

Persons with Disabilities Act 2008 (*Act 685*) (*Easy Access*)

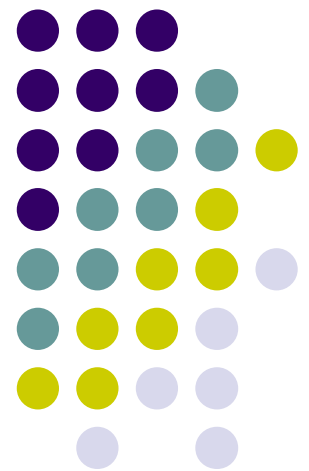
2008 年残障人士法令（容易获得）

8 June 2012

Ms Clarissa Chang

Malaysian Care

马来西亚基督徒关怀协会



EQUAL RIGHTS

共享的权



- ALL people have the same RIGHTS

- 众人都有平等的权。

民生，民主，民权 （孙中山）

People's Livelihood,
People's Right, People's Power
(Dr. Sun Yat-sen, 1911)



ALL HAVE RIGHTS

众人都有权



**People with DIFFICULTY to
MOVE (physical), SEE, HEAR,
SPEAK (speech) & LEARN**

also have RIGHTS

所有残障人士都有权。

GOOD NEWS 好消息!



The Government of Malaysia is helping people with disabilities

马来西亚政府帮助残障人士

A Reflection on Roundtable Discussion on

Persons with Disabilities Act 2008 – Right to Education

at Bar Council, 7 September 2009



for
OKU

By Tan Chee Mun

The Good News

People with disabilities in Malaysia became part of the nation's history when the Persons with Disabilities Act 2008 came into operation on 7 July 2008, as announced by the then Minister of Women, Family and Community Development, Dato' Dr. Ng Yen Yen. That was shortly after Malaysia signed the Convention on the Rights of Persons with Disabilities at UN Headquarters in April 2008.

The Persons with Disabilities Act 2008 focuses on equality and non-discrimination towards people with disabilities and ensures easy access to places and services, public transport, employment, education, computer and information technology (IT), cultural life, hobbies and sports, habilitation and rehabilitation, health, protection of persons with severe disabilities and help during emergencies.

Room for Improvement

Education is a primary area where the principles of the Convention that needs to be implemented fully. Section 28 of the Persons with Disabilities Act 2008 is comprehensive on how education is to be accessed by the visually impaired and hearing impaired. However, it has left out education provisions for individuals with learning difficulties such as dyslexia, Down's Syndrome, ASD, ADHD, etc.

According to some statistics provided by the Ministry of Education, pupils with learning difficulties in integrated secondary schools way far outnumbered total of pupils with hearing and visual impairment, by nearly ten times (figure as of June

2009)! Thus, a big sector in the pie has been left out indeed!

Section 28 (1) of the Persons with Disabilities Act 2008 is also inconsistent with Regulation 3 of the Education Act (Special Education) which has not deleted the term "educable/non-educable" criteria for access to special education.

One of the concerns raised during the discussion among the participants was the Persons with Disabilities Act 2008 lacked penalties for infringement of the Act. The absence of penalties would not give the Act the imperative powers required for effective implementation of the provisions which would affect the lives of the disabled community. In some Asian countries like The People's Republic of China (PRC), Indonesia and The Philippines, those who infringe the rights and provisions relating to people with disabilities could be fined monetarily or imprisoned.

Let's take a look at PRC, a developing nation. According to a radio programme, Beijing Public Service Radio broadcasted on Friday, 11 September 2009, barrier free pathways were to be built even in the farming villages. This paves towards building a disabled, elderly and child friendly environment, a much applauded effort as PRC celebrates 60th anniversary of nation building this year.

As Malaysia has passed 52 years of independence, we are not too early to begin, so that by our 60th year of independence, people with disabilities in Malaysia would be much more empowered!

