



SEMINAR ON THE RIGHTS OF PERSONS WITH DISABILITIES

Date: 5 Dicember 2011 (Monday)
Time: 9.00 am – 5.00 pm
Venue: Seri Pacific Hotel, Kuala Lumpur

WELCOMING REMARKS

By

TAN SRI HASMY AGAM

Chairman of SUHAKAM

Fellow Members of the Human Rights Commission of Malaysia,
Honourable Speakers,
Distinguished guests,
Tan Sri-Tan Sri, Dato'-Dato', Datin-Datin, Ladies and Gentlemen,

On behalf of the Human Rights Commission of Malaysia (SUHAKAM), I am very pleased to welcome all of you to today's Seminar on the Rights of Person with Disabilities. I am especially honoured to have our brothers and sisters with special needs here today. Indeed your presence will tremendously help us in understanding the challenges you face and areas we can improve post Malaysia's enactment of the Persons with Disabilities Act in 2008 and accession to the Convention on the Rights of Persons with Disabilities in 2010.

Ladies and gentlemen,

The International Day of Persons with Disabilities that was recently celebrated on 3rd December marks another decade of observance on the rights of persons with disabilities by the United Nations. Before that, the world observed from 1983 until 1992, the 'United Nations Decade of Persons with Disabilities' where governments and organisations around the world were tasked to devote efforts to implement measures to improve the life of disabled persons. Yet today, after the decades have passed, persons with disabilities continue to experience hardship caused by discrimination that manifested from poorly informed perception that they cannot effectively contribute to a society and nation. As a result, persons with disabilities are, more often than not, neglected during the planning and implementation of public provisions that would normally be in place for the development of the 'able persons'.

Distinguished guests,

Around 10% or 650 million of the world's population consist of persons living with disabilities, with a majority of them in developing countries. The World Bank estimates that 20% of the world's poorest have some form of disability. UN bodies approximates that a staggering 90% of children with disabilities in developing countries do not attend school, and global literacy rate for adults with disabilities is a mere 3%, and 1% for women with disabilities. Further, the ILO estimates that unemployment among persons with disabilities around the world is as high as 80%.

In viewing these figures, ladies and gentlemen, it is important for us to understand the implications of the deprivation of one right to another. The human rights approach and the Millennium Development Goals shows us the cycle of vulnerability and how this would persist if we do not ensure that every person, irrespective of their backgrounds, are allowed to effectively develop themselves by providing them with an enabling environment. Without access to education and training appropriate to their needs, persons with disabilities will not be able to enhance their skills for future employment. Public perception that persons with disabilities would not be able to contribute effectively would also impede their access to employment. Without proper employment, they would not have the financial capacity – especially in this current economic oriented society – to access nutritious food, healthcare, adequate housing and others. Many would not be able to send their children to school and thus recreating this unwanted cycle.

Ladies and gentlemen,

Indeed Malaysia has come a long way in terms of socio-economic development. The 2011 UNDP Human Development Report has categorised Malaysia within the High Human Development ranking. Our achievements in poverty eradication, ensuring education and healthcare vis-à-vis the Millennium Development Goals are impressive. However, deep within these achievements, pocket of deprivations exist.

Over the past 10 years, SUHAKAM has been actively addressing the rights of vulnerable groups. From awareness raising and research to efforts towards legal and policy reform, SUHAKAM has continuously advocated for the realisation of these rights, including the rights of persons with disabilities. In the course of these activities, SUHAKAM had the opportunity to talk to persons with various forms of disabilities and these are their views and concerns:

- Insufficient support services to enable inclusive education such as equipments or learning devices for disabled student as well as trained and qualified teachers. In addition, the education system was found not suitable and could not cater the needs of students with learning disabilities. They are often face difficulties in the learning process compare to other students due to mental slowness. Besides, many parents with disabled children alleged that they were not allowed to register their children by the school authorities as the schools were only accept disabled students who are independent and could manage themselves.

- While the Uniform Building By-Law 1990 stated that any building shall be provided with access to enable disabled persons to get into, out of and within the building as well as facilities for used by disabled persons, many of persons with disabilities were denied access and facilities which are disabled-friendly such as ramp, toilet, parking lots and lift. As reported in the local newspaper on 25 November 2011, only 25% of public spaces and buildings in the country are disabled-friendly¹. A study which conducted in 16 locations nationwide found that only four were between “moderate” to “satisfactory” in terms of accessibility for disabled persons while the rest were not designed to cater for the disabled
- Person with disabilities often discriminated to develop their career and job opportunities by the employers. For instance, although the Government allocated 1% of employment quota for disabled persons in the public sectors, nevertheless this quota was not met and large amount of them were holding the low post job.

Therefore, it is important for us to deliberate and to discuss the issue that affected the rights of persons with disabilities in order to identify our challenges and ways to overcome them, so that we could continue to live in peace, harmony and with greater understanding among ourselves.

Distinguished guests,

Women with disabilities, migrants with disabilities, children with disabilities, the poor with disabilities and refugees with disabilities are most often the doubly vulnerable. Nevertheless,

¹ <http://thestar.com.my/news/story.asp?file=/2011/11/25/nation/9971868&sec=nation>

persons with disabilities always show resilience and fight for their rights. It was no doubt that if disabled persons are given adequate access and opportunities, they would contribute to the country development and many of them have already proved it. The late Prof. Datuk Dr Ismail Md Salleh, Dr Chandra Muzaffar, Tuah Atan, Mahadzir Derani Abdul Ghani and Siow Lee Chan are among others, had proved their successful and holding high ranking positions regardless of their disabilities.

Ladies and gentlemen,

Notwithstanding those issues, Malaysia has shown significant improvements. For instance, the enactment of the Persons with Disabilities Act 2008 recognises and protects the rights of persons with disabilities to access public facilities, amenities and services and buildings; public transport facilities; education; employment; information, communication and technology; cultural life; recreation, leisure and sport; and health. Malaysia's ratification of the Convention on the Rights of Persons with Disabilities (CRPD) has further strengthened its commitment towards the protection of Persons with Disabilities' rights. Nonetheless, Malaysia had placed several reservations on certain provisions of the Convention including those related to freedom from torture or cruel, inhuman or degrading treatment or punishment and on liberty of movement and nationality. Under the CRPD, Malaysia is obliged to, among others, ensure that persons with disabilities enjoy their inherent right to life; end discrimination; ensure equal rights; as well as access to justice; and participate in political life. It also provides the advancement for doubly vulnerable groups such as women and girls as well as children with disabilities.

Ladies and gentlemen,

Indeed Malaysia has big rooms for improvement in area of rights of persons with disabilities, this Seminar is not meant to condemn or criticise anyone. The most important is that we could stood together and unite among ourselves to overcome the challenges as the responsibility for achieving an accessible community does not just rest with people with disabilities, it rest with all of us. Instead, SUHAKAM are lending a hand to identify areas where we can improve and ultimately excel in light of the fast approaching status of developed country.

So, even though the International Day of Persons with Disabilities was celebrated on 3rd December, I hope that these rights are talked about and fought for not only during the yearly celebration, but continuously until our brothers and sisters have full and equal access to their inherent rights and freedoms. United, we shall move towards a society that is the epitome of human rights success.

Thank you.

TAN SRI HASMY AGAM
Chairman
Human Rights Commission of Malaysia (SUHAKAM)
5 Disember 2011