

GAME ON: BOOSTING SPORTS ACCESS FOR ALL ABILITIES IN MALAYSIA AND AUSTRALIA

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ABSTRACT

The growing recognition of the rights of persons with disabilities (PWD) in sports emphasizes the need for accessible facilities and events. However, Malaysia's legal framework for PWD inclusion in sports is not fully comprehensive and does not fully align with the Convention on the Rights of Persons with Disabilities (CRPD). This paper examines the CRPD's provisions, particularly Article 9 and Article 30, which focus on integrating PWD into mainstream sports and ensuring accessible sports venues. A comparison of the legal frameworks in Malaysia and Australia is undertaken to propose reforms that guarantee sports access for PWD in Malaysia. Using a doctrinal legal research approach, this study analyzes data from sources including the CRPD, national legislation, and court cases. Key findings include: Article 30 of the CRPD advocates for the participation of PWD in sports and emphasizes the provision of disability-specific sports. Article 9 stresses the need for accessible public spaces, including sports venues. Malaysia's current laws addressing PWD in sports lack the specificity and enforcement seen in Australia's Disability Discrimination Act 1992 and national sports policies, which offer a more inclusive model. This research recommends amendments to Malaysia's national laws to ensure equal access to sports for PWD, improved enforcement mechanisms, and the ratification of the Optional Protocol to the CRPD. Drawing on lessons from Australia's legal framework will help align Malaysia's laws with the CRPD's principles of dignity, equality, and inclusiveness, ensuring full participation of PWD in sports.

Keywords: Access, Disabilities, Human Rights, Persons with Disabilities, Sports.

INTRODUCTION

Ensuring equitable access to sports for persons with disabilities (PWD) is increasingly recognized as a fundamental right, yet significant gaps remain in the legal frameworks governing sports inclusivity. In Malaysia, despite growing awareness, the existing laws fall short of fully aligning with the Convention on the Rights of Persons with Disabilities (CRPD), particularly concerning Articles 9 and 30, which emphasize integrating PWD into mainstream sports and ensuring accessibility to sports venues. The primary objective of this study is to propose legal reforms in Malaysia that ensure equal sports access for PWD, drawing lessons from Australia's more inclusive approach. Utilizing a doctrinal legal research methodology, this study analyzes data from the CRPD, national legislation, and national policies to highlight deficiencies in Malaysia's current legal provisions and enforcement mechanisms. Focus areas include the necessity for disability-specific sports provisions and the accessibility of public sports venues as mandated by Articles 9 and 30 of the CRPD. This research is significant not only for policymakers in Malaysia but also for advocates of disability rights globally. By aligning Malaysia's legal framework with the CRPD's principles of dignity, equality, and inclusiveness, this study aims to enhance the participation of PWD in sports, ensuring their full and effective inclusion in society. The findings contribute to the broader discourse on disability rights and sports inclusivity, providing a pathway for reform that could serve as a benchmark for other nations seeking to improve sports access for PWD.

LITERATURE REVIEW

In the realm of sports inclusivity, the legal recognition and support for persons with disabilities (PWD) are crucial for ensuring equal access to facilities and events. This literature review examines the existing legal frameworks, comparative studies, and empirical data related to the integration of PWD into sports in Malaysia and Australia. Through an analysis of the Convention on the Rights of Persons with Disabilities (CRPD), particularly Articles 9 and 30, this review explores the gaps and opportunities within Malaysia's legal system and offers insights from Australia's more comprehensive approach.

Malaysia's legal framework for PWD in sports currently lacks the specificity and enforcement strength observed in Australia, where the Disability Discrimination Act 1992 and national sports policies provide a dynamic model of inclusivity. Existing literature highlights the importance of accessible public spaces and disability-specific sports provisions as outlined in the CRPD, yet studies indicate that Malaysia's implementation is insufficiently aligned with these international standards. This review addresses the gap in literature regarding Malaysia's current policies by drawing comparisons with Australia's successful strategies. It aims to provide a foundation for proposing legal reforms that emphasize dignity, equality, and inclusiveness, ensuring full participation of PWD in sports. By synthesizing findings from various sources, this review contributes to the broader discourse on disability rights and sports accessibility, highlighting pathways for legal and structural improvements in Malaysia.