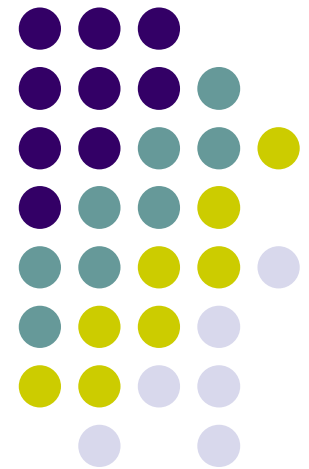
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1 Malaysia for OKU

一个马来西亚 为了残障人士



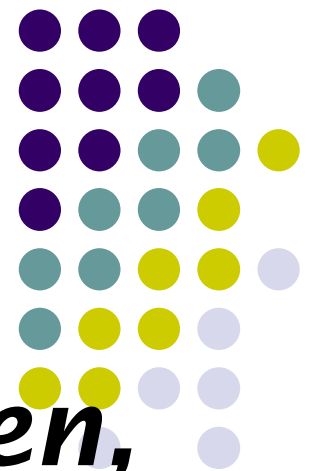
The Persons with Disabilities Act (law) was passed on 10th December 2007 in the Malaysian Parliament



Persons with Disabilities Act 2008 (Act 685)

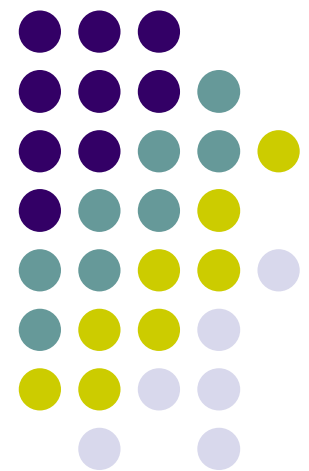
**came into operation on
7 JULY 2008**

**as announced by
Dato' Dr. Ng Yen Yen,
*former Minister of Women,
Family and Community
Development***



Persons with Disabilities Act 2008 (Act 685) 2008 年残障人士法令

**The Malaysia government
has also signed the
Convention on Rights of
Persons with Disabilities in
United Nations Headquarters
in April 2008**



Malaysia ratified UN Convention on Rights of Persons with Disabilities (UNCRPD)



The ministry has targeted two areas, mainly **accessibility** and **employment** as priorities for this year

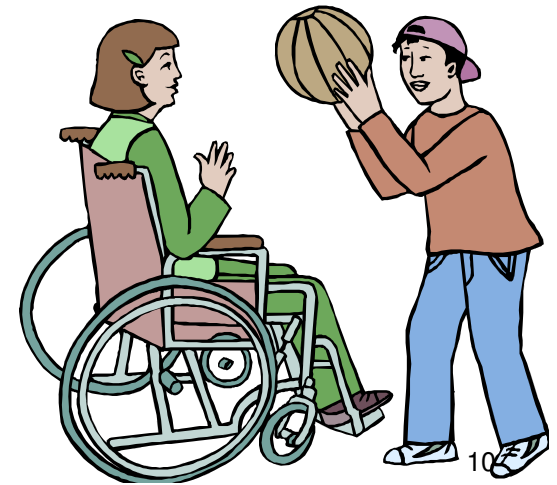
(Senator Dato' Seri Sharizat Abdul Jalil)

Source: The Sun, 2 March 2010



The Persons with Disabilities Act 2008 is a law which protects the rights of persons with disabilities

The law says that persons with disabilities will have **same opportunity** as other people



Forming a Council for Persons with Disabilities



The law says that a group of persons, including persons with disabilities will be chosen; to make sure that the rights of people with disabilities are protected

国家残障人士理事会

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Forming a Council for Persons with Disabilities



This group is *called*
***“National Council of
Persons with Disabilities”***



What does the Council do?



- **The Council will work together with government, organisations and companies to carry out plans**
- **The Council will give suggestions and advice to government to improve the support for Persons with Disabilities**



What does the Council do?

- **Help** people know more about Persons with Disabilities
- **Improve** the education system
- **Promote** job opportunities and skills training for Persons with Disabilities





Promotes Good Quality of Life of Persons with Disabilities:

Having Easy Access

确保残障人士生活质数
(容易获得)

The types of easy accesses provided in the Act:



- **Easy Access to Places & Services**
- **Easy Access to Public Transport**
- **Easy Access to Education**
- **Easy Access to Employment**
- **Easy Access to Computer & IT**
- **Easy Access to Cultural Life**
- **Easy Access to Hobbies & Sports**
- **Easy Access to Habilitation & Rehabilitation**
- **Easy Access to Health**
- **Easy Access to Protection of Persons with Severe Disabilities**
- **Easy Access to Help during Emergency**

Easy Access

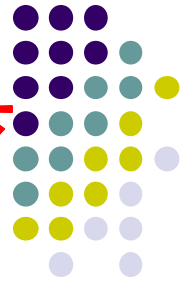
BANK 銀行

There are many banks around
We can easily go to a bank

What can we do in a bank?



