



**PERSATUAN
ORANG-ORANG CACAT
PENGLIHATAN ISLAM
MALAYSIA (PERTIS)**

Association of Blind Muslims Malaysia (PERTIS)

***Submission by CSO Stakeholder
for
Universal Periodic Review,
Malaysia***

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Introduction

1. PERTIS was established in 1996 and is the only organization in Malaysia authorized to produce Braille Quran for blind people. This success is also the first of its kind in Southeast Asia. Apart from promoting Islamic education for blind people, PERTIS has been championing the rights of the community by engaging with various agencies to ensure the interest of blind people is protected.
2. This is PERTIS's second time participating in the UPR Process of Malaysia through submission of stakeholders' report. Since the last UPR cycle, PERTIS has continuously worked with its members to fortify the rights of people with disability (PwD), namely the blind community. While PERTIS recognizes various efforts undertaken by the Government of Malaysia to enhance the well-being of PwD, however, there remain on-going concerns in certain aspects of the policies enforced.
3. According to Department of Social Welfare (JKM) which manages the PwD registry, there are a total of 63,7537 PwD as of 31 January 2023, this is translated to roughly 1.9% of Malaysian population.¹ As such, there is a dire need to ensure policies drafted for PwD's benefits are fully supporting the intended community.
4. In the last UPR cycle, the Government of Malaysia has received the following recommendations:
 - 151.36 Sign and ratify the Optional Protocols to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities (Mexico);*
 - 151.38 Withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, which are instrumental to promoting greater respect for the rights of women, children and persons with disabilities (Turkey);*
 - 151.68 Strengthen efforts to promote and protect the rights of women, children, persons with disabilities and the elderly (Brunei Darussalam);*
 - 151.74 Continue to support the issues of women, children and persons with disabilities (Libya);*
 - 151.75 Continue to adopt measures to protect the rights of vulnerable groups including persons with disabilities and minority groups in rural areas (Maldives);*
 - 151.153 Provide active support to vulnerable groups of the population – elderly persons, persons with disabilities, single mothers and indigenous population – and facilitate the broadening of their rights and opportunities through education and training in skills in demand in order to develop human potential (Russian Federation);*

151.160 Take further measures to protect social rights, including the rights of children, women and persons with disabilities (Uzbekistan);

151.197 Develop a specific programme to ensure the inclusion within the educational system of children with disabilities, as well as refugee and migrant children (Honduras);

151.202 Further protect women's rights by providing more assistance to poor women, including women with disabilities (Azerbaijan);

151.245 Respect the human rights of persons with mental health conditions and psychosocial disabilities, in line with the Convention on the Rights of Persons with Disabilities (Portugal);

151.246 Continue to promote the rights of people with disabilities (Senegal);

151.247 Continue to advance the rights of persons with disabilities, including by ensuring that public places are friendly to persons with disabilities (Cameroon);

151.248 Increase efforts to implement legal measures and public policies that guarantee the right to education to persons with disabilities (Ecuador);

151.249 Intensify efforts so that children with disabilities have sufficient access to education and health care (Fiji);

151.250 Continue the implementation of national strategies and plans by providing all public services to persons with disabilities and redoubling efforts to integrate children with disabilities into the school system (State of Palestine);

151.251 Develop programmes to strengthen the integration of children with disabilities and refugees in its school system (Greece);

151.252 Continue to advance the rights of persons with disabilities, including by adjusting public places and transforming them into friendly spaces for persons with disabilities (Jordan);

151.253 Continue with efforts to fulfil the rights of persons with disabilities and facilitate their access to public places (Lebanon);

The Government has out-rightly accepted recommendations 151.68, 151.74, 151.75, 151.153, 151.160, 151.202, 151.245, 151.246, 151.247, 151.248, 151.249, 151.250, 151.252 & 151.253, while partially accepted recommendations 151.197 & 151.251 and took note of recommendations 151.36 & 151.38.