Article 30 of CRPD – Inclusion in Sports for People with Disabilities

The Convention on the Rights of Persons with Disabilities (CRPD) makes several specific provisions to ensure the accessibility of sports facilities and events for persons with disabilities. Article 30(5) of the CRPD is particularly focused on the rights of people with disabilities in the realms of sport, recreation, play, and leisure, mandating countries that ratify the Convention to implement proactive measures, including policy and legislative changes, to enable individuals with disabilities to fully realize their human rights in these areas (Conroy, 2007). The CRPD emphasizes an all-inclusive and human-rights-based approach to accessibility, which encompasses not only physical access but also electronic accessibility and access to services, thereby empowering persons with disabilities to enjoy their rights as citizens (Seatzu, 2017). In the context of major sporting events, the CRPD seeks to counter disability discrimination and enable citizenship rights, including access to goods and services, across all dimensions of social participation, such as the Olympic and Paralympic Games (Dickson et al., 2016). Despite these provisions, the participation of individuals with disabilities in sports and recreation continues to lag behind the general population due to various barriers, such as the disparity in the number of National Paralympic Committees compared to International Olympic Committee members (Legg et al., 2022). Furthermore, research on the accessibility of sports stadium highlights the need for legislative compliance and enhanced resources, both physical and human, to improve accessibility. This includes developing a Stadium Accessibility Scale (SAS) to better understand and improve the journey that spectators with disabilities must undertake to attend sports events (Kitchin et al., 2022). These provisions and ongoing research efforts underscore the importance of creating inclusive environments in sports, benefiting not only people with disabilities but all stakeholders involved.

Article 9 of CRPD – Achieving Accessibility in Sports for People with Disabilities

Article 9 of the Convention on the Rights of Persons with Disabilities (CRPD) emphasizes the importance of accessibility, which is crucial for enabling persons with disabilities to fully enjoy their rights, including participation in sports activities. Accessibility is not only about physical access but also encompasses electronic and service access, as highlighted in the CRPD, which aims to empower individuals with disabilities by ensuring they can participate as equal citizens (Seatzu, 2017). However, the reality of accessibility in sports facilities for persons with disabilities presents several challenges. In Indonesia and Malaysia, for instance, accessibility issues in sports facilities have been identified as significant barriers to participation, with athletes expressing concerns about access to training facilities and during matches (Fitri et al., 2022). Similarly, architectural barriers such as unadjusted wheelchair ramps and inadequate parking spaces are common obstacles faced by athletes with spinal cord injuries, as observed in Belgrade (Kljajić et al., 2018). The architectural formation of adaptive sports facilities is crucial, with trends focusing on creating inclusive environments through universal design principles, which ensure equal access for all users, regardless of their physical capabilities (Shkliar & Zaitseva, 2023). The Paralympics, as a major sporting event for people with disabilities, underscores the importance of accessibility, yet historically, it has struggled to be at the forefront of accessibility innovation. The convergence of the Olympic and Paralympic Games has highlighted the need for host cities to uphold disability rights and legislation, thereby raising expectations for high accessibility standards (Darcy, 2017). Despite these efforts, the implementation of accessibility measures often progresses slowly, indicating a gap between the ideals set forth in international conventions and the practical realities faced by persons with disabilities in accessing sports facilities worldwide.

