



THE ROLE OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) IN PROTECTING REFUGEES IN MALAYSIA

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Introduction



Protecting the refugees (including refugee with disabilities) is part of humanitarian protection that exists in every nation.

Malaysia is the party to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) since 2010

- However, Malaysia is not the party to the Refugee Conventions 1951.

This paper will explore whether the CRPD is sufficient in protecting the rights of the refugee with disabilities despite not being party to the 1951 Convention.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD)

- The 1st international human rights treaty promoting & protecting the rights of disabled people.
- Article 4 CRPD: Malaysia has enacted the Persons with Disabilities Act 2008 to ensure PWD protected within national legislation
- However, Malaysia has made reservation towards Article 15 and Article 18 CRPD

The Refugee Convention 1951

- Article 1(2) of The United Nations Convention on the status relating to Refugees 1951: “...and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

Issues related to Refugees with Disabilities

Most discriminated minority group

- Vulnerable persons who experienced forced migration

Humanitarian Intervention and Emergencies

- Risk to exploited and violence
- Article 11 CRPD

Accessibility

- Article 9 CRPD

FINDINGS

The CRPD has its role in protecting the rights of the refugee with disabilities.

This paper took the position that despite the ratification of CRPD, the reservation made on Article 18 CRPD on nationality by Malaysia has restricted the application of CRPD in Malaysia towards refugee with disabilities.

Even with the non-ratification of the UN Refugee Convention 1951 by Malaysia, the treatment towards refugee with disabilities must be for the sake of an equal basis with others and humanitarian reasons.

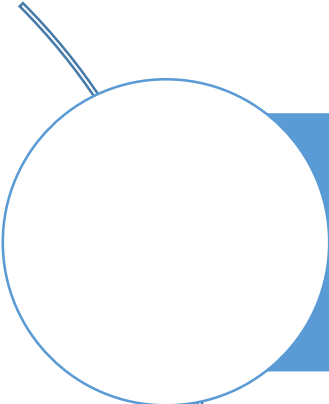
Refugees with disabilities are entitled to the same protections under the law with other marginal communities

SUGGESTIONS AND RECOMMENDATIONS

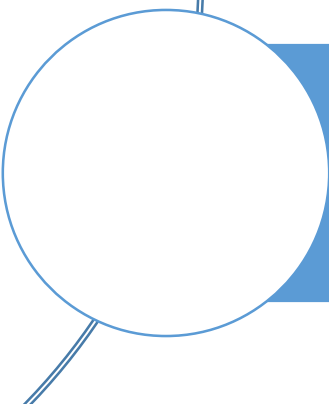
Strengthening
the role
of Disabled
People
Organisations
(DPO)
in Malaysia.

The DPO has an active role in observing issues related to disabled refugee, especially on their difficulties on accessibility and social services.

Government should handle the issue seriously



suggestion for the Government to consider the ratification of the Refugee Convention 1951, Malaysia commits to the international commitment in protecting the refugees since this issue has become contentious in global eyes due to conflict occurred in most countries.



Suggestion for the Government to reconsider further study on the reservation on Article 15 and 18, which undeniably denied the protection on the rights of the refugee with disabilities.

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