Access to Work

5. In the last UPR Cycle, PERTIS has reported on the failure of the Government to ensure participation of PwD in the workforce. While in the Mid-Term Report, the Government has stated that thru its policies in the Shared Prosperity Vision 2030 (SPV 2030), various vulnerable groups are being supported to improve their socio-economic status,ⁱⁱ including by establishing a 7-member, bipartisan Special Select Committee on Women and Children Affairs and Social Development on 11 November 2020 to review Bills, investigate and provide reports on proposals, motions, petitions, reports and documents on women, children, persons with disabilities, Orang Asli (indigenous people) and social development.ⁱⁱⁱ

6. Recently, the Minister of Human Resources confirmed that the Government has no intention of imposing any quota to ensure access to work for PwD and private entities may employ PwD based on their own initiatives,^{iv} provided that the quota for PwD working as public servant remain untouched.^v
7. As of October 2022, the Ministry Of Finance announced that a program called MySTEP which includes a quota for PwD at 1% of its work-force.^{vi}
8. However in reality the issue of support for PwD in the workforce is still unmitigated. The employment rate of PwD remains low even in the public sector with only three ministries showing record of the minimum 1% PwD employment.^{vii} The situation has only worsen during the COVID19 pandemic with many PwD employees facing discriminatory practices including being laid off.^{viii}

Access to Financial Services

9. The Government has announced its commitment to support PwD's access to financial services including in collaboration with financial institutions.^{ix}
10. Yet PERTIS still received complaints from its members of discrimination on this issue. *For more details, refer to Annex K.*

Access to Public Facilities

11. The Government has recorded its commitment to resolve issues relating to accessibility of public facilities for PwD by introducing 'Accessibility Action Plan on Built Environment for Local Authorities' in July 2019, which provides a standard guideline to local authorities in developing access to PwD-friendly public spaces.^x
12. Eventhough the situation has somewhat improved, however PERTIS still received complaints from its members of their difficulties in accessing various public facilities. *For more details, refer to Annex K.*

Social Inclusion of PwD

13. Disability is often mocked openly by the public especially social media influencers who have created contents that degraded PwD.^{xi} The trend of mocking PwD as social media contents is testament to the prejudices faced by PwD.^{xii}
14. Even though the Government has established National Council for Persons with Disabilities (MKBOKU) pursuant to Part II of the Persons with Disabilities Act 2008 [Act 685], however the National Council has not fulfilled its functions in particular to create awareness programs, which are aimed at educating the public in support of greater social awareness towards PwD.^{xiii}

Wellbeing and Safety of Children with Disability

15. In 2021, Malaysia was shocked by the news of tragic abuse of a Down-Syndrome child. It was revealed during the trial against the child's carer who was accused of the abuse that the child was initially in the guardianship of the state, in particular under the Department of Social Welfare (JKM), and yet due to some bureaucratic processes, the child was placed in the care of the accused person.^{xiv}
16. Often times, PwD children are abandoned, neglected and abused by their guardians, which have even led to fatal incidences of abuse.
17. Due to this incident, a Special Cabinet Committee for Protecting Vulnerable Group has been set up to safeguard these people especially children, PwD, women and senior citizens.^{xv} Yet we fear its effectiveness is yet proven.

Recommendations:

- a. Ensure full compliance with CRPD, to accede to Article 15 and to ratify the Optional Protocol.
- b. Amend the Federal Constitution to include "discrimination based on disability" in Articles 8 (2) and 12 (1)
- c. Enact a specific legislation to regulate the employment of disabled people in work force in Act 685, including ensuring opportunity for promotions based on equitable rights
- d. Provide a framework to prepare employers in the public and private sectors in order to increase the participation of disabled people in the workforce
- e. Design public-awareness programs to educate the Malaysian public on the ways to interact with disabled people
- f. Penalize those who abuse the facilities that are designed specifically for disabled people
- g. Amend the legal provisions under Act 685 to ensure the implementation of policies relating to disabled people by including enforcement provisions
- h. Strengthen the functions of MKBOKU including by enhancing public programs to create awareness of the rights of PwD
- i. Intensify the functions of MKBOKU as a platform to connect the Government with the PwD community

ⁱ Department of Social Welfare (JKM). 2023. *Statistik Pendaftaran OKU Mengikut Negeri dan Kategori Sehingga 31 Januari 2023* <https://www.jkm.gov.my/jkm/index.php?r=portal/full&id=ZUFHVTB1NnJWMOEreGtwNC9Vb1hvdz09>

ⁱⁱ Paragraph 27 of Malaysia's Mid-Term Review on the Implementation of Recommendations Made During the Third Universal Periodic Review (UPR), 8 November 2018.

