, which, inter alia, recognises the importance of international commitments on disability as fundamental to development cooperation.

In terms of **national laws and policies** that impact most directly on the rights of persons with disabilities, the ASEAN countries have the following overall commitments in place:

- Seven of the ten countries – namely Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand and Vietnam – have provisions in their Constitutions that either afford specific rights to persons with disabilities, or prohibit discrimination against persons with disabilities, amongst others. However, the references to disability are in most instances vague or limited and in some cases, are contradicted by other constitutional clauses. For example, the Constitution of Lao PDR recognises the right of persons with disabilities to assistance but also excludes persons with mental disorders from the right to vote.
- None of the ASEAN countries have a specific anti-discrimination law pertaining to persons with disabilities. Most have national laws that govern aspects of disability rights and/or address disability issues from a medical perspective. According to UNESCAP (2012a), only 5 of the 10 countries had comprehensive disability legislation in place – namely Cambodia, Malaysia, Philippines, Thailand and Vietnam.
- With the exception of Brunei Darussalam, all the ASEAN countries have active disability policies or plans of action that outline their current commitments and strategies for advancing the rights of persons with disabilities. Reports suggest that the government of Brunei Darussalam is in the



process of developing an Order on Persons
with Disabilities in line with the CRPD.

Implementing agencies

The disability policies and actions plans of the ASEAN nations are implemented by the various country governments by means of different institutional arrangements. Seven of the ASEAN countries have a central coordinating body for disability-related programmes and services – typically referred to as a national disability council, commission, committee or coordinating team. In most instances, this structure falls under the mandate of a given ministry, most often the ministry dealing with social affairs, social development or labour.

Some aspects of the *Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities* require cross-border implementation, for example, the development of regional indicators, the enhancement of information-sharing amongst countries and ensuring the participation of persons with disabilities in ASEAN's own structures and processes. At the sub-regional level, the ASEAN Secretariat has a division dealing with social development, women and labour issues. Disability rights fall broadly within the mandate of the ASEAN Socio-Cultural Community Council, which is comprised of government representatives from each member state, mostly Ministers of Social Development or equivalents (and other relevant ministries). There are also sectorial ministerial committees – most relevant is the ASEAN Ministerial Meeting on Social Welfare and Development.

Since 2011, an [ASEAN Disability Forum](#) has been convened on an annual basis, as a joint undertaking of ASEAN Member States, the ASEAN Secretariat, international development agencies, disabled people's organisations (DPOs), disability-related CSOs, media, the business sector and academic groups. These multi-stakeholder forums serve to review progress in implementing disability policies across the ASEAN countries and make recommendations to member states on strategies to improve and accelerate the delivery of disability rights

Accountability measures

Despite all the legal provisions and institutional arrangements in place, the attainment of the rights of persons with disabilities remains a concern in Southeast Asia. At international level, country governments are required to submit an initial report to the Committee on the CRPD two years after ratifying the convention, and every four years subsequently. Thus far, only Thailand has submitted its initial report to the Committee on the CRPD and the committee has no enforcement powers in relation to countries that fail to submit their reports. To monitor the continued work of the Committee and access its observations on the implementation of the CRPD in Southeast Asian countries, visit the [OHCHR web site](#).

At the sub-regional level, the ASEAN Inter-governmental Commission on Human Rights (AICHR) could be expected to play a key role in holding member states to account for their progress in advancing the rights of persons with disabilities. However, the mandate of the AICHR is currently limited to promoting (rather than enforcing) human rights. It has no authority to exercise oversight over country governments in terms of the CRPD or to receive and investigate complaints of disability rights violations. The Terms of Reference of the AICHR are under review in 2014 and many human rights organisations are advocating for the AICHR to adopt a stronger oversight role in the future. The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) is tasked with upholding rights contained in the CEDAW and CRC in the Southeast Asian sub-region. These include the rights of women and children with disabilities.

At the national level, five of the ASEAN countries – namely the Philippines, Indonesia, Malaysia, Myanmar and Thailand - have a National Human Rights Institution (NHRI), which should be expected to advance and promote human rights including the rights of persons with disabilities in their respective countries.

The UN agency [ESCAP](#) is actively monitoring and supporting disability rights initiatives in the region.

It is an important resource and coordination mechanism.

