

DISABILITY RIGHTS IN MALAYSIA

45th UPR Info Pre-sessions

About Us



SIUMAN (the Malay word for "sane") is an Organisation of Persons With Disabilities (OPD) fighting for socioeconomic and political equity and equality for the mentally ill in Malaysia, initiated amidst the COVID-19 pandemic in 2021.

Convention on the Rights of Persons With Disabilities (CRPD)

- Ratified 2010 with:
 - Interpretative Declarations to Article 3, 5 and 30
 - Reservations to Article 15 and 18.

- These Reservations and Interpretative Declarations have hampered the domestication of CRPD principles in Malaysia.

- No preliminary report made to the CRPD Committee since 2010, due within 2 years of ratification.

The Federal Constitution of Malaysia

- The Federal Constitution (FC) of Malaysia does not explicitly recognise disability within Article 8(2) (Equality). Gender was added to Article 8(2) when CEDAW was ratified.
- ‘Unsound mind’ provisions in the Federal Constitution (FC) disqualifies PWD from standing as election candidates or being appointed as Senator. The broad interpretation of unsound mind, a concept based in law as opposed to medical conditions and capacity, combined with the lack of explicit discrimination protections results in broad-based discrimination against PWD in taking up public office.

Persons with Disabilities Act (PWDA 2008)

- No discrimination protections, universal access or reasonable accommodations mandated in any aspect of life for PWD.
- The Preamble makes PWD rights relative to nondisabled rights.
- Part V protects the government and its agents from legal action for discriminating against PWD.
- Government imposed goals of greater participation of PWD in civil service have failed.
- Discrimination in employment, including pre-employment, is unacknowledged and unaddressed.
- Suicide attempts have been decriminalised. However, the word “dangerous” was included in the amendments to the Mental Health Act 2001 (MHA 2001) to describe persons engaging in suicidal behaviour, and there is lack of reporting and oversight mechanisms in the apprehension of persons engaging in suicidal behaviour.
- Healthcare services and processes are not accessible to all PWD
- Lack of protections for health information in the Personal Data Protection Act 2010 (PDPA 2010)
- Other vulnerable communities such as refugees and migrants face significant barriers to healthcare access.

Summary of Recommendations

SIUMAN recommends that the Government of Malaysia, through its relevant ministries, to perform a full audit on the implementation of National PWD Action Plan 2016-2022, to table and debate the outcome of the audit in the parliament, and to do this within one year.

SIUMAN also recommends that the Government of Malaysia remove all reservations to CRPD, ratify the UN CRPD Optional Protocol, amend PWD Act 2008 to mandate access and discrimination protections for PWD, while meaningfully including PWD in the process, within one year.

SIUMAN calls on the Government of Malaysia to audit all legislation with a PWD element, including but not limited to the Penal Code and the Mental Health Act, to ensure compliance with UN CRPD standards within two years.

Thank you



From all the members of our Collective, thank you for your time and attention.