Easy Access to Education 教育



- Right to enter school and university
入学/大专的权利。
- The government and institutions to provide teaching materials and good support. 政府和学府提供教材与援助。



Secondary
Education

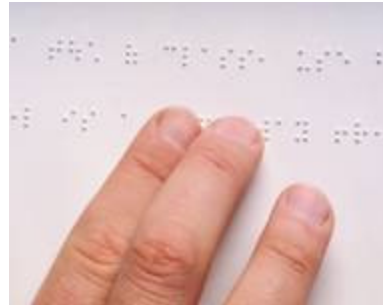


Vocational
Education



Education for
ALL

- The government and education institutions to assist OKU to learn:



Braille

(for those with visual impairment)

- Sign Language and other methods of communications

Bahasa Isyarat
手语

(for those with hearing/speech impairment)

政府以及学府帮助残障人士学习。

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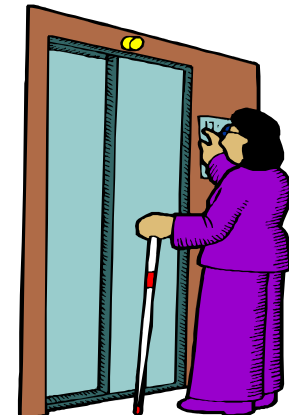
Easy Access to Places and Services

容易通入的地方和设备

- Right to enter buildings and use services
- Under the building by-laws, the government and owner of the building will ensure the design of the building to be disabled-friendly



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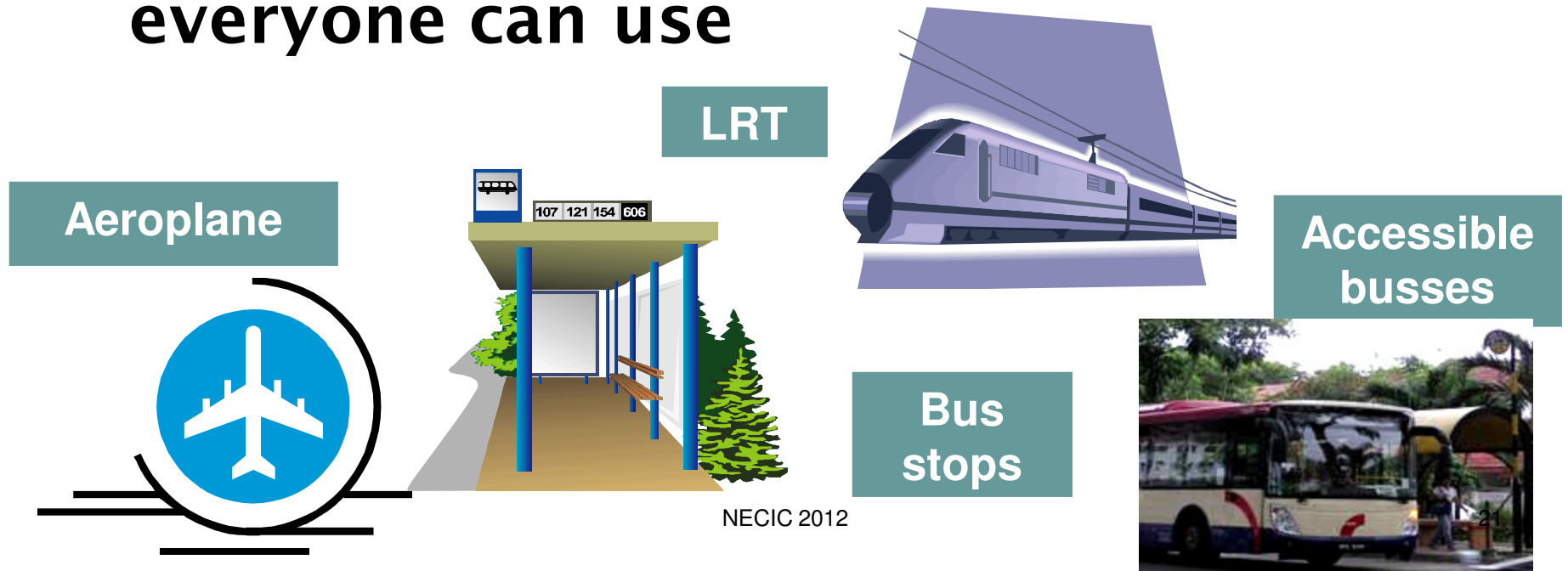


