Youth with Disabilities in Law and Civil Society: Exclusion and inclusion in public policy and NGO networks in Cambodia and Indonesia

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Youth with disabilities, as a subgroup of both persons with disabilities and of youth, are often left out of both legislation and advocacy networks. One step towards addressing the needs of youth with disabilities is to look at their inclusion in both the law and civil society in various national contexts. This article, which is descriptive in nature, presents research findings from an analysis of public policy and legislation and qualitative data drawn from interviews, focus group discussions, and site visits conducted on civil society organizations working in Phnom Penh, Cambodia and Jakarta, Indonesia. Data was collected during two separate research visits in the Spring and Summer of 2011 as a part of a larger study measuring youth empowerment. Key findings indicate that youth with disabilities are underrepresented in both mainstream youth and mainstream disability advocacy organizations and networks and are rarely mentioned in either youth or disability laws. This has left young women and men with disabilities in a particularly vulnerable place, often without the means of advancing their interests nor the specification of how new rights or public initiatives should address their transition to adulthood.

Keywords: Global South; inclusive development; youth policy; disability policy; Cambodia; Indonesia

Introduction

The passage of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2006 was a landmark achievement that has since begun to filter down and affect the everyday lives of persons with disabilities around the globe. Not only has the UNCRPD shaped national legislation in developing and developed countries alike, but persons with disabilities have responded to the UNCRPD by creating new or strengthening preexisting grassroots associations and national networks to represent their needs. Of equal global significance, growing concern with the worldwide 'youth bulge' has led to new international and national policies and a transnational movement to address many of the problems youth face and to harness their social and economic potential (UN-Youth, 2013;

Hvistendahl, 2011; Kockendorfer-Lucius and Pleskovic, 2008). While, these changes in both law and civil society have opened up new spaces for political discourse and increased the means by which persons with disabilities and young persons can participate in decision making, their newfound 'voice' is not always equitably distributed. Youth with disabilities, as a subgroup of both persons with disabilities and of youth, are often left out of both legislation and advocacy networks. New public policies do not specify how they apply to disabled youth and they are rarely counted among the ranks of NGO coalitions pushing for reform or monitoring the implementation of policies and projects.

This article, which is descriptive in nature, presents research findings from an analysis of public policy and legislation and qualitative data drawn from interviews, focus group discussions, and site visits conducted with civil society organizations working in Phnom Penh, Cambodia and Jakarta, Indonesia. Data was collected during two separate research visits in the Spring and Summer of 2011 as a part of a larger study measuring youth empowerment. Key findings indicate that youth with disabilities are underrepresented in both mainstream youth and mainstream disability advocacy organizations and networks and are rarely mentioned in either youth or disability programs, laws or policies.

This article begins by reviewing the ways that laws and civil society shape national development and illustrates the tendency within civil society and laws to imagine particular groups as homogenous. Next the paper offers empirical evidence from Cambodia and Indonesia to illustrate the ways that legal and policy exclusions of youth with disabilities are mirrored in civil society. The paper concludes with a discussion of how a targeted and inclusive approach to youth education and programming can redress past shortcomings. This research is important because it shows that young women and men with disabilities are in a particularly vulnerable place, often without the means of advancing their interests nor the specification of how new rights or public initiatives should benefit them. While this article focuses on the exclusion of youth with disabilities, it offers a model and will hopefully motivate research on how other groups—the elderly, racial and ethnic minorities, the indigenous, etc.—also intersect with disability and produce conditions in which particular intersecting groups are marginalized within law and civil society.

An Intersectional Problem

According to the World Disability Report, over 1 Billion people throughout the world have a disability (WHO and WB, 2011). An equal amount of the world's population—1.1 Billion—are comprised of young people between the ages of 15 to 24 years old, a full 18 per cent of the global population (Youth Coalition and Advocates for Youth 2012). At the intersection of these two groups are an estimated 180-220 million young women and men with disabilities,

the majority of whom live in developing countries (UN-YOUTH, 2010). These two hundred million youth with disabilities, however, are 'falling through the cracks' (Mugo et al., 2010).

Despite a longstanding dearth of research on youth with disabilities (Groce, 2004), there is growing evidence that young women and men with disabilities throughout the world are disproportionately isolated within their own communities, far less likely than their peers to achieve the same educational and employment outcomes (Roggero et el, 2005; NCD, 2000; UNICEF, 1999; Mugo et al., 2010), and often unable to begin families or establish healthy sexual partnerships (Milligan and Neufeldt, 2001). These outcomes, which span developed and developing countries alike, mean that many youth with disabilities are unable to successfully transition into adulthood (See, for US and example, NDC, 2009; Lynne and Mack, 2008; for developing country examples Filmer, 2008; Singal, 2008), defined in this article as taking on 'adult roles' in their home communities (King et al., 2005). While those adult roles may be defined differently within specific cultures, the notion of being able to fully participate in a society's social, economic, and political development is broadly shared around the world. Education and employment are often included as key indicators of that transition and were, indeed, specified and central goals of the Cambodian and Indonesian youth with disabilities who participated in the research for this article. Yet, young persons with disabilities are often left out of development policy (Lakkis and Thomas, 2003) and broad-based coalitions supporting anti-poverty or progressive social change agendas. The latest World Youth Report, for example, only mentions youth with disabilities a handful of times amongst the 174 pages of the full report and leaves any mention of youth with disabilities out of the executive summary entirely (UN-DESA, 2011), an oversight repeated in the inaugural World Disability Report (WHO & WB, 2011).