Issues in Malaysia's Sports Accessibility Laws for Persons with Disabilities

The current legal framework for persons with disabilities (PWDs) in Malaysia, particularly concerning sports, is primarily governed by the Persons with Disabilities Act 2008. This Act, which came into force on July 7, 2008, underscores Malaysia's commitment to ensuring that PWDs are treated equitably alongside able-bodied individuals (Tahir et al., 2020). The Act recognizes the right of PWDs to access and participate in sports, aligning with the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which Malaysia ratified on July 19, 2010 (Khuo, 2020) (Tahir et al., 2020). This legal framework is supported by both government and non-governmental organizations, which have been instrumental in promoting disability sports, especially following Malaysia's notable performance at the 2016 Paralympic Games (Khuo, 2020). Despite these legal provisions, challenges remain in the practical implementation of these rights, as physical barriers in the built environment continue to hinder the movement and participation of PWDs in sports and other activities (Kamarudin et al., 2014). The need for a barrier-free environment is internationally acknowledged, and Malaysia has established relevant acts and legislation to address these needs. However, there is a noted gap in the comprehensive application and enforcement of these laws across all public buildings and facilities, which is crucial for creating an inclusive environment for PWDs (Kamarudin et al., 2014). Furthermore, the legal perspective has significantly contributed to the development of disability studies in Malaysia, emphasizing the importance of rights and social inclusion for PWDs (Tah & Mokhtar, 2017). This perspective encourages a broader societal engagement to address the concerns and grievances faced by this marginalized group, thereby promoting their rights and participation in sports and other social activities (Tah & Mokhtar, 2017). While the legal framework in Malaysia provides a solid foundation for the rights of PWDs in sports, ongoing efforts are needed to ensure effective implementation and enforcement of these laws to achieve true inclusivity and equality.

Legislative Frameworks and Approach in Australia

Australia has made significant efforts to ensure accessibility for persons with disabilities to sport facilities, focusing on legislative frameworks, community involvement, and inclusive design practices. The Disability Discrimination Act 1992 (DDA) is a cornerstone of Australia's legislative efforts, mandating equal access for people with disabilities where reasonably possible. This includes access to sports facilities and events (Arch & Burmeister, 2003). The Australian Human Rights and Equal Opportunity Commission (HREOC) provides guidelines that interpret the DDA, advising service providers on avoiding discrimination, which extends to sports facilities (Arch & Burmeister, 2003). A transdisciplinary approach has been adopted in some Australian regional

cities, involving stakeholders with lived experiences of disability to create collective action plans. These plans aim to integrate urban planning with public transport, housing, and community infrastructure to enhance accessibility (Tucker et al., 2023) (Tucker et al., 2022). This approach emphasizes the importance of community participation in urban planning, ensuring that the needs of persons with disabilities are considered in the design and operation of sports facilities (Tucker et al., 2022). The concept of universal design is promoted to ensure that sports facilities are accessible to all, including spectatorship, membership, and employment opportunities for people with disabilities (Anderson & Balandin, 2019). Efforts are being made to develop a Stadium Accessibility Scale (SAS) to assess and improve the accessibility of sports stadia, focusing on both physical and experiential aspects of attending sports events (Kitchin et al., 2022). Despite these efforts, challenges remain in fully realizing accessibility in sports facilities. Many sports clubs and stadia still fall short in their provisions for people with disabilities, highlighting the need for ongoing improvements and research (Anderson & Balandin, 2019). Additionally, while legislative frameworks provide a foundation, the practical implementation of these policies requires continuous evaluation and adaptation to meet the evolving needs of persons with disabilities.

The approaches undertaken by Australian government in its plans and policies can serve as a model for our Malaysian government to emulate and adapt their legislative framework into our national framework. Apart from its dynamic model, the justification in using Australia as comprehensive example is based on both countries commitments as signatories to the CRPD and have incorporated the principles of CRPD in both countries domestic law. Besides the shared common law system for both countries, the relevance for the comparison is based on the similarity of the proportions of person with disabilities in their populations. The ratio percentage of person with disabilities for both countries make a contrastive reasoning comparable in addressing the challenges of accessibility for person with disabilities in terms of scale and scope of our study (Mohamad Zahari et al., 2024).

PROBLEM STATEMENT

Inclusivity in sports is essential for fostering equal opportunities, promoting diversity, and building a sense of community among individuals of all abilities and backgrounds. However, despite growing recognition of these values, many sports environments remain inaccessible or exclusive, particularly for marginalized groups such as persons with disabilities (PWD). As indicated in the preceding literature review, this paper seeks to address these gaps by comparing the legal frameworks of Malaysia and Australia, with the latter serving as a model of inclusivity through its robust Disability Discrimination Act 1992 and comprehensive sports policies.