Easy Access to Public Transport

容易乘坐公交



- Can use public transport easily
- Universal (SAME) design that everyone can use



Easy Access to Employment

容易就业



- The Council will promote more jobs and training opportunity in companies for Persons with Disabilities by setting up rules and programmes

训练与就业的机会



Easy Access to Employment

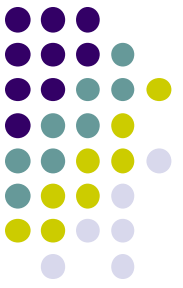
容易就业

- The Council will promote more opportunities for jobs:
 - set up own business
 - work from home

创业/在家工作的机会



Selling Products
at a Stall



Easy Access to Employment

容易就业



- **Government will also provide jobs for Persons with Disabilities**
- **1% quota system of total staff = OKU**
政府也提供就业机会，
全体职员의 1% = 残障员工

Easy Access to Employment

容易就业



- The employer will protect Persons with Disabilities

雇主有责保护残障员工:

- same pay for same type of job

相同工作相同待遇

- nice and safe work place

安全舒适的工作环境

- protection from bullying

保护不被剥削



Easy Access to Employment

容易就业



- **The employer will be responsible to:**
 - **give stable jobs, proper job match according to abilities and interest**
 - **fair treatment to everyone**



Easy Access to Computer and IT

容易得使用电脑和咨询科技



- The government and provider of IT will help to give information easy for people to understand
- Assistive devices such as Braille and voice reading gadgets

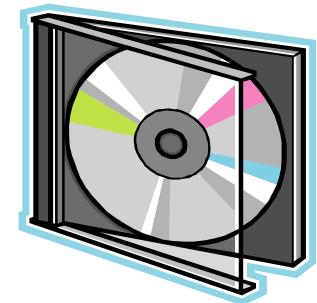


Email



NECIC

Internet



Easy Access to Computer and IT

容易得使用电脑和咨询科技



- **Right** to access computer and information technology (IT) same as other people



Easy Access to Cultural Life

容易享受文化生活



- The council will help develop the potential of Persons with Disabilities in art or other areas
- *OKU Bureau in Malaysian Artists' Association*
- **Right** to be known for own culture and language
保持以及发挥文艺潜能

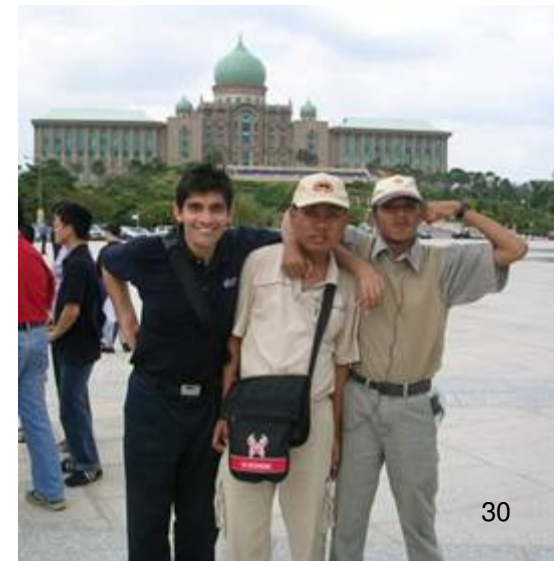
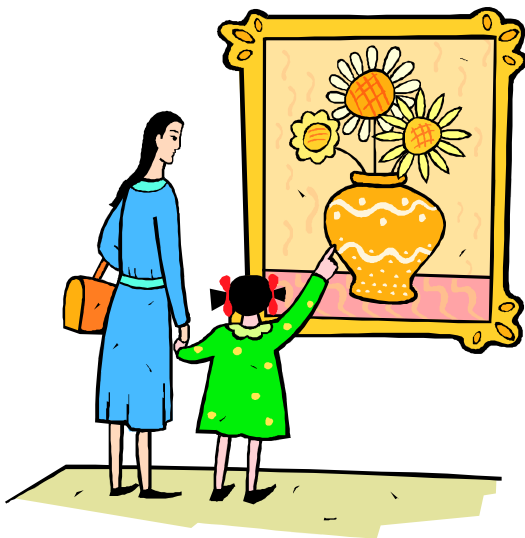