One reason why youth with disabilities and others whose identities intersect with multiple forms of discrimination (racism, sexism, classism, etc.) are ignored is because many social movements assume that their strength is based on their unity as a group, causing intragroup differences to be systematically ignored. One of innumerable examples of this sentiment can be found in a joint UNICEF-Rehabilitation International publication on the UNCRPD where an advocate and policymaker editorializes that disability rights will only advance if 'the disability community continues to speak with *one voice*' (My emphasis added; UNICEF & RI, 2008: 4). Just a few pages further, however, another advocate argues that, 'The slogan of the international disability movement, 'Nothing About Us Without Us,' is important to children and young people with disabilities as well. Frequently, their voices are missing in the debates about rights' (Ibid: 21). The seemingly contradictory statements can also be found in youth movements, where leaders assume that the movement benefits from presenting an undifferentiated set of needs and demands, which can have the consequence of ignoring the fact that certain groups may need special consideration if they are to have access to the same benefits as others.

All too often, the attempt to advocate with one voice can mean that the recognition of diversity falls victim to a false homogeneity. For youth with disabilities to have their say, they must be included in civil society organizations and networks that populate both the disability and the youth movements. Youth with disabilities need their own Disabled Persons Organizations (DPOs) to ensure that their issues and specific needs are included in the advocacy of DPO and youth coalitions and, ultimately, recognized by government and policymakers. At present, the assumption is that youth with disabilities are no different than the general population of youth or disabled persons, overlooking the particular challenges young persons with disabilities face when transitioning from childhood to adulthood (i.e. entering the job market, establishing families, etc.) or simply benefitting from the policies and programs put into place for persons with disabilities or youth in general.

On the other side of the civil society-law divide, antidiscrimination and equal protection laws often assume simple dichotomies of oppressor and oppressed (Masaki, 2009). These laws are usually informed by various social models, such as racism, sexism, ageism, and ableism, which highlight forms of discrimination based on a single aspect of the marginalized group's identity. The social model of disability, which is embedded in in both the UNCRPD and many national disability laws, focuses on the inclusion of persons with disabilities in general[1]. Equally important, many of these laws create national disability councils or commissions to ensure that disabled persons organizations (DPOs) participate in policy decisions. When these sorts of laws and advisory boards do not specify youth with disabilities, neither government agencies nor civil society organizations are compelled to monitor the implementation of programs and policies through a youth lens. Similarly, various governments are establishing new Ministries of Youth, often specifying a role for civil society in the policymaking and implementation processes, yet their legislative mandates rarely specify youth with disabilities as a specific target group that should be included. In this way, legislation can shape civil society. If, for example, a law establishes a national youth council, but does not specify that youth with disabilities be included on it, there is little incentive for youth networks to either include young men and women with disabilities amongst their members, much less leadership, nor for those networks to invite existing youth DPOs in as partners or support the formation of such DPOs. The same point can be made regarding the creation of national disability councils when they do not specify the inclusion of youth with disabilities. One step towards addressing the needs of youth with disabilities is to look at their inclusion in both the law and civil society in various national contexts. Both sides of the equation must be addressed for sufficient progress to be made.

Inclusion and exclusion in the law and civil society

Law and civil society are mutually reinforcing. Modern democracy depends upon an open

'discursive public sphere' (Habermas, 1996; See also Eherenberg, 1999: 219-224) where people deliberate the basic qualities of citizenship, such as freedom, equality, and access to public goods, and the substantive political arrangements—law, public policy, and systems of governance—that will ensure them. For individuals to participate in this important and ongoing discussion, however, often requires that they are represented in civil society, which is 'those organizations, groups and movements who are engaged in this process of negotiation and debate about the character of rules' or, more simply, those associations that allow us to 'express voice' (Kaldor, 2003: 11). Studies of social movements and associational life, however, often assume that the relationship between law and civil society is a one-way street: civil society rises up and shapes law and public policy. Contemporary social movements scholarship has an almost exclusive focus on social change actors engaging the state in contentious politics (See, for example Tarrow, 1998; For a critique, see Snow, 2002). The study of associational life as the basis of democracy, which has enjoyed a resurgence with Robert Putnam's arguments about the sources of social capital (Putnam,1993, 1995), has been a foundational concept in social and political theory since Tocqueville first published *Democracy in America* in 1835 (Warren, 2001).

States, however, do not simply react to civil society, but often take a proactive role in shaping it. While state repression has certainly been acknowledged for its negative effects on civil society (See, for example, Meyer and Minkoff, 2004), states can also play a positive role. Latin American reform governments, for example, passed Popular Participation Laws in the 1990s that institutionalized seats at the table for civil society organizations in national and municipal budgeting processes (Molyneux and Lazar, 2003: 41) and international human rights treaties have been used to mandate that states include civil society organizations in rights monitoring processes (Cole, 2009; 2012). In these ways, positive government action can engender civil society in regions or amongst particular groups where it has been traditionally weak.