METHODOLOGY

Research Design

This study utilizes a doctrinal legal research design to examine and compare the legal frameworks governing the inclusion of persons with disabilities (PWD) in sports in Malaysia and Australia. This approach is appropriate as it allows for a systematic analysis of legal principles, legislation, and case law to determine the extent to which these frameworks support the rights of PWD in accessing and participating in sports.

Data Collection

Data for this research will be drawn from primary and secondary legal sources. Primary sources include international legal instruments such as the Convention on the Rights of Persons with Disabilities (CRPD), specifically Articles 9 and 30, which focus on accessibility and participation in sports, respectively. In addition, relevant national legislation from both Malaysia and Australia, including the Disability Discrimination Act 1992 (Australia), will be examined. Case law from both jurisdictions will also be analyzed to understand the judicial interpretation and application of laws related to PWD inclusion in sports. Secondary sources, such as academic articles, legal commentaries, and reports from relevant organizations, will provide context and support the analysis of these primary legal sources.

Comparative Analysis

A comprehensive comparative analysis will be conducted to evaluate the strengths and weaknesses of the Malaysian legal framework in relation to the Australian model. This analysis will focus on three key aspects: the comprehensiveness and specificity of legislation in both countries regarding accessibility of sports venues, inclusion of PWD in mainstream sports, and provision for disability-specific sports; the effectiveness of enforcement mechanisms and remedies available under each legal system to address discrimination and ensure compliance; and the role of national sports policies in promoting inclusivity and accessibility for PWD in sports. Findings from this comparative analysis will be used to propose targeted reforms to the Malaysian legal framework, drawing on best practices and lessons learned from the Australian experience, to ensure alignment with the CRPD's principles and promote full and equal participation of PWD in sports.

RESULTS AND DISCUSSION

The results of this study provide valuable insights into the participation of persons with disabilities in sports across Malaysia. By looking at Malaysia's current framework, these themes underscore the potential benefits and challenges of adopting similar strategies. The discussion focuses on four main areas: comprehensive legislative measures in accessibility of sports venues, inclusion of PWD in mainstream sports, the effective enforcement mechanisms and remedies, and the role of national sports policies.

Main Theme 1: A need for comprehensive legislative measures in accessibility of sports venues

The adoption of the Convention on the Rights of Persons with Disabilities (CRPD) aims to share and implement best practices among the State Parties that have ratified it, aligning them with the shared objectives outlined in Article 1 of the Convention. These objectives are to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, as well as to foster respect for their inherent dignity. Pursuant to the ratification of CRPD as international standards to give protection to people with disabilities, the enacted legislation known as Person with Disabilities Act 2008 ("the Act") is a significant legal framework that promotes and protects the rights of persons with disabilities (PWDs) in Malaysia.

Despite existence of the Act, the issue on accessible environmental facilities for people with disabilities continue to be overlooked, and the execution of universal design to accommodate the diverse capacities and abilities of society in the future needs to be surmounted. Apart from the primary issue in regards to the facilities of sports available to the PWDs, research conducted on the data identified the barrier faces by PWDs in sports namely, access to training facilities, access inside training facilities, access during matches and athletes' expectations of training and competition facilities (Fitri, et al., 2022). The rights of person with disabilities to participate in recreational, leisure and sporting activities is stated in Section 32 of the Act and the rights to participate equivalent to right to access to the sporting and recreational venues. The word "accessibility" can be referred to as "convenience provided to Persons with Disabilities in order to realize equal opportunities" (Fitri, et al., 2022). In existing literature review on constraints experienced by the PWDs showed that the most common barriers in sport for PWDs is lack of access to facilities especially amongst the wheelchair users. From bibliographic database, the participants were also affected when they perceived those activities were challenging and inconvenience to participate when the important factors such as lacking and unsuitable equipment, individual health condition as well as limited accessibility to the facilities (Wee, et al., 2021). Some studies found from this research also showed that all recreational facilities were not user-friendly and the participants voiced out their fear of injury due to accessibility issues such as obstacles on the street, potholes and uncovered drain.