Easy Access to Cultural Life

容易享有文化生活



- **Right** to enjoy the way of life in society same as other people
- **Right** to enjoy TV, movie, theater, museum, library and holiday

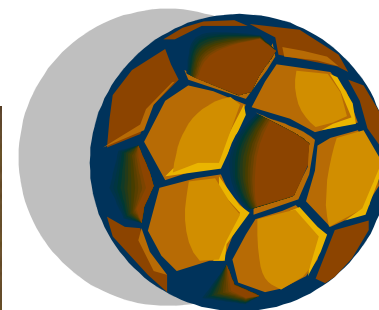
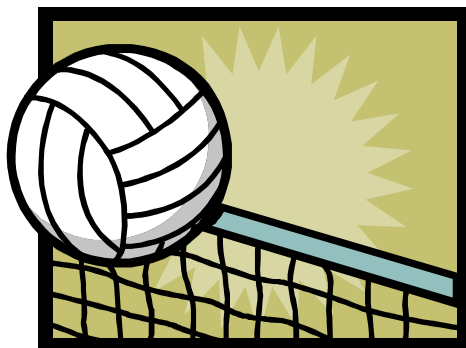


Easy Access to Hobbies and Sports

容易享有嗜好和体育



- The Council will help people to take part in sports and



Easy Access to Hobbies and Sports

容易享有嗜好和体育



- Right to join sports and hobbies



Habilitation & Rehabilitation

康修服务



- The council, the private healthcare service provider and organisations will help Persons with Disabilities to be independent and included in the community with physical, mental, social and vocational skills

透过肢体，智力以及
技能训练帮助残障人士
在社会能够自立。

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Health 健康



- **Right** to enjoy good health same as other people with services from medical staff
透过医药服务享受健康生活



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Protection of persons with severe disabilities

保护严重残障人士



- Lifelong protection and social support system
- The government will provide protection and support to ensure that Persons with Severe Disabilities have a good quality of life after their caregivers passed away

保护以及提供援助予



Emergencies 急救



Access to HELP

- Right to get help same as other people during emergencies, including war and natural disaster

紧急和灾难中获救



Persons with Disabilities Act 685

残障人士法令 685



The Challenges ... 挑战 ...

- No provision for People with Learning Difficulties
没有提到学习障碍者的教育特权
- The term educable/non-educable has not been deleted the Education Act
未曾删除 “能/不能受教育” 的条件
- Lack of penalty for infringement of the Act
缺乏刑罚违背者的权利

Persons with Disabilities Act 685

残障人士法令 685



... what needs to be improved 需要修改之处

- **Section 28 PWDs Act** – stated provisions for education for those with visual and hearing impairment, but none for people with learning difficulties

- *(the ratio is about 1.7 times higher!)*

第28条： 没有提到学习障碍者的教
(学习障碍者比听觉与视觉残障者多)



Pendaftaran Orang Kurang Upaya Mengikut Jenis KecaCatan



Bil	Jenis KecaCatan	2003	2004	2005	2007	2009 (Nov)
1.	Penglihatan	14,154	15,364	16, 211	20,039	25,575
2.	Pendengaran	22,728	24,712	26,470	31,715	37,201
3.	Anggota	45,356	51,090	58,371	73,559	92,494
4.	Akal	49,340				
5.	Masalah Pembelajaran		57,483	66,906	85,812	107,164
6.	Cerebral Palsy		34	623	1,787	3,864
7.	Lain-lain	1,077	1,934	4,335	7,338	11,211
	JUMLAH	132,655	150,617	172,916	220,250	277,509

40%

Persons with Disabilities Act 685

残障人士法令 685



... what needs to be improved 需要修改之处

- **Section 28 (1) PWDs Act** is inconsistent with Regulation 3 of the Education Act (Special Education) which has not deleted the term **educable/non-educable** for enrolling into special education

第28 (1)条以及教育法令的不一致：未曾删除“能/不能受教育”的条件

Persons with Disabilities Act 685

残障人士法令 685



... what needs to be improved 需要修改之处

- Lack of penalty that could be imposed on those who infringe the PWDs Act has affected the effectiveness of its implementation ...

缺乏刑罚违背者的权利 ... - 影响执行之效力

Major Concerns highlighted by Human Rights Watch



- 1) Dropout rate for children with disabilities
- 2) The Act provides no mechanisms for redress, and expressly prohibits legal actions against the government for violating the rights of Persons with Disabilities

People's Voice, Your Voice

人民之声，您的心声 ...