Various disability movements have been exemplars on both sides of the state-civil society equation: some movements have pushed states to respond to their demands whereas others have mobilized for the first time in reaction to new laws that provide opportunities for their participation. In North America and Western Europe, persons with disabilities came together to protest the status quo and force their respective governments to create new legislation redressing their systemic discrimination (Barnartt and Scotch, 2011; Barnes, 1991). A central demand was that governments establish national and local disability rights councils populated by disabled persons organizations (DPOs) to monitor reform efforts and the allocation of resources (Oliver, 2004: 22-23). As a result, this strategy has been globalized. The UNCRPD, in fact, is unique amongst international instruments in the number of provisions that it has mandating the participation of civil society in government disability programming, including a statement in its General Obligations that 'Persons with disabilities [shall be] actively

involved in the definition and implementation of their rights, through their representative organizations' and various articles specifying that obligation. Because of the UNCRPD, local and national governments throughout the world are creating disability councils, commissions and advisory panels that are providing a space where persons with disabilities can act. In many cases, these opportunities *precede* the existence of DPOs and networks that can successfully fulfill that role. Many international NGOs, such as the Disability Rights Fund and Disabled People International, have sought to organize, train, and support persons with disabilities in forming civil society organizations and DPO networks that can effectively participate in the policy making and monitoring process. Similar examples can be found regarding youth. Youth movements, such as those involved in the Arab Spring, have been credited with fundamentally changing states (Al-Momani, 2011), whereas as other youth NGOs have assembled in response to political opportunities created by governments that wish to consult with them.

A key tension within civil society and law is the way in which it imagines particular groups as homogenous. From a social movement perspective, imputing uniformity amongst constituents contributes towards the formation of a group consciousness that ultimately strengthens members' commitment towards collective action. Along the way, however, the particular needs of certain sectors within the coalition can be lost. The women's movement, for example, has struggled with a leadership that in the West represented the concerns of white, middle class women to the neglect of women from working class backgrounds or belonging to racial and ethnic minorities. This same problem was replicated within transnational feminism along a First World/Third World divide. Leadership within movements, unfortunately, often justify these forms of intra-organizational exclusion as 'maintaining unity' or sticking to a 'core message' (See, for example, Katzenstein and Mueller, 1987).

From a legal point of view, focusing on only one characteristic or identity can simplify antidiscrimination protections, the administration of benefits, and consultation processes (i.e. identifying which civil society organizations to participate on advisory boards). This can take place on both the national and global level. International human rights instruments, for example, often reflect various social paradigms that call attention to particular forms of discrimination, such as sexism, racism, ageism, and, importantly for this paper, ableism. While this is certainly an important aspect of addressing inequalities, it can also characterize discriminated groups as an undifferentiated whole, ignoring salient differences amongst members of the group itself. Masaki (2009), for example, argues that the UN Declaration on the Rights of Indigenous Peoples 'envisages an idealized situation in which a group of indigenous people are present in one place, and articulate their demands in solidarity,' going on to say that 'seeking to identify the 'shared will' of an indigenous community entails arbitrarily fixating their 'consensus,' while disregarding the multiple and fragmented nature

of the members' subject positions' (2009: 71). The result for various indigenous rights movements has been the simplistic colonizer/colonized dichotomy implicit in the law being reflected in the advocacy of indigenous rights groups that prioritize land rights over and above all other rights. Their members, however, often have complex needs and identities that are informed by their gender, class, ethnicity (specific indigenous group), and political affiliations, all of which may have little to do with land or colonization (2009: 74-79). These subgroups and intersectionalities with other identities, however, are often ignored by both law and civil society, resulting in silenced voices, including the voice of many persons with disabilities. Northern perspectives on disability have also played a role in 'colonizing' disability movements in the Global South, resulting in local priorities and understandings being marginalized by Western concerns with 'disability pride' and rights (see for example Grech, 2011; Meekosha, 2011).

The disability movement and disability legislation have participated in these dynamics by presenting persons with disabilities as a singular group. While both have made significant efforts in the recent past to acknowledge women with disabilities and children with disabilities as objects of 'double discrimination,' many other subgroups, such as youth, have largely been ignored. This imagined homogeneity amongst persons with disabilities has roots in both disability organizing theory and practice. The social model of disability conceives of disability as the result of societal discrimination against all persons with disabilities, regardless of the type, severity, or circumstances of impairment share (Oliver, 1986; Shakespeare, 2006). This conceptualization is very effective in highlighting discriminatory social attitudes and public policies that would otherwise go unaddressed. It also, originally, provided a framework for drawing together a fractured organizational field, where various DPOs failed to work together and often competed, into a singular social movement operating under a common, cross-cutting identity. Zola (1982) spelled out this link between the social model with an emergent identity politics in his seminal book *Missing Pieces*:

> We with handicaps and chronic disabilities must see to our own interests. We must free ourselves from the 'physicality' of our conditions and the dominance of our life by the medical world. In particular, I refer to the number of times we think of ourselves and are thought of by others in terms of our specific chronic conditions. We are polios, cancers, paras, deaf, blind, lame, amputees, and strokes. Whatever else this does, it blinds us to our common social disenfranchisement. (243).

Of course, bringing such a diverse population together means that there will inevitably be disagreements between groups. Jim Derksen, one of the early leaders of the Canadian disability movement and founding father of Disabled People International, addressed this problem during one of the first Canadian organizing efforts: 'Let us reason together, let us

deliberate on our problems and needs, let us consider our abilities, and when we have agreed on the problems and solutions let us articulate our opinions and ideas in a strong and united voice' (Derksen, 1975: 1a). Unfortunately, the goal of a unified voice often meant that specific needs that vary with gender, age, class, and disability type have been ignored, effectively silencing women, youth, and the poor with disabilities and marginalizing the specific needs of the deaf, people with intellectual impairments, and other disability groups.