Although the national policies aimed at improving the protection of persons with disabilities across various sectors, the development of accessible and environmentally-friendly facilities remain insufficient. Concerning this matter, there are codes of practice and building regulations in place to ensure accessibility for disabled individuals. The three codes of standards for the practice of providing facilities for the disabled person, namely "Malaysian Standard 1184: 2002 Code of Practice on Access for Disabled Persons to Public Buildings", "Malaysian Standard 1183: 1990 Code of Practice for Means of Escape for Disabled Persons" and "Malaysian Standard 1331: 2003 Code of Practice for Access of Disabled Persons Outside Buildings". This standard emphasizes the needs of users in a wheelchair, crutch users, those who suffer from hearing loss and vision (Jusoh, 2021). Along with the standard practice and code to ensure the accessibility of facilities for PWDs, the other legislation and regulation known as the Uniform Building By Law 34A (UBBL) is regulated whereby under this law, all public buildings must provide facilities for the disabled. The provisions of this by-law 34A which require that all public buildings are accessible facilities for the disabled are available inside and outside the building must comply with Malaysian Standard MS 1184 and MS 1331. Regardless the presence of rules and legislations, the issues of enforcement to provision accessibility and facility outside buildings remains unchanged (Jusoh, 2021). It is highlighted that PWDs relies very much on the social responsibility and responsiveness of the government, private sector or industry and the public in assessing facilities to do their regular basis activities. Physical accessibility for PWDs is strongly associated with construction and building law in our country. It is suggested that the construction of building must follow the standard of law to determine the facilities that accessible to all kind of PWDs (Wahab, 2016).

The implementation of these codes of practice and uniform by laws is much related to the application for planning permission which empowered the local planning authorities to ensure the regulations are followed (Maidin, 2012). The author discuss on the barrier friendly development requirement is associated with the application of planning permission. Further, the authors criticize the function of National Council under the establishment of Act as impotent authority for having no power to penalize any person, bodies or agencies for failing to comply with the provision of the Act. Additionally, local authorities must play their role in ensuring that the design of the physical and built environment is developed with consideration for accessibility for persons with disabilities.

The Australia Disability Discrimination Act 1992 (DDA)

In 2022, 5.5 million Australians (21.4%) had a disability, marking an increase from 4.4 million (17.7%) in 2018. According to the Survey of Disability, Ageing and Carers (SDAC), a person is classified as having a disability if they experience any limitation, restriction, or impairment that affects their daily activities (Australian Bureau of Statistics, 2024). The Disability Discrimination Act 1992 (DDA) prohibits discrimination based on disability in the provision of goods, services, or facilities, as well as in granting access to public premises. Unconventionally, any complaints received on disability discrimination in the provision of goods, services and facilities experience by person with disabilities in Australia is attended by the Australian Human Rights Commission (AHRC). Section 24 of DDA makes it against the law to discriminate any person because of their disability either; by refusing to provide them with goods or services or make facilities available; or because of the terms or conditions on which, or the manner in which, the goods, services or facilities are provided. In reference of accessibility to facilities, Section 23 of DDA stated that it is unlawful to discriminates any person with disabilities to access and use of public premises. This public premises referred to as shops, cafes, restaurants, banks, cinemas, theatres and sporting venues.

In order to ensure accessibility of facilities for the person with disabilities, the Australia Disability (Access to Premises - Buildings) Standards 2010 is established under Section 31 of DDA (Disability Standard) with the aims to ensure a dignified, equitable, cost-effective and reasonably, achievable access to buildings, and facilities and services within buildings, is provided for people with a disability. This legislation is a national legally-binding standards which set out technical requirements for those building or upgrading premises to ensure people with disability can access and use buildings, as required by the DDA. Section 32 of DDA provides that it is unlawful for a person to contravene a disability standard and penalty shall be imposed under the same Act. In respect of wheelchair users, the Section 8 of DDA makes it against the law to discriminate who use a 'disability aid' and

this disability aid in relation to person with disability includes equipment (including a palliative or therapeutic device) as well as wheelchairs and mobility scooters (Australian Human Rights Commission, 2016).

