Civil Society Joint Submission for the 45th Session, 4th Cycle, Human Rights Council Universal Periodic Review: STATUS OF DIGITAL RIGHTS IN MALAYSIA

Focus on **Persons with Disabilities, Older Persons, Children and Youth**

e-Submission: 18 July 2023

Joint Malaysian civil society submission (by alphabetical order of name):

1. Asia Community Service (ACS)
2. Association of Women Lawyers Selangor & Federal Territory (Association of Women Lawyers)
3. Autism Inclusiveness Direct Action Group (AIDA)
4. Boleh Space
5. Challenges Foundation
6. Deaf Advocacy and Well-Being National Organisation (DAWN)
7. Harapan OKU Law Reform Group
8. Malaysian Sign Language and Deaf Studies Association (MyBIM)
9. National Council for the Blind Malaysia (NCBM)
10. National Early Childhood Intervention Council (NECIC) Malaysia
11. National Family Support Group for Persons with Disabilities
12. Penang Independent Living Association for Disabled (PILAD)
13. Raudhah Autisme (Persatuan Raudhah Autisme Islam Selangor)
14. Society of the Blind in Malaysia (SBM)
15. The OKU Rights Matter Project
16. UniquelyMeInitiatives (UMI)

I. Introduction

1. This report is the first-ever Malaysian civil society submission in the UPR process that focuses on the rights of persons with disabilities, older persons, children and youth. It highlights the urgency of shaping Malaysia's rapidly-changing digital landscape to reflect progress on the following:

   (a) Adoption, at all levels and across sectors, of universal design principles for essential digital public goods;

   (b) Harmonization of legislation, policies, plans, programmes and procedures with the **Convention on the Rights of Persons with Disabilities (CRPD)** and the **Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.**

   (c) Adherence to the latest version of the **Web Content Accessibility Guidelines**.

II. Meaningful Access and the Digital Divide

2. Internet access is critical for acquiring and sharing knowledge, peer support, accessing e-government forms and documents,[1] using online financial services, e-shopping, receiving alerts on imminent emergencies and communicating distress. For **persons with diverse disabilities**, namely, **16%**[2] of the population, internet access and digital inclusion are critical for enabling quality of life and meaningful participation on an equal basis with others. This includes access to remunerated work options and continuous lifelong learning.[3]

3. However, persons with disabilities face more disability-related and intersectional barriers and are in greater need of an affordable and stable wifi connection to break out of the poverty trap.[4] For women and girls and men and boys with diverse disabilities, Malaysia's continued non-adherence to international digital accessibility standards[5] is a major barrier. With the rapid ageing of Malaysian society, many more older persons, regardless of whether they self-identify as persons with disabilities, will face similar digital inaccessibility issues as those faced by persons with disabilities.

4. To maintain a competitive edge, Malaysia needs to fast forward capability development for urgent implementation of Web Content Accessibility Guidelines (WCAG), to make web content more accessible for a wide range of users with varying levels of disabilities. Once digital accessibility is ensured as per WCAG, blind persons, older

[1] For example, the land transactions in Malaysia's Land Registry will be fully digital; physical issuance of documents of titles will be terminated and the law on this will be amended. Source: deliberations at the International Malaysia Law Conference 2023, 10-13 July, Kuala Lumpur.

[2] Global report on health equity for persons with disabilities. Geneva: World Health Organization, 2022.

[3] "Article 9, paragraph 2 (f) to (g), of the Convention on the Rights of Persons with Disabilities (CRPD) therefore provide that States parties should … promote access for persons with disabilities to new information and communications technologies and systems, including the Internet, through the application of mandatory accessibility standards." Cited in United Nations Committee on the Rights of Persons with Disabilities, 2014. General comment No. 2 on Article 9: Accessibility. CRPD/C/GC/2.

[4] Amar-Singh HSS, Lai-Thin Ng, Moses Choo, Yoon Loong Wong, and Yuenwah San (2022). Situation of persons with disabilities in the COVID-19 pandemic and their access to ICT. NCBM, Kuala Lumpur <PwD-WGD in COVID19 Pandemic & ICT Access - Final_168086.docx (live.com)>.

[5] Web Content Accessibility Guidelines (WCAG) international technical standard for making web content more accessible for persons with disabilities, see <WCAG 2 Overview | Web Accessibility Initiative (WAI) | W3C>

persons with reduced sight acuity, other persons with print disabilities and persons who no longer can physically hold or balance devices can use screen reader software in personal computers, computer notebooks, tablets and mobile phones to undertake online banking and other online activities from which they are now excluded (see annex). Similarly, there are advancements in finger print technology that would enable banks and government entities to digitally store thumb impressions in place of written signatures.[6]

5. A 2022 Malaysian study[7] of the situation of persons with disabilities, particularly women and girls with disabilities, during the COVID-19 pandemic and their access to information and communication technology (ICT) found no gender differences in ICT access and challenges faced. The key ICT access issues identified by persons with disabilities during the COVID-19 pandemic pertained to their need for free or subsidized Internet access, better information delivery, wider coverage and faster speeds.