While these problems may have originated in national movements in North America and Europe decades ago, they have replicated themselves within the international disability movement and across various local movements in the Global South (Chataika, 2012: 252). The UNCRPD, while being a monumental achievement, having garnered 158 signatories and 137 ratifications as of October 2013, only specifies women with disabilities (Article 6) and children with disabilities (Article 7) as specially protected groups.

This paper will demonstrate the neglect of youth with disabilities due to the lack of being specified as a category in Indonesian and Cambodian law and relative absence within the disability and youth movements. While the youth movement is far less studied at either the national or the international level than the disability movement to justify a thorough literature review, the authors contend that it contains similar dynamics to the disability movement by overlooking or systematically ignoring cross-sectoral identities and multiple forms of discrimination, including disability discrimination. Therefore, it too, must be examined to understand the relative exclusion of youth with disabilities in particular environments and contexts.

Data, method, and field sites

The authors consulted with in-country AusAID staff, reviewed the relevant literature, assessed laws, policies, and approaches and through consultations with local stakeholders to identify organizations in both Cambodia and Indonesia whose programs involves either cross-disability, disability specific, youth, and/or gender issues. Through this process nearly 30 organizations were identified in Cambodia and 20 organizations in Indonesia. The following key indicators to assess an organization's current and future efforts related to youth with disabilities:

Table 1: Key Indicators for Youth with Disabilities

#	Indicator

1	**Organizational Priorities**
2	**Understanding & Knowledge**
3	**Receptivity**
4	**Capacity & Resources**
5	**Collaboration**
6	**Conceptualization** of disability and implications for action

These indicators were used to develop an interview-based assessment to identify and assess current efforts and potential opportunities for youth with disabilities. Sample questions include:

General Indicator:

3.0 Organization (ORG) demonstrates receptivity to working with youth with disabilities (YWD) on programming

Specific Indicators:

3.1 ORG demonstrates/indicates a willingness to work with YWD on programming

3.2 ORG has current programming in place for YWD

3.3 ORG commits to/discusses realistic strategies for working with YWD

3.4 ORG follows-through on (actualizes) commitments to work with YWD

Interview Questions:

Do you think it is important for youth with disabilities to have their own programs? Be included in existing programs? Why or Why not?

· Does your organization have youth with disabilities programming? Please explain.

· Would your organization be interested in developing a YWD program?

· What is the best strategy for including YWD in country? (in your organization)

Researchers identified disabled persons organizations, mainstream non-governmental organizations, international organizations, and government officials working in the area of disability and/or youth programming in each country and contacted them via telephone and e-mail to arrange for interviews. Based on the email and telephone outreach, interviews were arranged with a variety of stakeholders (Table 2).

Table 2: Stakeholder Interviews by Organization Type

Organization	Cambodia	Indonesia
DPO/DNGO	4	5
Government	2	0
IO/INGO	4	3
Mainstream NGO	1	1
Total	**11**	**9**

Interviews were attended by organization stakeholders and the authors and took place over the course of 1 – 2 hours. Interviews were recorded and consisted of open and closed-ended questions based on the key indicators.

The authors, through local researchers drawn from the disability community in each country, also conducted an analysis of disability-and youth-focused legislation in Cambodia and Indonesia. This analysis was fruitful in both identifying gaps and identifying an existing legal framework through which youth with disabilities can represent themselves as a special interest group with distinct interests and needs.

Country Descriptions

Cambodia

According to CIA World Factbook ('Cambodia', 2013), Cambodia is a small country located in Southeastern Asia, bordering the Gulf of Thailand, between Thailand, Vietnam, and Laos

with a total population of approximately 15.2million. Cambodia has been a multiparty democracy under a constitutional monarchy. Cambodia is not only a poor country, but also a country whose development continues to be impeded by devastation that took place in the recent past. The first half of the 1970s was spent in civil war, ending with victory for the Khmer Rouge Communist Party in 1975. The following five years were spent in a massive 'reeducation campaign' in which cities were evacuated, formal education abandoned, and private property outlawed. Thousands upon thousands of intellectuals, professionals, skilled workers, business owners, or religious minorities were either executed in the infamous 'killing fields' or condemned to forced labor. The Khmer Rouge was finally pushed out of power by invading Vietnamese Forces in 1979 who then established the People's Republic of Kampuchea (PRK) whom became immediately embroiled in a decade long civil war with the residual Khmer Rouge forces who had retreated to Thailand. Finally, the international community intervened, resulting in a ceasefire in 1991 and Cambodia becoming essentially a protectorate of the United Nations, which established the UN Transitional Authority of Cambodia to administer the country and deal with its multitudinous problems of refugees, landmines, and virtually no government.

Today Cambodia continues to face enormous problems from chronic malnutrition to the displacement of its population to armed conflict, and has until recently lacked the basic building blocks of a modern nation-state—educated professionals, functioning government, and an economy of any kind—to rebuild. Cambodia signed the CRPD in January 2007 and ratified in December 2012. The CRPD places enormous responsibilities on a government still learning the ropes of basic governance in a context of extreme poverty (Cambodia ranks 139 out of 187 on the UNDP 2012 Human Development Index).

