**Public Submission on Australia's New International Disability Equity and Rights Strategy**

**Input from Indonesian Mental Health Association (IMHA)**

**OTHER CONSIDERATIONS FOR THE INTERNATIONAL DISABILITY EQUITY AND RIGHTS STRATEGY**

The Strategy will primarily focus on the Indo-Pacific, especially the Pacific, Southeast Asia (ASEAN countries + Timor-Leste) and South Asia in line with the International Development Policy.

This Strategy will speak into the other DFAT strategies under development, namely:

* International Gender Equality Strategy
* International LGBTQIA+ Human Rights Engagement Strategy
* Humanitarian Strategy

**The new Strategy will:**

* Ensure disability equity and rights are central to Australia’s development cooperation, humanitarian action and multilateral human rights engagement;
* Identify priority areas where Australia can advance disability equity and rights;
* Identify performance measures.

**WHAT ARE THE QUESTIONS WE WILL ASK IN THE CONSULTATIONS?**

1. What should Australia prioritize to advance disability equity and rights internationally?

From the perspective of the Indonesian Mental Health Association (IMHA), as an organization of persons with psychosocial disability, we would like to propose that Australia pays more attention to the issues of persons with psychosocial disabilities because until now People with psychosocial disabilities are one of the most marginalized groups, even within the disability community itself. Fundamental rights, such as legal capacity, guardianship, institutionalization (the right to freedom), and the right to work, are still not enjoyed by persons with psychosocial disabilities (PWPD).

The most significant and challenging situation of PWPD is that there are significant number of PWPD are placed in mental institutions which in many places, such as in Indonesia, is not much different and, in some cases, even much worse than prison. In Indonesia, there are at least tens of thousands of people with mental disabilities who are confined in social care mental institutions. The conditions in most of these mental institutions are extremely poor, prompting Human Rights Watch to title their report on the situation in these mental institutions as "Leaving in Hell."

The institutionalization of People With Psychosocial Disabilities (PWPD) remains a taboo topic in many Asia-Pacific countries up to the present. Despite this, the number of PWPD in mental institutions in the Asia-Pacific region amounts to hundreds of thousands of individuals. During the UNESCAP meeting in Jakarta in 2022, specifically addressing persons with disabilities, the issue of institutionalization of people with disabilities was not discussed at all. This issue seemed like the proverbial "elephant in the room" that everyone pretended not to see. IMHA (Indonesian Mental Health Association) made considerable efforts to include this issue in the "Jakarta Declaration," which serves as a joint declaration in the meeting. Unfortunately, these efforts were not acknowledged, and this crucial issue did not find a place in the declaration.

Considering the above, we sincerely hope that Australia takes an active role in raising awareness about psychosocial disabilities, especially concerning mental institutions in the Asia-Pacific region.

1. What are the most effective approaches to progress these priorities?

* Ensuring that psychosocial disability issues, particularly institutionalization concerns, become part of Australia's collaborative programs with Asia-Pacific countries.
* Encouraging governments in Asia-Pacific countries to incorporate deinstitutionalization issues into their internal programs and regional collaborations.
* Since not all countries currently have organizations representing people with psychosocial disabilities actively participating in the disability movement within their respective nations, it would be very helpful if DFAT (Department of Foreign Affairs and Trade) encourages the formation of organizations for people with psychosocial disabilities in partner countries with Australia that do not yet have active psychosocial DPOs.
* Supporting established organizations for People With Psychosocial Disabilities (PWPD) to enable them to carry out their programs to the fullest and assisting them in advocating to their governments to find solutions related to the institutionalization of people with disabilities.

1. How can DFAT support the role of, and partner with, organizations of persons with disabilities?

* One crucial aspect is to ensure that programs related to disabilities from DFAT involve active and meaningful participation from DPOs. Furthermore, it is highly desirable that disability-related programs are led and coordinated as much as possible by the organizations representing people with disabilities themselves. This reflects a belief in the capability of people with disabilities to carry out tasks, especially those directly affecting them, aligning with the principles of "No One Left Behind" and "Nothing About Us Without Us." It would be counterproductive if disability-related programs were undertaken by individuals or institutions without disabilities, especially if there are disability organizations within a country capable of handling such tasks.

1. What are the biggest challenges to and opportunities for advancing disability equity and rights?

As a psychosocial disability organization, the biggest challenge for People With Psychosocial Disabilities (PWPD) up to this point is:

* PWPD and their organizations are still considered incapable of running programs, advocating, and being equal partners with other disability organizations or civil movement organizations.
* People with psychosocial disabilities are still considered a group that does not have equal human rights compared to other segments of society. As a result, various human rights violations experienced by individuals with mental disabilities, including serious violations such as deprivation of freedom where individuals with mental disabilities are forced into institutions, various acts of violence including sexual violence, experienced by individuals with psychosocial disabilities in these institutions are not considered violations. This perpetuates neglect and continuous human rights violations against individuals with psychosocial disabilities.
* Regarding psychosocial disabilities, many programs related to people with mental disabilities are implemented by non-disability organizations. This reflects a form of stigma suggesting that individuals with mental disabilities are incapable of performing any work and require assistance from others on their behalf. This phenomenon is observed even in Indonesia. For example, over the past 10 years, IMHA (Indonesian Mental Health Association) has made various efforts, including initiatives to address legal capacity and institutionalization issues, successfully mainstreaming these issues[[1]](#footnote-1). Thanks to our efforts, the issue of mental institutions has become mainstream in Indonesia. Namun sampai saat ini IMHA have not received any assistance from DFAT (Department of Foreign Affairs and Trade) agencies in Indonesia. The mental health-related program is distributed to both non-mental disability organizations and disability organizations.
* Therefore, we hope that Australia ensures that work related to psychosocial disabilities is conducted or led by organizations of persons with psychosocial disabilities themselves and is not substituted by non-disability organizations or other parties.

1. Some of the work done by IMHA (Indonesian Mental Health Association) related to this issue includes:

   1. Initiated the formation of the Working Group (Pokja) for the Respect, Protection, Promotion, Enforcement, and Fulfillment of Human Rights for People with Mental Disabilities (P5HAM). The P5HAM Working Group is a strategic step by the Government to address the inequalities faced by PWPD.
   2. Filing a Judicial Review of Article 433 of the Civil Code regarding guardianship to the Constitutional Court in 2022 and filing a judicial review of articles that prohibit People With Psychosocial Disabilities (PWPD) from being registered as voters in elections in 2016.
   3. Documenting the conditions of institutionalization of individuals with psychosocial disabilities in several documents accessible through the following links:
   * Problem Mapping of Human Rights Violations in Mental Rehabilitation Social Institutions: <https://pjs-imha.or.id/index.php/17-kegiatan-pjs/243-peta-masalah-pelanggaran-ham-di-panti-sosial-rehabilitasi-mental>
   * The Forgotten People: Persons with Psychosocial Disabilities in Indonesia: <https://pjs-imha.or.id/index.php/17-kegiatan-pjs/242-the-forgotten-people-persons-with-psychosocial-disabilities-in-indonesia>
   * Video of the Forgotten Women: Women in Social Care Institutions :

   <https://youtu.be/GZGi1gZc2KE?si=u_qp7cCvzDL6NdF0>

   * Video of Dignified Social Protection for Persons with Disabilities :

   <https://youtu.be/wRgsy91noM0?si=n1BA7dvwczz9LdFf> [↑](#footnote-ref-1)