

IMPROVING THE RIGHTS OF PERSONS WITH DISABILITIES IN MALAYSIA THROUGH SUSTAINABLE DEVELOPMENT GOALS (SDG)

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ABSTRACT

The introduction of 2030 Agenda and Sustainable Development Goals (SDG) has significantly improved the rights of persons with disabilities at the global stage. The SDG has created the opportunity in progressing their rights to the next level especially after the inception of the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD). This paper addresses the link between SDG and CRPD where Malaysia has become one of the parties that ratified the CRPD. This link is crucial in order to improve the living condition and rights of persons with disabilities in Malaysia. Based on the analysis done in this paper several issues have been identified, and a few challenges have been anticipated which must be cautiously observed by all stakeholders in improving the rights of disabled people. Among those include the non-legal effect of SDG and no monitoring mechanism available for disabled organizations to observe the progress in realising the rights. Therefore, it is crucial for government and various stakeholders related to disability issues to observe the importance of SDG in improving the rights of this minority groups and allowed them to be inclusive within society.

Key words: Sustainable Development Goals (SDG), Persons with Disabilities, Human Rights

INTRODUCTION

The sustainable development plan is a relatively new concept which may trace back to the “The Global Problematique” stated by The Club of Rome which comprises various key stakeholders such as industrialist, educators, scientist and others. They initially observe the interdependence of world’s economic system, social and financial structure system which resulted in pressure to the community and issues related to various earth sources. The capitalist-oriented, history of colonialization and Northern domination has created the problem of balancing between the need of environment protection, social justice and economic concerns which lead to the importance of the concept on sustainable development (Redclift & Springett, 2015).

This concept historically started at international stage since the 1970s from Stockholm Conference (1972) to the UNCSD (Rio+20) in 2012. However, initially it was much influenced by the Northern-dominated States within United Nations and disregarded the voice from Southern Nations and non-governmental organisations (NGO) (Redclift & Springett, 2015). Only in 2015, The UN General Assembly’s 25 September 2015 set up the resolution “Transforming our World: the 2030 Agenda for Sustainable Development” which includes proper plan for people, planet and prosperity (SDG Preamble, 2015, pp.1). It has 17 goals covering (1) poverty, (2) promoting sustainable agriculture, (3) healthy livings, (4) quality of education, (5) gender equality, (6) sustainable management of water and sanitization, (7) sustainable energy, (8) full and productive employment, (9) inclusive and sustainable industrialization and foster innovation, (10) reduce inequalities, (11) make save, resilient, and sustainable cities and human settlement, (12) ensure sustainable consumption and product patters, (13) urgent action to combat climate change and its impact, (14) conserve and sustainable use of oceans, seas and marine resources, (15) protect ecosystem and sustainable managing ecosystem (16) promote peaceful, inclusive societies, provide social justice for all, effective accountable and inclusive institutions at all levels and finally (17) strengthen global implementation and revitalize Global Partnership for Sustainable Development.

The SDG Plan also focuses on the importance of poverty eradication and the inclusion of everyone within the society where “no one would have left behind.” It also explicitly recognises the realisation of human rights including protecting and addressing gender equality. The relationship between human rights and sustainable development has been described by Adebawale (et al.) (2001) whereby it involved the right to life for every human being regarding basic necessitates such as air, water, land including quality of life. It also leads to the ability of everyone to participate in decision making and the role of the state in complying with international obligations and adapting to public policies and programme (Adebawale, Church, Nduta Kairie, Vasylykivsky, & Panina, 2001). This paper would address the importance of inclusion of SDG in promoting and protecting the rights of persons with disabilities in Malaysia. Therefore, it is crucial for State to address the concern of human rights and sustainable development especially towards all minority and vulnerable groups including persons with disabilities.

Protecting the Rights of PWD through SDG

The SDG has raised the potential to priorities the importance for every State Members to mainstream disability rights within the national development. Brolan (2016) viewed SDG has advanced the rights of persons with disabilities by covering universal agenda and expressly included persons with disabilities within its agenda. Previously, Millennium Development Goals (MDG) has been criticised by Disabled People Organisations (DPO) as neglecting the importance to uphold the rights of disabled community (United Nations, 2011, p. 1). Therefore, SDG has created the opportunity for international players to improve the

rights of disabled where ‘that no one will be left behind’. It has become universal ideas and embraces the concept of human rights. Furthermore, persons with disabilities have explicitly elaborated under this plan:

“People who are vulnerable must be empowered. Those whose needs are reflected in the Agenda include all children, youth, **persons with disabilities** (of whom more than 80 percent live in poverty), people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants. We resolve to take further effective measures and actions, in conformity with international law, to remove obstacles and constraints, strengthen support and meet the special needs of people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism.” [Emphasize by author] (UN General Assembly, 2015, para. 23)