Indonesia

According to CIA World Factbook ('Indonesia', 2013), Indonesia 'is now the world's most populous democracy', and the largest archipelagic state. Originally a Dutch colony, Indonesia was briefly occupied by Japan in the 1940's, and won its independence from the Netherlands in 1949. Elections were tumultuous and the parliamentary democracy ended in 1957 when President Soekarno declared martial law. Eased from power in 1965, the new President Suharto ruled from 1967-1988 under the 'New Order' government. Toppled by country riots in 1998, the first free and fair democratic elections took place in 1999.

Government continues to struggle with consolidating democracy after years of authoritarian control and terrorism has been an issue in Indonesia. Corruption has been problematic within the government and recent efforts have been undertaken to hold the military and police accountable to human rights violations and reform the criminal justice system. Poverty

reduction, education, economic and social reform, and addressing climate change are also priority areas for development.

Indonesia signed the CRPD in January 2007 and ratified in November 2011. As in the case in Cambodia, Indonesia struggles with extreme poverty and with basic governance (Indonesia ranks 121 out of 187 on the UNDP 2012 Human Development Index).

Youth with disabilities in Cambodia and Indonesia

In both countries, youth with disabilities are not systematically identified as a disability group in need of special consideration or prioritization, as women with disabilities and children with disabilities are often specified. National disability plans do not provide a framework for young persons with disabilities to represent themselves and influence the implementation of policy and projects in either Cambodia or Indonesia. Youth legislation was more of a mixed bag. In Cambodia, youth with disabilities are identified as a priority group, but there is no clear mandate specifying how youth with disabilities will be included in youth policy in general, much less be represented on a national youth board. In Indonesia, youth with disabilities are not mentioned at all within legislation or policy, nor is there any evidence of outreach towards the disability community by the Ministry of Youth.

This legal and policy exclusion of youth with disabilities is largely mirrored in civil society. While there are vibrant disability movements in both countries, youth with disabilities are largely left out of agenda setting roles directing advocacy or advising government. Cambodia has a couple of youth-centered DPOs and youth are often members of cross-disability DPOs, but none have leadership roles within the national DPO coalition. The situation is worse in regards to mainstream youth civil society organizations, where youth with disabilities are all but completely excluded as members. In Indonesia, where youth activism is strong, youth with disabilities have never been approached as prospective members or participants by mainstream youth organizations. In regards to Indonesian DPOs, mainstream networks largely excluded youth from leadership roles and youth-centered disability NGOs and DPOs were focused on either rehabilitation or mutual aid, but not civic participation or advocacy.

Key Legislative Measures in Cambodia

Youth with disabilities are largely overlooked by the general legislation and policy goals of Cambodia as well as its disability or youth specific legislation and policy. There are, however, many equal protection or anti-discrimination statements that, in theory, include youth with disabilities, including in key areas, such as access to education and employment

that are relevant to youth. In certain areas, the absence of youth with disabilities is quite noticeable. For instance women and children with disabilities get special consideration in many anti-poverty or disability provisions but there is no mention of youth and other marginalized groups of youth get mention for special consideration in various laws, but youth with disabilities are left out.

The Constitution of the Kingdom of Cambodia (1993) recognizes the rights of persons with disabilities. Equally important, the Cambodian Millennium Development Goals (CMDG) specify persons with disabilities throughout several of its Articles. Youth with disabilities go unspecified as a priority group, whereas women with disabilities, children with disabilities, and landmine survivors are prioritized in CMDG 3 (gender equality for women with disabilities), 4 (mortality of children with disabilities), 5 (maternal care for women with disabilities), and 9 (landmine survivor assistance). Cambodia's National Poverty Reduction Strategy from 2003, however, does not specify persons with disabilities. In a provision related to youth, young people with disabilities are significantly left out of a listing of specific groups to be protected from discrimination. The Strategy states that Cambodia will 'seek to ensure that all Cambodian children and youth have equal opportunities to receive a quality education, regardless of social status, geography and ethnicity.' Finally, the Education Law, adopted in 2007, contains two Articles (38 and 39) on special education and the rights of 'disabled learners,' significantly giving students with disabilities the right to 'study with able learners if there is sufficient facilitation in the study process for the disabled learner to fulfill the educational program' and other provisions pointing toward eventual mainstreaming.

The Protection and the Promotion of the Rights of Persons with Disability law was adopted and put into enforcement on July 3, 2009. In this law, there are no specific articles mentioning youth. There are, however, several articles on education and employment, the expressed priorities of young women and men with disabilities. Article 27 states, 'All pupils and students with disabilities have the rights to enrolment in public and private educational establishments and also have the same rights to receive scholarships as other pupils and students unless other contrary provisions apply.' Other significant Articles include Article 30 (providing for provides free tuition and/or discounts at all levels of education for students with disabilities from poor families and military veterans with disabilities) and Article 31 (mandating that the Ministry of Education train teachers and professors in teaching students with disabilities). Chapter 7 on 'employment and vocational training,' Article 33 of the National Disability Law does not specify youth, but it does guarantee the right of 'Persons with disabilities who have the required qualifications and competence to carry out the duties, role and responsibilities of a particular position have the right to be employed without discrimination, including employment as civil servants, workers, employees, apprentices or interns.'