From the discussion outlined, the available rules and regulation pertaining to the accessibility of sports venue for the PWDs faltered to ensure compliance as mandated in the Act and other regulations. It is suggested that an imperative amendment to the Person with Disabilities Act 2008 is significant to change the landscape to enhance the rights of person with disabilities in Malaysia. The provision stated in Australia Disability Discrimination Act 1992 is an exemplary model to be adopted in our legal framework as comprehensive legislative measures in accessibility of sports venues for PWDs. Besides, it is recommended for our Malaysian National Council for Person with Disabilities to aspired the role of Australian Human Rights Commission as a mandated authority to be granted with broadened function to assist any person who lodged complaints against any public or private entities for failure to complied with the rules and regulation affecting the rights of PWDs.

Main Theme 2: Inclusion of person with disabilities (PWDs) in mainstream sports

In a study conducted to examine the challenges encountered by student-athletes with disabilities in sport, it showed that the participation of both abled-bodied and disabled students can enhance public awareness of a unified and inclusive sports by engaging in the same sport activities. Although the barriers to sports participation, such as facilities, preparedness, and resources, have been discussed, the primary focus should be on creating more initiatives to raise public awareness about the involvement of persons with disabilities, particularly in sports (Abd Rahim, 2018). Additionally, in a cross-sectional quantitative study conducted to perceived quality of life for disabled person in sport experience, disabled person who choose to participated in sport were happier when they involved in sports activities (Lee, 2023). The discussion on quality of life for PWDs is important as more personal anticipation on the involvement of PWDs in recreational/leisure activities which includes physical activities in sport reflects improvement in enhancement of their quality of life (Abd Aziz, et al., 2024). Although there is continuous effort made by the government to provide a better life and well-being of PWDs which includes the specific statute on PWDs, the legislation has no punitive provision to remedy the breach which effected their rights (Abd Aziz, 2023).

Demonstrating their commitment of inclusiveness in sport, Australian government agency partnered with the Australian Sports Commission (ASC) with an integrated approach called development-through-sport' (Australian Sports Commission, 2013). This inclusion program includes participation by both person with disability and person without disability to participate in the same sports. From the key findings in the studies conducted, the inclusion in sports improve the PWDs feelings and promote broader community inclusion (Devine, Carroll, & Sainimili, 2019). The inclusion program starts in school activities and according to Australian Sports Commission, the examples of adaptive and inclusions sports for both person with disabilities and person without disabilities are swimming, cricket, softball, golf and football. For the compliance of inclusiveness in the Australia Disability Discrimination Act 1992 (DDA), Section 28 of the Act provides it is unlawful to discriminates any person with disability to participate in any sports activities.

Substantial transformation for inclusiveness of sports in Malaysia is needed to ensure full participation of PWDs in all facets of life, particularly in sports. Drawing inspiration from Australia's model under the Disability Discrimination Act, Malaysia can adopt similar measures to promote inclusiveness in sports, empowering PWDs while fostering national unity and enhancing the well-being of all citizens. By integrating provisions similar to Australia's DDA and collaborating with the private sector, educational institutions, and non-governmental organizations, the Malaysian government could launch national campaigns that promote inclusive sports activities. Programs like "Sports for All," inspired by Australia's community-based initiatives, can foster participation from the grassroots level, ensuring that PWDs of all ages and abilities have opportunities to engage in physical activities.