Main civil society actors

According to the online platform, [Human Rights in ASEAN](#), the formal ASEAN structures have generally adopted a conservative and unclear approach to engagement with CSOs. There are many DPOs and CSOs in each of the ASEAN countries working to advance the rights of persons with disabilities and to deliver vital services to them. The main DPOs working at the regional level and/or focusing on Southeast Asia as a whole include:

- **[Disabled Peoples' International Asia-Pacific](#)** (DPI-AP) is one of the convening organisations of the ASEAN Disability Forums, which have taken place annually since 2011. With its regional development office in Bangkok, DPI-AP is a cross-disability, self-help, human rights organisation of persons with disabilities. It promotes full participation and equal opportunities for persons with disabilities and has worked extensively with international organisations and UN agencies to advance the disability movement in Asia and the Pacific. Most countries in the region also have their national level DPI organisations, e.g. Singapore and Indonesia.
- The **Asia-Pacific Development Centre on Disability** facilitates collaboration amongst organisations of persons with disabilities in the Asia-Pacific region to promote their empowerment and an inclusive, barrier-free and rights-based society. From its base in Bangkok, APCD brings people together from different parts of the region to share their expertise in disability-related areas, such as strengthening of self-help organisations and implementing community-based rehabilitation services. It believes that persons with disabilities are the most effective catalysts to support their peers in neighbouring countries.
- The **ASEAN Autism Network** works with other stakeholders to support, assist, facilitate and enhance autism-related family support groups in the ASEAN region and globally. One of its main objectives is to educate, develop and

strengthen autism-related family support groups in each member country so that they can progress towards achieving global standards with reference to the CRPD and other international and regional instruments related to autism.

Several international organisations make important contributions to the disability movement in Southeast Asia, including the Abilis Foundation, Save the Children, CBM International, Handicap International, Helen Keller Foundation, Leonard Cheshire Disability International, World Vision, ADD International, UNICEF and WHO. Other organisations playing a key role in awareness-raising, advocacy and service provision include (but are not limited to):

- The **ASEAN General Election Network for Disability Access** (AGENDA) is a consortium led by the International Foundation for Electoral Systems. It aims to improve access to political and electoral life for persons with disabilities throughout Southeast Asia. It assists DPOs to develop tools and regional partnerships so they can monitor and raise awareness about electoral access for persons with disabilities.
- The **CBR Asia-Pacific Network** was established by the WHO to promote and strengthen community-based rehabilitation across the region and to support network members in 36 countries. The aim is further to mobilise resources and facilitate information exchange. CBR Asia-Pacific Network promotes disability-inclusive development and works in line with the CRPD and the Incheon Strategy of UNESCAP.
- The **Institute on Disability and Public Policy** is a network of universities and NGOs that promote the analysis and understanding of public policies for persons with disabilities in the ASEAN region. It offers study fellowships, conducts policy research and undertakes public education and capacity-building to realise the vision of an ASEAN region that is inclusive, barrier-free, and rights-based, where persons with disabilities are leaders in the determination of their own destinies.

Why Sweden needs to do more to include persons with disabilities

Sweden is obliged by article 32 in the Convention, ratified by Sweden, to include persons with disabilities in all development cooperation programmes. It states that State Parties involved in international cooperation have a responsibility to undertake appropriate and effective measures such as:

- *a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;*
- *b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;*
- *c) Facilitating cooperation in research and access to scientific and technical knowledge;*
- *d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.*

All Swedish support is to be based on the perspectives of the poor and a human rights perspective (meaning that the principles of accountability, transparency, participation and non-discrimination should be applied to processes and programme design).

What Sweden can do - Seven questions to discuss

Within its mandate and strategy for the ASEAN region, Sweden has a range of opportunities to include persons with disabilities in a more deliberate manner. Questions to discuss:

- Could Sweden do more to stay updated on the situation of persons with disabilities in the region and the measures initiated by regional bodies to address the rights of persons with disabilities? Could the regional office do more to support Embassies in this regard? E.g. Inclusion Made Easy - a quick programme guide to disability in development [here](#)
 - Many countries lack data on the situation of persons with disabilities. Could Sweden do more to promote regional research in the area of disability?
 - Could Sweden do more to systematically include disability rights as an explicit part of its support to regional accountability mechanisms, efforts to establish independent human rights institutions, election monitoring and watch dog organisations? Monitoring tools can be downloaded [here](#).
 - Could Sweden do more to ensure that women, men and children with disabilities (and mental health conditions) are systematically included and even prioritised in emergency relief and humanitarian aid efforts? E.g. refer to
 - ✓ Manual on the design and building of barrier-free emergency shelters [here](#)
 - ✓ Manual on mainstreaming disability in disaster risk reduction [here](#)
 - ✓ Disability and the post-conflict agenda [here](#)
 - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts [here](#)
 - ✓ Disability Inclusive Disaster Risk Management: Voice from the Field and Good Practices [here](#)
 - Could Sweden do more to include the perspectives of persons with disabilities in the field of integrated urban planning in Southeast Asia and in efforts to improve the access of vulnerable groups to basic, sustainable infrastructure? E.g. making infrastructure accessible to persons with disabilities, by including this already at the planning stage as it will be more expensive to adjust these things later.
 - Could Sweden do more to include DPOs in regional networking and programmes that seek to strengthen civil society organisations and networks to influence policies and monitor the implementation of policy commitments?
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- Could Sweden do more to ensure that women with disabilities are included in regional programmes aiming to advance women's rights and gender equality? To include women with disabilities in SRHR and GBV programmes? Women with disabilities are heavily overrepresented in GBV.
- Could Sweden do more to build strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support and additional information would the regional office need to take such initiative?

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The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.