The Plan itself has included at least 5 primary goals related to the rights of persons with disabilities namely Goal 4 (education), Goal 8 (employment), Goal 10 (reduce inequality), Goal 11 (sustainable cities) and Goal 17 (global implementation) (Della Fina, 2017, p. 579). The UN has taken the initiative to devise the strategies to implement post-2015 framework from disability-inclusive perspectives and to list down practical recommendations to implement such agenda (Della Fina, 2017, p. 580). The target for all these five goals are elaborated by the table below:

Table 1: SDG and relation to persons with disabilities (GlobalDisabilityRightsNow.org, 2017; UN General Assembly, 2015). See also Della Fina (2017), Brolan (2016) for further elaboration

SDG Goals	Targets (By 2030)
Goals 4 – Ensure inclusive and quality education for all and promote lifelong learning opportunities for all	<ol style="list-style-type: none"> 1. Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable groups including persons with disabilities. (Goal 4.5) 2. Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environmental for all. (Goal 4.a)
Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.	<ol style="list-style-type: none"> 1. Achieve full and productive employment and decent work for all women and men, including young people and persons with disabilities, and equal pay for work of equal value (Goal 8.5)
Goal 10 – Reduce inequality within and among countries	<ol style="list-style-type: none"> 1. Empower and promote the social, economic and political inclusion for all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status (Goal 10.2)
Goal 11 – Make cities and human settlement inclusive, safe, resilient and sustainable.	<ol style="list-style-type: none"> 1. Provide access to safe, affordable, accessible and sustainable transport system for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, woman, children, persons with disabilities and older persons. (Goal 11.2) 2. Provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities. (Goal 11.7)
Goal 17 – Strengthen the means of implementation and revitalize the Global Partnership of Sustainable Development	<ol style="list-style-type: none"> 1. By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographical location and other characteristics relevant in national contexts. (Goal 17.18)

It is crucial to understand that the SDG is only the ‘soft law’ mechanism which based on express agreement amongst the international community. Brolan (2016) has cautiously reminded this by stating that the SDG has no legal binding against State Members, unlike other treaties which will signify the legal binding commitment against the party. Therefore, the SDG must be implemented together with the human rights treaty under United Nations (UN) system under the UN Convention on the Rights of Persons with Disabilities (CRPD) which Malaysia has become the parties to the Convention. It has become the legal backbone instrument of promoting and protecting the rights of people with disabilities around the globe.

The CRPD stipulates various duties and obligations for many stakeholders including government, international organisations and the civil society organisations including disabled people organisations (DPO). It seeks to change the way society viewed persons with disabilities who are not protected against abuse, neglect, stigma and discrimination by various segment of societies and institutions (Kanter, 2015, p. 7). Persons with disabilities has been defined according to Article 1 of CRPD as ‘include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others.’ The definition also consistent with the preamble (e) of the CRPD which view disability as the evolving concept which involve the interaction of persons with disabilities with the environment and society. Therefore, it is crucial to engage people with disabilities with cooperation with other organisations. For international cooperation, Article 32 of the CRPD stipulated the importance of international cooperation to promote disability-inclusive development which currently signed with the idea of SDG. The provision would allow cooperation amongst states especially North-South nations supporting each other regarding resources, technical capacity and knowledge implementing the CRPD (Brolan, 2016, p. 24). Article 32 according to Della Fina (2017) requires the obligation of the State to cooperate with various stakeholders especially Disabled People Organisation (DPO) fulfilling four appropriate measures including to (1) ensure the inclusive and accessible cooperation amongst all parties (2) facilitate and support capacity building through exchange and sharing of information, experiences, training programs and best practices (3) facilitate cooperation in research and access to scientific and technical knowledge and (4) provide technical and economic assistance by facilitating accessible and assistive technologies, and through transfer of technology.

Malaysia has become the signatory to the CRPD in 2008 and ratified the Convention in 2010 where it has shown its obligation to the international human rights treaty specifically for disabled community (Ikmal Hisham Md. Tah & Khairil Azmin Mokhtar, 2016). The Persons with Disabilities Act 2008 has become the first statute promoting and protecting the rights of people with disabilities at the domestic level (Ikmal Hisham Md. Tah, 2013). As the State Parties to the CRPD, the Malaysian government, together will help all stakeholders of the disabled community in Malaysia, shall take active role implementing Article 32 to fulfil the commitment of CRPD and the SDG that benefits the community. The involvement of disability rights NGO, DPO and other advocates need to monitor such development and created special disability forum and SDG commission, work with the various disabled community, are crucial in mainstreaming disability issues to the public. Such act required for document reporting method which would address the concern involving the rights of persons with disabilities to all stakeholders in government and the international community (Brolan, 2016, p. 40).