For the implementation of the disability law, the Ministry of Social Veterans and Youth Rehabilitation (MoSVY) has drafted an Inter-ministerial Prakas in cooperation with the Ministry of Health (MoH), giving MoSVY and MoH major responsibility in implementing disability legislation. With regard to civil society, Cambodia Trust, the Kumar Pikar Foundation, and Yodifee have targeted young persons with disabilities through a university scholarship program, advocacy and training, and vocational training and business development, respectively. These activities have limited coordination or assistance from the government.

According to the Declaration of the Ministry of Education, Youth and Sport, the National Youth Policy was drafted with the engagement of different NGOs working in the youth sector. The Department of Youth, the Ministry of Education, Youth and Sport is the leading department in the development of the national youth policy. The National Policy on Cambodian Youth Development was adopted at the Council Minister meeting on June 24, 2011. The central theme of the policy is youth employment and programming. Youth are defined as Khmer men and women aged 15 – 30 years old, either single or married, according to the policy.

Youth with disabilities are not mentioned in the goals and objectives of the policy, but youth with disabilities are specified within the strategy section. Strategy 2 'To promote education, vocational training and capacity building development' specifies 'in particular youth who are limited in opportunity and vulnerable youth including youth with disabilities.' The National Youth Policy also establishes the National Council for Youth Development for monitoring, evaluating, and supporting the government in youth development. While the Council is meant to play an important role by ensuring participation of youth, there are no provisions mandating that the participating youth civil society organizations are inclusive nor are there provisions specifying that youth DPOs should be involved. As will be demonstrated in the following section, this results in youth with disabilities going unrepresented on the National Council for Youth Development.

Civil Society in Cambodia

While the Cambodian government has institutionalized policies and practices to include civil society in either policy monitoring or advisory roles, youth with disabilities are excluded in various ways. A case in point is the National Youth Policy, which creates a National Youth Council which the Ministry of Youth is obliged to consult with. Of the organizations that belong to the National Youth Policy Network (NYP-Net), which represents civil society on the council, none have significant numbers of members with disabilities. NYP-Net is made up of the Khmer Youth Association (KYA), Youth Resource Development Program (YRDP),

Youth for Peace (YFP), Youth Council of Cambodia (YCC), Khmer Youth and Social Development (KYSD), Khmer Institute for National Development (KIND), Khmer Youth for Development (KYD), and several other organizations. Youth participation is at the center of these organizations. Outreach and inclusion of youth with disabilities, however, wavers between being either very limited or completely neglected. One of the youth associations stated that the association does not discriminate against youth with disabilities, but so far only about 1% of the youth who have participated in their main activity, a leadership training course, were youth with disabilities. The organization itself, which included meeting rooms, a resource library and computer lab, and offices, was in a completely inaccessible building.

Mainstream organizations focused on development in general were equally negligent. Interviewees noted that the primary concern of most Cambodian citizens was finding employment opportunities. Many people in Cambodia are living in poverty and struggling to provide for themselves and their families. International and national organizations actively seek to address social problems including employment, through the provision of educational training and small grants programs. While many Cambodian citizens participate in these programs, few indicated that they lead to substantial employment opportunities. Jobs were more likely to be secured through personal connections and previous work experience. Due to the nature of the problems in Cambodia, the NGO sector was widely considered an industry in itself and performed many of the duties of government. Opportunities for youth activism and volunteerism in mainstream, non-youth focused civil society organizations were not commonly observed, although there were positive developments in regard to youth organizations in general, but, as mentioned above, youth with disabilities were missing from them.

DPOs and disability NGO's followed a traditional pattern of development, including governmental and legislative advocacy activities and general service provisions. Interviewees observed the stratified nature of disability, where those with economic means were less likely to be discriminated against than those who were poor and unable to advance economically. This stratification, obviously, is reflected amongst youth with disabilities, with those coming from affluent families being afforded more opportunities than those coming from poor families. While organizations stated that the legislation has been adopted to protect and promote the rights of persons with disabilities, few considered the government capable of substantiating or implementing reforms due to organizational and funding deficits. This was widely considered a role for the NGO sector.

There were, however, several youth-focused DPOs or disability NGOs. Yodifee provided education and vocational training services that met the needs of many young women and men with disabilities, but did not involve them in advocacy activities nor provide them with an avenue for setting the agenda of either the organization itself or to participate in the national

DPO coalitions planning activities. The Cambodian Disabled Student and Development Organization (CDSDO) was a grassroots DPO formed by university students with disability as a means for self-support. In particular, CDSDO was responding to the needs of youth with disabilities from rural areas, who had moved to Phnom Penh to pursue higher education and gain employment in the city. The youth shared a home, pulling their resources to support one another. This vital activity, however, was not accompanied with active participation or leadership roles in either DPO or youth civil society networks. The members of CDSDO also observed that they did not feel accepted by the mainstream student organizations or activities on their respective University campuses. While larger DPOs do allow for youth members, they present limited opportunities for youth agenda setting and responsiveness.

Key Legislative Measures in Indonesia

Indonesian law, in general, does not specify youth with disabilities in many of its statutes. In several places, especially in regards to labor law and policy, the status quo has begun to change. Because Indonesia has volunteered to be a lead country in a United Nations sponsored youth employment initiative, it has responded to that initiative's inclusion policies. The overwhelming concern Indonesia has in regards to youth have also provided several opportunities and a few instances in which youth with disabilities are identified as a target group. This progressive language in policy, however, is sporadic and fails to demonstrate a systemic effort to include youth with disabilities throughout the law.

