



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

*Association of Blind Muslims Malaysia (PERTIS)*

*Submission for Universal Periodic Review, Malaysia's 3rd Cycle 2018*

## **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. PERTIS welcomes the commitment of Malaysian Government in protecting and promoting the rights of the disabled community with the enactment of the Persons With Disabilities Act 2008 (Act 685), which came into force in January 2008 and the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in July 2010.
3. The Government through its Department of Social Welfare has set up a registry for disabled people, under which disabled persons are entitled to also participate in various programs designed by the Government specifically for the disabled people. Although PERTIS commends the Government's initiative, however there are still much room for improvement.

## **The Rights to Participate Economically**

4. The Government has indicated its commitment to support disabled people in the workforce.<sup>1</sup> Yet, in reality only 0.26% of disabled people are working in the civil

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<sup>1</sup> Government Circular No. 3/2008: The Implementation of a One-Percent Employment Quota System for the Employment Of Persons With Disabilities; **and** Chance of employment for those with disabilities, Retrieved from <https://www.thestar.com.my/news/nation/2017/04/14/chance-of-employment-for-those-with-disabilities/> (Accessed on 2 February 2018).

service.<sup>2</sup> In an instance, a member of PERTIS was denied of placement in the civil service and was given a preposterous excuse of the denial.<sup>3</sup>

5. There are some employers who are not receptive in providing employment opportunities to disabled persons.<sup>4</sup> The Government has passed a guideline for employers to observe in employing disabled persons with the intention of assisting the disabled community finding employment. However since the guideline provides that some changes must be made at workplace to ensure the safety of disabled persons, this requirement has imposed extra expenditures on employers. Consequently, most private companies prefers not to provide employment for disabled people.
6. In addition, even when disabled people are employed, they often faced with psychological stress in the workplaces due to others' underestimation because of their disability.<sup>5</sup>
7. Disabled persons' right to self-employment must be recognized. Presently many of the blind people either work as street vendors or as masseurs.<sup>6</sup> However, Malaysian society still views disabled people with prejudices and stereotypes which has caused the disabled community to be discriminated against.<sup>7</sup> Many view the disabled as incommodious,<sup>8</sup> and perceived blind street-vendors as beggars.<sup>9</sup>

## Recommendations

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<sup>2</sup> Disabled in workplace yet to reach 1%, Retrieved from <http://www.thesundaily.my/news/1358614> (Accessed on 2 February 2018).

<sup>3</sup> Refer to **Appendix A** for more details.

<sup>4</sup> Workplace discrimination a reality in Malaysia — Azizi Ahmad, Retrieved from <http://www.themalaymailonline.com/what-you-think/article/workplace-discrimination-a-reality-in-malaysia-azizi-ahmad> (Accessed on 2 February 2018).

<sup>5</sup> Khoo, LK, Ling, TT, Lay, WL, Workplace discrimination against Malaysians with disabilities: Living with it or fighting against it?, Disability Studies Quarterly (2013).

<sup>6</sup> Blind masseurs strive on despite challenges, Retrieved from <https://www.thestar.com.my/news/nation/2017/05/29/blind-masseurs-strive-on-despite-challenges-trainer-wants-independence-for-the-visually-impaired-wid/> (Accessed on 2 February 2018).

<sup>7</sup> Blind exploitation, Retrieved from <https://www.thestar.com.my/news/community/2014/09/30/blind-exploitation-some-beg-on-own-free-will-others-taken-for-a-ride/> (Accessed on 15 March 2018).

<sup>8</sup> Twice as hard for the disabled, Retrieved from <https://www.thestar.com.my/news/nation/2015/08/16/twice-as-hard-for-the-disabled-more-preparation-is-needed-to-assist-he-elderly-disabled-in-malaysia/> (Accessed 12 January 2018).

<sup>9</sup> Woman suffers assault, insult after being accused of faking blindness, Retrieved from <http://www.themalaymailonline.com/malaysia/article/woman-suffers-assault-insult-after-being-accused-of-faking-blindness> (Accessed on 2 February 2018).

- a. To ensure full compliance with CRPD, to accede to Article 15 and to ratify the Optional Protocol
- b. To amend the Federal Constitution to include "discrimination based on disability" in Articles 8 (2) and 12 (1)
- c. To 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. To enact a law that makes it mandatory for all massage parlors to employ certain percentage of blind masseurs
- e. To cease raids on blind street vendors under Destitute Persons Act 1977 (Act 183)

### **Purchasing Insurance, Homes and Vehicles**

8. Although the Government has given its commitment to look into providing wider range of insurance coverage for disabled people,<sup>10</sup> regrettably insurance for personal safety is still very limited. This is mainly because the insurance companies do not want to manage the risk of insuring a disabled person.
9. The Automated-Teller Machines (ATM) in Malaysia have not adopted the technologies helpful for blind people.<sup>11</sup> This has caused much difficulties for visually impaired persons to conduct their financial affairs through ATM and must instead manage their banking needs over-the-counter.
10. The difficulty of disabled people in buying a property is due to their income, whereby most disabled people are hired on minimum wage basis or are self-employed as street vendors. The existing housing schemes are not inclusive to accommodate the needs of disabled people.
11. People with visual disabilities are discriminated from purchasing vehicles for their familial usage. This is because the regulations in Malaysia dictate that any purchases of vehicles must be by a person with a valid driving licence. As blind people cannot obtain a driving licence, this has hindered them from owning vehicles even if it is to be used by their abled family members.