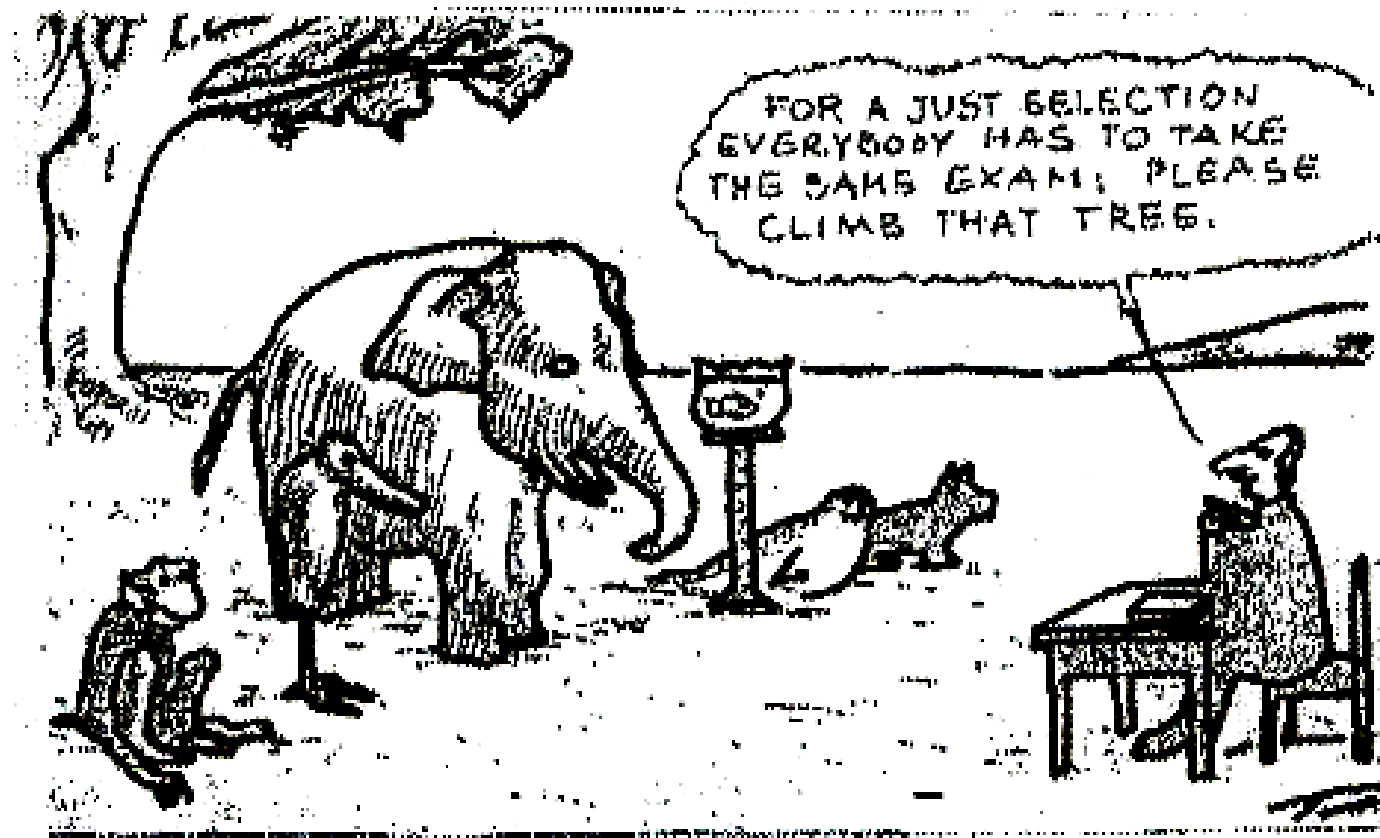


How disabled friendly do you think is our Malaysian society?

您认为马来西亚的社会对残障人士有多友善呢？



Disability Model: Is It a Model of Disability or More?





OKU: Kadar gaji bermaruah

WARTAWAN SINAR HARIAN

4 Jun 2012



N. Pathmanathan

(Assistant Director General of the Department of Disability)

BERIKAN gaji yang setimpal dengan maruah Orang Kurang Upaya (OKU)

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