The 1945 Constitution of the Republic of Indonesia contains no specific reference to persons with disabilities or youth. Indonesian Law 13/2003 Concerning Employment, which is Indonesia's main labor law, does contain some instances of inclusive language, but does not specify youth with disabilities. Throughout the Employment Law, there are instances of inclusion, including nondiscrimination clauses in Articles 5 and 31, giving every employee 'the same opportunity without discrimination to get a job' and 'to choose, receive, or move into other jobs,' respectively. Article 67 is the only Article to specify persons with disabilities, obligating companies to 'protect [employees with disabilities] based on their type and level of disability.' While access to employment is an overriding concern for both youth and persons with disabilities in Indonesia, Law 13/2003 does not, however, target youth with disabilities as a distinct group.

The Indonesian Government has supported the Decade of Disabled Persons in Asia and the Pacific Area (1993 – 2002) as well as the Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific. This framework, however, has not been fully integrated into national law and policy. Indonesian Law 4/1997 Concerning People with Disability does not specifically

mention youth with disabilities. The law's contents focus on social welfare, education, employment, accessibility, and rehabilitation. The National Plan of Action on People with Disability (RAN), for 2004 – 2013, specifies women with disabilities as a priority group for welfare improvement and does not mention youth as a specific population of persons with disabilities. Many of the RAN's priorities, however, focus on areas of concern for youth, including Priority 4, 'training and placement of workers with disability' and Priority 3, 'education.' The Government, in collaboration with donor countries, has established the National Vocational Training Center for Persons with Disabilities. While this is an attempt to create employment opportunities for persons with disabilities, the Training Center is, obviously, a segregated training center.

The Ministry of Social Affairs (Kementrian Sosial/KEMENSOS) is the leading ministry to protect disability rights. In the strategic plan and programs of the Ministry of Social Affairs, there is no mention of youth with disability programs or a youth focal person. The Ministry meets and consults DPOs, none of which actively represent youth with disabilities. The Ministry of Education (Kementrian Pendidikan Nasonal/KEMENDIKNAS) has been leading the inclusive education program for children and youth with disability in Indonesia since 2009.

Indonesian Law 40/2009 Concerning Youth does not mention persons with disabilities. It does, however, specify in Article 20 'Every youth has the right to obtain a. protection, specifically from destructive influences; b. service in *using public spaces without discrimination*; c. *advocacy*, d. access to self-development; and e. the opportunity to *have roles in the planning, implementation, monitoring and evaluation* as well as making strategic decisions within youth programs' (emphasis added). Article 26 of the Youth Law discusses leadership development, including a youth leadership forum.

Indonesia was one of the first nations to volunteer to be a 'lead' country in the UN Secretary-General's Youth Employment Network (YEN), created within the framework of the Millennium Declaration where Heads of States and Governments resolved 'to develop and implement strategies that give young people everywhere a real chance to find decent and productive work.' The Network is a partnership between the UN, the World Bank and the ILO to bring together leaders of industry, youth and civil society representatives, and policy makers to explore imaginative approaches to the challenge of youth employment. There is no special provision within YEN generally or in Indonesia's specific country plan focusing on youth with disabilities. The Ministry of Manpower of Indonesia (Kementrian Ketenagakerjaan/KEMENAKER) has taken the initiative to implement measures to promote the placement of persons with disabilities in the work force. YEN initiated this commitment.

In 2000, the Indonesian Government created the Program of Action for Youth. The World

Program of Action for Youth initiated a program providing a universal policy framework with practical guidelines for national action and international support to improve the situation of youth. In order to implement the program, the Indonesian Government has established vocational training centers for empowering youth in the area of employment. The Indonesian Government has also developed a national youth center (Karang Taruna) to facilitate youth activities and to reduce and prevent juvenile delinquency. However, youth with disabilities are not specified as a target group for prioritization.

Indonesia's National Youth Policy does specify youth with disabilities as a vulnerable group in need of attention, providing an entry point for young persons with disabilities to engage the Department of Youth within the Ministry of Youth and Sport. Indonesia's Youth Law does not specify young men and women with disabilities, although it does contain rights language giving youth the right to access youth services and public spaces without discrimination and to have roles in planning, implementing, and monitoring youth programs. The Ministry of Youth and Sport regulates youth programs in general and, unfortunately, has not included youth with disability in their programs or identified a disability focal point within the Ministry.

Civil Society in Indonesia

In Indonesia, researchers observed that mainstream youth activism was encouraged in society, as demonstrated by radio shows, volunteer organizations, summits and seminars, and use of social media aimed at youth specifically. While youth advocacy or activism (especially around environmental issues) was visible and encouraged, youth with disabilities did not generally participate in mainstream youth organizations. During interviews with mainstream organizations, members indicated that they would be open to including youth with disabilities, but had never been approached. While no attitudinal barriers were observed when discussing the inclusion of youth with disabilities in mainstream programs, no accommodations or outreach were indicated either. Some volunteer organizations did work with youth with disabilities, but these activities were more oriented toward the charity model of disability versus the inclusion of youth with disabilities as active members of organizations.

