

SIUMAN Collective - About Us¹

01 Who are we?

SIUMAN (the Malay word for "sane") is an Organisation of Persons With Disabilities (OPD) in that we are a collective of mental patients and allies fighting for socioeconomic and political equity and equality for the mentally ill in Malaysia, initiated amidst the COVID-19 pandemic in 2021.

We are, by active choice, a 100% disabled-led and run civil society organisation (CSO) in Malaysia.

02 What do we do?

SIUMAN works with any and all parties and organisations with progressive views on mental health and firmly believes that mental health advocacy should not stop at just awareness and destigmatisation efforts.

SIUMAN strongly believes that mental patients should participate in the political process (including direct action) to push for meaningful legal reform and policy change.

03 Our milestones

With the support from allies consisting of local and international communities and organisations, we have:

- a. Become the first disabled-led CSO to present on disability rights in Malaysia, with a special focus on mental health, in the 45th Session 4th Cycle of the UPR, following individual UPR submission.
- b. Been a part of COMANGO in submitting joint submission by adding a focus on disability rights in Malaysia.

¹ <https://linktr.ee/KamiSIUMAN>

- c. Conducted a workshop for 6th Sarawak Mental Health Conference 2023 on Mental Health and Disability: An Introduction to Rights-based Advocacy, among other workshops and PWD round table discussions for communities and organisations in Malaysia.
- d. Provided professional consultation on accessibility as part of the coordination work for UNICEF Stakeholder Mapping Focused Group Discussion in Klang Valley, November 2023.
- e. Been lobbying, alongside other CSO and stakeholders, for CRPD compliance at national level (e.g. engagements with Malaysian Government Ministries to repeal Penal Code Section 309 criminalisation of suicide; submissions of formal recommendations to Health White Paper 2023). This is a part of **SIUMAN's** active lobbying to remove CRPD reservations and amending the PWD Act 2008, among others, to be in line with CRPD rectification.

Disability Rights: The Legislative Framework

01 Federal Constitution (FC)²

- a. The FC does not explicitly recognise disability within Article 8(2) (Equality). This is in contrast to our CEDAW ratification, when gender was added to Article 8(2). This distinction inadvertently denies clear and direct protection against discrimination for PWD due to the dualist legal framework practised by Malaysia.
- b. Inclusion of 'unsound mind' with its broad legal interpretation arbitrarily disqualifies PWD from standing as

² <https://lom.agc.gov.my/federal-constitution.php>

election candidates or being appointed as Senator.

02 Persons with Disabilities Act 2008 (PWDA 2008)³

- a. The social model of disability is recognised and used in PWDA 2008 to define what disability is, but discrimination protections, universal access or reasonable accommodations in any aspect of life for PWD are not mandated.
- b. While the decision by the government to decriminalise suicide attempts and adopt a more healthcare-centric approach to address those engaging in suicidal behaviours is welcomed, the word “dangerous” was included in the amendments to the Mental Health Act 2001 (MHA 2001) to describe persons engaging in suicidal behaviour, with a lack of reporting and oversight mechanisms for their apprehension.
- c. The lack of protections for health information in the Personal Data Protection Act 2010 (PDPA 2010) adds to the multitudes of barriers due to inaccessible healthcare, which also disproportionately affects disabled refugees and migrants.

03 Convention on the Rights of Persons with Disabilities (UN CRPD)⁴

- a. Malaysia ratified the CRPD in 2010, with reservations to Article 15 and 18, and interpretative declarations to Article 3, 5 and 30. These reservations

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<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86297/17930/F139356912/MYS86297.pdf>

4

<https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

and interpretative declarations have shaped and informed, and arguably hampered, the domestication of CRPD principles in Malaysia.

- b. Malaysia has signalled its intent to report to the CRPD committee but has yet to take any significant steps in consultation with civil society organisations or community members.

Summary of Recommendations

SIUMAN recommends that the Government of Malaysia, through its relevant ministries, to:

- a. Perform a full audit on the implementation of National PWD Action Plan 2016-2022, to table and debate the outcome of the audit in the parliament, and to do this within one year.
- b. Remove all reservations to CRPD, ratify the UN CRPD Optional Protocol, amend PWD Act 2008 to mandate access and discrimination protections for PWD, while meaningfully including PWD in the process, within one year.
- c. Audit all legislation with a PWD element, including but not limited to the Penal Code and the Mental Health Act, to ensure compliance with UN CRPD standards within two years.

04 Our UPR 45 Report

For our full UPR submission and more recommendations on Disability Rights in Malaysia, please scan the QR code or go to the link below:



<https://bit.ly/SIUMANUPR45DisabilityRights>