The SDG and Malaysia – Mainstreaming Disability Rights

The concept of sustainable development in Malaysia has been influenced by the relationship between environment and economic growth which has significant role several national policies such as in Ninth Malaysian Plan, National Development Policy and National Conservation Policy, National Vision Policy and Vision 2020 (Saadatian et al., 2011) . This relationship has expanded to include the rule of law by Malaysian judiciary. In the recent speech made by Chief Justice during Opening Legal Year 2017, Tun Arifin Zakaria has raised the importance of sustainable development goals in promoting democracy, good governance, rule of law in relation to sustainable economic growth, social development, environmental protection, and eradication of poverty and hunger (YAA Tun Arifin bin Zakaria, 2017).

Malaysia had started its commitment to sustainable development since the 1970s when the New Economic Policy (NEP) began in 1970s. Two main purposes lead towards Malaysian involvement; to eradicate poverty and to address the social imbalance (“Main Messages Voluntary National Review 2017 - Malaysia,” 2017). In 2009, Malaysia formulated New Economic Model (NEM) to strengthen the sustainable development based on three pillars such as high income, inclusivity and sustainability. 11th Malaysian Plan (2016-2020) has stated the importance to include all segment of society in participating and benefit from national development to ensure no one is left behind which consistent with the primary goals of 2015 SDG (Economic Planning Unit (EPU), 2017). This includes the minority groups such as persons with disabilities.

Malaysia has prepared a report known as SDG-Voluntary National review 2017 (High-Level Political Forum) to fulfil its commitment towards SDG. The 79-pages report highlighted the progress being made by the government since the 1970s to eradicate poverty, improving the well-being of people, providing universal access to education and caring for the environment. In the report, the words referring to persons with disabilities mentioned five (5) times. Under Goal 3, Malaysia has described the importance to deliver delivery of health service to the poor, elderly and persons with disabilities including enhanced healthcare financing (Economic Planning Unit (EPU), 2017, p. 19). The involvement of other NGOs specifically addressed the concern of disabled people has become vital success factor in implementing Goal 3 (Economic Planning Unit (EPU), 2017, p. 21). In fulfilling Goal 5 to reduce gender inequality, Malaysia has ratified several treaties including CRPD and creating a new action plan in 2016-2022 fulfilling Goal 10 (Economic Planning Unit (EPU), 2017, p. 24,49). Malaysia has also engaged with all segment of society including disabled people under new national aspiration vision (2020-2050) known as Transformasi Nasional

(TN50) through several dialogues and consultation. An ambassador for TN50 from disabled community Dr Aizan Sofia Mohd. Amin has recently been appointed to show the government commitment in addressing disability concern amongst youth and all segment of disabled people categories (Kamles Kumar, 2017).

Despite this achievement, much effort still need to be made in addressing the concern involving rights of persons with disabilities within other goals as stipulated above. The Voluntary Report need to address various issues involving persons with disabilities, not just focussing on health, gender equality, reduced inequalities, but cover holistically such as education, employment, universal design and access to justice in promoting the rights of people with disabilities and protect them from being discriminated. Furthermore, Saadatian (et.al) (2011) has briefly explained that there is still large gap between the policy and assessment tools in detail which hamper the implementation of sustainable development in Malaysia at the national, state and building level.

CONCLUSION AND SUGGESTIONS

Despite non-legal binding effect, the SDG initially has given the opportunity for all parties to improve human rights for people with disabilities holistically. The sustainable development concept provided significant ways of addressing the concern and effort to end the discrimination facing disabled community. It is undeniable that Malaysia has given full commitment implementing Sustainable Development Goals (SDG) into the national policy and programme as stipulated within the voluntarily national report. However, much effort needed to be done especially within the human rights approach to minority groups including persons with disabilities. The SDG, for example, may be elaborated and implemented within the action plan of persons with disabilities (2016-2022) and other related national policy and action plan benefit to all stakeholders upholding rights of people with disabilities in Malaysia. As stated above, all the NGOs, DPOs and disability advocates in Malaysia shall work together in monitoring and prepare a report to enhance the implementation of CRPD together with SDG Goals which would benefit them addressing the concern and grievances related to the disabled community. With such effort, all parties would appreciate and provided a meaningful contribution towards the development of the rights of persons with disabilities to all sectors where no one left behind as indicated within the SDG plan.

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