A variety of international, national, and disabled persons' organizations exist in Indonesia mainly serving the areas of Jakarta, Solo and Yojakarta. DPOs followed a traditional model of advocacy and noted the same difficulties as DPOs in other countries, including competition for limited resources, differing views about national disability strategy, and co-opting by government officials. While some legislation exists for those with disabilities, interviewees indicated little confidence in the effectiveness of legal measures. Government was seen as ineffectual and corruption was often assumed. The status of persons with

disabilities was seen as a highly stratified issue where some people still experience shackling and institutionalization and others may be integrated into society and university systems. A professional field of disability studies is developing in country with disability support services existing on at least three university campuses. While advocacy efforts continue to develop in country, no collaborative opportunities were noted for youth with and without disabilities to engage in civic participation and activism. Equally important, youth with disabilities attending university or engaged in activism often come from affluent families and have not experienced the same level of marginality and abuse that other persons with disabilities, such as those in institutions, face daily.

Youth with disabilities who want to be active and engaged are presented with limited opportunities to participate in mainstream youth activities and thus have to follow the traditional route of participating in DPO activities with little to no access to non-disabled peers. With this in mind, the YES team developed a pilot program for youth with and without disabilities that focused on improving youth social networks, providing opportunities to explore current social issues, engaging in experiential problem solving, and developing action plans. This program served multiple purposes: (a) sensitizing mainstream organizations about accommodating persons with disabilities through direct experience, (b) developing youth empowerment through fostering an environment that actively addressed social issues, and (c) providing an opportunity for youth with and without disabilities to expand their social networks.

Discussion and Conclusion

Young Cambodians and Indonesians with disabilities face significant obstacles in achieving their goals and successfully transitioning into adulthood. While both countries have developed national disability and youth policies and have growing civil society movements representing persons with disabilities and young people, neither country has taken the steps to systematically include youth with disabilities in the law nor have the representative DPO and youth NGO networks sought out youth with disabilities as members. This means youth with disabilities are caught in a vicious circle: laws and policies do not specify how new protections, programs, or benefits specifically apply to them nor do disability or youth coalitions monitor the implementation of those laws and policies from a youth with disabilities perspective. Without concerted effort to specify youth with disabilities in law and policy and to encourage their inclusion in civil society organizations and networks, there is little reason to believe that the pressing issues young women and men with disabilities face will receive priority.

Despite the significant gaps regarding the inclusion of youth with disabilities that exist in

each country, there are opportunities. Firstly, inclusive education is a priority for both countries. Thus, adolescents and young adults seeking higher education and vocational training can make rights claims to the Ministry of Education to further their own educational ambitions. Secondly, youth programming, especially in regards to employment, is a priority issue in each country. Cambodia's National Council for Youth Development is particularly engaged with civil society and Indonesia's Ministry of Manpower is participating in the ILO/World Bank Youth Employment Network. This latter program has pushed the Indonesian government to include youth with disabilities. In both cases, this provides a way for advocacy activities by young persons with disabilities to be included in policy development and project implementation. That advocacy, however, is dependent upon civil society organizations developing with the strength and mission to engage policymakers and receive the backing of both national disability and youth networks and coalitions.

International instruments, such as the UNCRPD, include articles that are particularly important to young people, such as living independently and being included in the community (Article 19), respect for home and family (Article 23), which includes the right to marry establish a family, inclusive education (Article 24), and work and employment (Article 27) as well as all of the general provisions that guarantee the rights of equality and non-discrimination, accessibility, inclusion in development cooperation, and all other articles that are necessary for all persons with disabilities to live full and productive lives. Like any international instrument, the UNCRPD defines overarching principals and goals that must be interpreted, specified in legislation, and implemented nationally. While commendable work has been done advocating for the UNCRPD in general, for it to become a reality in the everyday lives of young people with disabilities, both Cambodia and Indonesia need youth with disabilities as participants on the national disability council, local advisory boards, and DPO networks on the ground.

The UN Youth Report is replete with issues pertinent to young persons with disabilities. Employment, independence, sexuality, and education are the main foci. Young persons with disabilities, as discussed above, are far more likely to lack access to decent work or to engage in healthy relationships than their peers. If a substantive improvement regarding the transition into adulthood for youth around the world is to occur, youth with disabilities must be a priority group. Targeting youth with disabilities is especially important if the goals of various youth initiatives are to promote sustainable and equitable development at the national and global levels.

The unique social, cultural, political and economic challenges that lay at the intersection of both youth policy and disability policy require additional attention by scholars, policymakers and advocates in the global south. This paper has provided a descriptive analysis of legislation and public policy and of civil society from a youth with disabilities' perspective.

The fact that the approximately 200 million young women and men with disabilities are 'falling through the cracks' (Mugo et al., 2011) should be no surprise. The researchers would argue that neither Cambodia nor Indonesia is exceptional in the gaps that they demonstrate regarding the inclusion of disabled youth. Likewise, neither is exceptional in the opportunities that they offer. There does not seem to be resistance to the inclusion of young persons with disabilities in either law or civil society, but simply a failure to think of – and act upon – how their inclusion can be guaranteed. Both countries have independently thriving youth and disability movements and have undergone major policy reforms in both spheres. A sustained effort towards specifying youth inclusion, however, is needed in both the writing of public policy and the continued development of DPO and youth NGO networks.

Notes

[1] The UNCRPD does, however, include specific provisions on women with disabilities and children with disabilities (UNCRPD Articles 6 and 7).

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