Main Theme 3: The effective enforcement mechanisms and remedies

Person with Disabilities Act 2008 is significantly important effort from the Malaysian government to shows their commitment in provide for the registration, protection, rehabilitation, development and wellbeing of persons with disabilities as well as to adapt with The Malaysian Plan of Action for People with Disabilities 2016-2022 (Abdul Rahim, 2017). The ordeal faces by many disabled persons in accessing facilities are ought to be handled legally with the enforcement of this Act. However, research conducted on the *lacuna* of this Act showed a significant omission in the implementation and enforcement of the Act (Abdullah, Hanafi, & Mohd, 2017). The absence of punitive and remedial provision for any breach committed towards the requirement to provide accessible facilities to the person with disabilities makes the law is rather to be observed than to be complied with. The lack of any or any comprehensive monitoring mechanism against parties who violate the PWD Act or the rights of persons with disabilities also makes it ineffective tools to give further protection to this group. Additionally, the absence of specific anti-discrimination and anti-harassment provisions in the Act will encounter further setbacks to eliminate discrimination towards person with disabilities. In most Asian countries including Malaysia, accessibility that link to building and facilities in terms of regulatory and implementation is more on mutual understanding rather than real enforcement. The reason for this is due to the absence in their legal framework for the provision of anti-discrimination to enforce the civil rights and social participation with further remedial measures (Abd Samad, 2018). The respondents from qualitative study on the policy imposed by the government support the initiatives undertaken to protect and promotes the rights of PWD in many sectors. However, the respondent expresses their conscience on the implementation and enforcement of those policy as "soft" and lenient as the policy and legal enforcement does not impose any sanction to the non-compliance of the said policy (Wahab, 2016). The study suggested that the enforcement of law to ensure the achievement of the policy objectives particularly in accommodating the facilities for the PWD in many fields. In this issue of enforcement, the respondents refer to the implementation of fine for non-compliance by the Australia government as a remedial action to any defaulter.

Although Malaysia has ratified the Convention, it has made reservations under Article 15 (Freedom from torture or cruel, inhuman, or degrading treatment or punishment) and Article 18 (Liberty of movement and nationality) (Ikmal, 2013). Additionally, Malaysia has not signed the Optional Protocol, which allows individuals to file complaints with the international supervisory

committee regarding government non-compliance. The reservation is visible under Section 41 of the Person with Disabilities Act 2008 which become the shield against any civil servant and government including the members of the Council under the Act. Section 42 of the Act further protect the government and public servant against action or legal proceedings with the protection under another legislation, Public Authorities Protection Act 1948 (Act 198) (Abdullah, Hanafi, & Mohd, 2017) (Ikmal, 2013).

Under the Australia Disability Discrimination Act 1992 (DDA), it covers discrimination on the ground of disability includes direct and indirect discrimination. The DDA makes it unlawful to discriminate on the ground of disability in many areas of public life which includes employment, education, access to premises, the provision of goods, services and facilities, the provision of accommodation, the sale of land and the administration of Commonwealth laws and programs (Australia Human Rights Commission). In conjunction with the provision of non-discrimination clause, the DDA provides for punishment as a remedial for unlawful discrimination inflicted towards person with disability under the Act. The remedial provisions under the Act provides for punishment in terms of penalty for any unlawful action and determined by category of action. Besides, the DDA also empowers the Australian Human Rights and Equal Opportunity Commission (HREOC) to conduct public inquiries into areas of discrimination whereby under Section 64 of the Act allows HREOC to assist any “unjustifiable hardships” that may affect the person with disabilities (Basser & Jones, 2002).

From the preceding analysis, the omission on non-discrimination clause and non-remedial provision as well as the protection clause against the neglect or default committed by public servant and government under the PWD Act are the evidence that the protection of person with disabilities is much reserved as compared to the Australia DDA. Some author critics the PWD Act as a “toothless tiger” without the non-discrimination and non-remedial provision to effectively safeguard the rights of person with disabilities (Ikmal, 2013). In these circumstances, to improve the protection in our national legal framework, the necessary action is to adopt the same mechanism from the DDA as integral part to strengthen the enforcement of our PWD Act. The demands on non-discrimination clause and the remedial provision have been discussed considerably by many authors to enhance the protection of person with disabilities in Malaysia.