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<sup>10</sup> Insurance initiative for the disabled - Rohani, Retrieved from <http://english.astroawani.com/malaysia-news/insurance-initiative-disabled-rohani-120662> (Accessed on 12 January 2018).

<sup>11</sup> 'Banks neglecting facilities for the blind', Retrieved from <http://www.freemalaysiatoday.com/category/nation/2016/11/27/banks-neglecting-facilities-for-the-blind/> (Accessed on 2 February 2018).

## Recommendations

- a. To regulate banking and insurance policies taking into consideration of the disabled community's interests and needs
- b. To provide housing scheme specifically-designed for disabled people
- c. To waive the requirement on driving licence for disabled people to purchase vehicles

## Public Facilities for Blind People

12. The public transportation system is not friendly to the disabled people.<sup>12</sup> The facilities provided for at the stations do not meet the safety-standards for disabled people.<sup>13</sup> Most accidents occurring in public places, such as falling on train tracks,<sup>14</sup> involved visually impaired persons.<sup>15</sup>
13. PERTIS members reported many accidents occurred because the public transport providers had not taken the necessary and reasonable means to assist the blind commuters.<sup>16</sup>
14. Disabled people also have to spend a lot for transportation as they have to rely heavily on public transportation yet the discounted fares are still expensive.<sup>17</sup>

## Recommendations

- a. To amend the legal provisions under Act 685 to ensure the implementation of policies relating to disabled people by including enforcement provisions

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<sup>12</sup> MRT stations not designed with the disabled in mind, Retrieved from <https://www.beritadaily.com/mrt-stations-not-designed-with-the-disabled-in-mind/> (Accessed on 30 January 2017).

<sup>13</sup> Yuhainis Abdul Tali, Nurul Izzati Abdul Ghani, Kharizam Ismail and Nor'Aini Salleh, The Provision of the Disabled Facilities in Public Hospitals, The 4th International Building Control Conference (2016).

<sup>14</sup> Blind Man Falls On Train Track, Retrieved from <http://epaper.mmail.com.my/2017/03/30/blind-man-falls-on-train-track/> (Accessed on 30 January 2018).

<sup>15</sup> Close call for wheelchair-user at LRT station, Retrieved from <https://www.thestar.com.my/metro/community/2017/07/06/close-call-for-wheelchair-user-at-lrt-station/> (Accessed on 30 January 2018).

<sup>16</sup> Refer to **Appendix B** for more details.

<sup>17</sup> Haryati Mohd Isa, Halmi Zanol, Kartina Alauddin and Mohd Hafizuddin Naw, Provisions of Disabled Facilities at The Malaysian Public Transport Stations, The 4th International Building Control Conference (2016).

- b. To ensure public transportations are safe and affordable for the disabled people
- c. To install automated doors at train stations that will only open and allow embarkation and disembarkation at arrival of trains

### **Society's Interactions with Disabled People**

- 15. PERTIS is appalled at the recent reports of attacks and harassment done onto disabled persons. These reports have only highlighted how disabled people are often discriminated,<sup>18</sup> ridiculed,<sup>19</sup> and ostracized by the public.<sup>20</sup>
- 16. Most of the special facilities for people with disabilities have been misused by abled members of the society.<sup>21</sup> Street stalls and vehicles are places on special tactile pathways reserved for the blind.<sup>22</sup> This had caused not only difficulty for the blind people but also caused minor accidents.<sup>23</sup>

### **Recommendations**

- a. To design public-awareness programs to educate the Malaysian public on the ways to interact with disabled people
- b. To penalize those who abuse the facilities that are designed specifically for disabled people

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<sup>18</sup> Malaysia's disabled still marginalised, says Suhakam, Retrieved from <https://www.nst.com.my/news/nation/2017/12/311353/malysias-disabled-still-marginalised-says-suhakam> (Accessed on 12 January 2018).

<sup>19</sup> Watch: Mentally-disabled boy cruelly taunted, assaulted, robbed in Kluang playground, Retrieved from <https://www.nst.com.my/news/crime-courts/2018/03/345077/watch-mentally-disabled-boy-cruelly-taunted-assaulted-robbed-kluang> (Accessed on 15 March 2018).

<sup>20</sup> Disabled man claims discrimination by Penang apartment building manager, Retrieved from <https://www.nst.com.my/news/nation/2017/08/262938/disabled-man-claims-discrimination-penang-apartment-building-manager> (Accessed on 30 January 2018).

<sup>21</sup> Toilets for disabled misused at LRT stations, Retrieved from <https://www.nst.com.my/news/2017/03/206319/actionline-toilets-disabled-misused-lrt-stations> (Accessed on 30 January 2018).

<sup>22</sup> Showing no consideration; Retrieved from <https://www.thestar.com.my/metro/community/2017/03/10/showing-no-consideration-many-ablebodied-malaysians-misuse-parking-bays-and-facilities-meant-for-the/> (Accessed on 30 January 2018).

<sup>23</sup> Brickfields Deepavali stalls blocking the access of the blind, Retrieved from <https://www.thestar.com.my/metro/community/2015/11/02/clear-tactile-paths-urge-the-blind-community-wants-dbk1-to-take-action-against-shopkeepers-violating/> (Accessed on 30 January 2018).