ⁱⁱⁱ Paragraph 44 of Malaysia's Mid-Term Review on the Implementation of Recommendations Made During the Third Universal Periodic Review (UPR), 8 November 2018.

^{iv} Harakahdaily. 27 Feb 2023. *Tidak wajibkan kuota ambil pekerja OKU* <https://harakahdaily.net/index.php/2023/02/27/tidak-wajibkan-kuota-ambil-pekerja-oku/>

^v MalaysiaGazette, 20 April 2019. *Pengecilan penjawat awam: Kuota 1 peratus OKU tak terjejas*

<https://malaysiagazette.com/2019/04/20/pengecilan-penjawat-awam-kuota-1-peratus-oku-tak-terjejas/>

^{vi} Berita Harian, 12 Oktober 2022. *Kuota 1 peratus untuk komuniti OKU dalam MySTEP kekal*
<https://www.bharian.com.my/berita/nasional/2022/10/1011450/kuota-1-peratus-untuk-komuniti-oku-dalam-mystep-kekal>

^{vii} Malay Mail Online. 13 Dec 2020. *Ras Adiba: Only three ministries have more than 1pc PwD staff*
<https://www.malaymail.com/news/malaysia/2020/12/13/ras-adiba-only-three-ministries-have-more-than-1pc-pwd-staff/1931441>

^{viii} The Malaysian Reserve. 30 Apr 2021. *People with disabilities and jobs during a pandemic*
<https://themalaysianreserve.com/2021/04/30/people-with-disabilities-and-jobs-during-a-pandemic/>

^{ix} New Straits Times. 7 May 2021. *Hong Leong Bank launches initiative for visually impaired community*
<https://www.nst.com.my/business/2021/05/688535/hong-leong-bank-launches-initiative-visually-impaired-community>

^x Haryati Mohd Isa, Halmi Zanol, Kartina Alauddin and Mohd Hafizuddin Nawawi, Provisions of Disabled Facilities at The Malaysian Public Transport Stations, The 4th International Building Control Conference (2016).

^{xi} FMT. 9 Dec 2021. *Police looking for culprits who mocked the disabled in viral videos*
<https://www.freemalaysiatoday.com/category/nation/2021/12/09/police-looking-for-culprits-who-mocked-the-disabled-in-viral-videos/>

^{xii} MMO. 17 Mar 2022. *Individual who mocked persons with disabilities in viral video must apologise, do charity activities as lesson, says senator*
<https://www.malaymail.com/news/malaysia/2022/03/17/individual-who-mocked-persons-with-disabilities-in-viral-video-must-apologise/2047955>

^{xiii} Section 9(1)(g) of the Persons with Disabilities Act 2008 [Act 685] states: 'to develop programmes and strategies aiming at educating the society and to raise awareness throughout society, including at the family level, regarding persons with disabilities including their capabilities and contributions in order to promote positive perception and greater social awareness and to foster respect for the rights and dignity towards persons with disabilities;'

^{xiv} Says.com. 13 Jul 2021. *#JusticeForBella: M'sians Cry Foul Over Alleged Abuse Of OKU Child By Her Carer*
<https://says.com/my/news/justiceforbella-m-sians-cry-foul-over-alleged-abuse-of-oku-child-by-her-carer>

^{xv} The Malaysian Reserve, 23 April 2022. *Special Cabinet Committee to protect vulnerable groups set up – PM*
<https://themalaysianreserve.com/2022/04/23/special-cabinet-committee-to-protect-vulnerable-groups-set-up-pm/>