Main Theme 4: The role of national sports policies

The Australian Sports Commission (ASC) has developed a National Policy for the inclusion of person with disability in sports. ASC has a strong commitment to promoting inclusivity in sports, ensuring that all Australians, regardless of ability, have the opportunity to participate in sporting activities. This commitment is embedded in the ASC's overall vision for Australian sport involved extensive consultation with various stakeholders including the disabilities advocacy group, sports organization and government bodies (Australian Sports Commission, 2013). Their national policies effectively coordinated with their Anti-Discrimination Act 1992 as comprehensive legal framework to unified the inclusiveness of person with disability in many areas including sports activities.

The National Sports Vision (VSN2030) was launched on 8th of October 2022 with the concept of ‘From the Community to the Community’ and a strategic document aimed at advancing the nation's sports industry. In this documented government official, the VSN2030 highlighted the government commitments; development of a sustainable sports industry, leveraging the sports culture as a unifying force and as opportunities to enjoy accessible sports facilities for all. The commitment of VSN2030 is in line with the Malaysian Twelfth Plan (RMK-12) with its objective “A Prosperous, Inclusive, Sustainable Malaysia” encompasses the first half of the *Wawasan Kemakmuran Bersama 2030*. Under the VSN2030 framework, the focus on sports for Persons with Disabilities (PWDs) aims to eliminate discrimination and promote inclusivity in all sporting activities, safe and family-friendly sports hubs and facilities that are inclusive of PWDs and all segments of society. In respect of rights for PWDs in accessibility of sports facilities and venues, the vision outlined the strategy to achieve user-friendly facilities for PWDs is developing a guidelines and planning for sports hubs. In alignment with the RMK-12 plan and its F5 Strategy framework, the focus is on empowering PWDs to achieve independence and actively participate in society. This will be enhanced through increased inclusiveness of PWDs in education and training, employment, financing, and sports. Arguably from the previous strategy plan initiated by the government, most initiatives undertaken consist solely of a national action plan with an implementation period of 5 to 10 years. Therefore, it is recommended to further integrate these initiatives into local city master plans to ensure that accessibility and inclusivity plan must involve intensive collaboration between all stakeholders to ensure national aspirations are achieved while eliminating redundancy and ensuring consistency.

CONCLUSION

As Malaysia continues to strive for greater inclusivity, it is essential for all stakeholders to collaborate in expanding opportunities, improving infrastructure, and raising awareness to ensure that sports become a right and not a privilege for persons with disabilities. This literature review underscores the significant role that legal frameworks and inclusive design play in advancing sports accessibility for persons with disabilities. Through an in-depth analysis of the Convention on the Rights of Persons with Disabilities (CRPD), the review highlights both the successes and challenges faced by Malaysia and Australia in implementing these international standards. Australia's approach, characterized by the robust Disability Discrimination Act 1992 and active community engagement, exemplifies a comprehensive strategy that effectively addresses accessibility in sports facilities. This model is supported by inclusive design practices and the involvement of stakeholders with lived experiences, ensuring that sports environments are welcoming to all individuals. In contrast, Malaysia's legal framework, while aligned with the CRPD's principles, often falls short in practical application. The review identifies a critical gap between policy and implementation, exacerbated by persistent physical and systemic barriers that limit participation by persons with disabilities. Despite notable achievements, such as the progress following Malaysia's performance in the 2016 Paralympic Games, there remains a pressing need for reforms that enhance enforcement and compliance across all public and sports facilities. Furthermore, the review emphasizes the importance of adopting universal design principles and community-driven approaches to create truly inclusive sports environments. While this study provides a valuable insight in the challenges faced by person with disabilities and the comparative analysis of comprehensive

framework for to enhance sports accessibility, several limitations should be noted. It is imperative if the study could be further conducted with interviews or surveys with person with disabilities which could provide a different insight of effectiveness and designs that accommodates disabilities persons. The limitation of study in the legal and designs aspects need a further delve to other systemic barriers such as financial constraints, political wills and other societal attitudes that also impacts on sports accessibility. It is salient for further analysis on these limitations to achieve an inclusive initiative, fostering a global movement towards accessible and equitable participation in sports for all abilities.

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