6. For Deaf persons, internet access and digital inclusion are critical for daily communication among Deaf peers and with the hearing world. COVID-19 highlighted the challenges that Deaf persons face in accessing healthcare services and essential health-related information. The Malaysian Federation of the Deaf (MFD) provides online medical interpreting.[8] Monash University Malaysia, in collaboration with organizations of Deaf persons, is designing and testing the Deaf In Touch Everywhere (DITE™) app, to improve deaf patient-hearing doctor communication. DITE™ provides deaf access to a Malaysian Sign Language interpreter, by appointment or on-demand, and the health consultation is interpreted via video conferencing.[9] Other planned project activities to bridge Deaf health disparities include the proposed development of a digital Malaysian Sign Language Medical SignBank of medical terminologies. Inspired by <https://www.bimsignbank.org/home>, the MFD's Malaysian Sign Language (Bahasa Isyarat Malaysia) BIM SignBank, the Monash University BIM Medical SignBank will have a medical focus and communication structure for effective learning and communication.

7. For increasing numbers of neurodivergent individuals or persons with speech disability, digital device access and apps such as for Augmentative and Alternative Communication (AAC)[10] are vital for effective communication. It is a challenge to ensure that 30% of autistics who do not speak can have equitable and ready access to AAC devices for overall inclusion, autonomy and well-being.

III. Targeting Vulnerable Persons

8. Ninety-four percent of 12 to 17-year-olds in Malaysia are not only internet users (meaning they have used the internet within the past three months), but they are also

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[6] Civil Society Inputs to Bank Negara Malaysia (BNM) for the Preparation of BNM Guidelines on Accessible Malaysian Banking Practice < http://tiny.cc/BankingA11yBNM>.
[7] Amar-Singh HSS et al, 2022, Executive Summary.
[8] Source: M. Sazali, President, Malaysian Federation of the Deaf via personal communication on 17 July 2023.
[9] This is similar to booking a ride from e-hailing apps such as Grab. Source: Monash University Malaysia <COVID-19 does not discriminate - nor should the health communication needs of deaf individuals - Malaysia (monash.edu.my)>
[10] <https://www.kentcht.nhs.uk/childrens-therapies-the-pod/speech-and-language-therapy/augmentative-and-alternative-communication-aac/>

high-frequency internet users:[11] 96% go online at least once a day. The majority of **children** surveyed (in the Disrupting Harm in Malaysia study) used social media (91%) and instant messaging apps (90%), watched video clips (88%) and used the internet for schoolwork (86%) at least once a week.

9. Ninety-four per cent of Malaysian children are exposed to online porn.[12] According to Disrupting Harm data,[13] 4% of internet-using children aged 12–17 in Malaysia (38 children) reported that they had been subjected to a clear form of **online sexual exploitation and abuse**.[14] This estimate includes having been blackmailed to engage in sexual activities, having had their sexual images shared without permission, or having been coerced to engage in sexual activities through promises of money or gifts. In addition, 5% of the children surveyed (46 children) had received unwanted requests to talk about sex and 3% (26 children) had received requests for images showing their private parts, which, depending on the circumstances, could constitute grooming.[15]

10. Children who had been subjected to online sexual exploitation and abuse or experienced other unwanted online interactions of a sexual nature cited numerous social media and online messaging sites where they were targeted: WhatsApp was most prominent, alongside Facebook/Facebook Messenger. Other non-U.S.-based platforms, particularly WeChat and Telegram, were cited in some instances. There was a 90% increase (2017-2019) in the number of CyberTipline[16] reports by U.S.-based technology companies on suspected child sexual exploitation in Malaysia that had been made to the U.S. National Center for Missing and Exploited Children. However, the Disrupting Harm study noted that online sexual exploitation and abuse "frequently goes undisclosed and formally unreported." Of the many reasons for this, the use of threats against children is particularly worrying.[17]

11. The Disrupting Harm study noted the insufficient explicitness of the Sexual Offences against Children Act, 2017 in criminalizing online sexual exploitation and abuse of children, including live-streaming of child sexual abuse. Moreover, insufficient familiarity with the Act may have led to male abusers of male victims of online sexual

[11] ECPAT, INTERPOL and UNICEF, 2022. Executive Summary in *Disrupting Harm in Malaysia: Evidence on online child sexual exploitation and abuse*. Global Partnership to End Violence Against Children. The Disrupting Harm nationally representative household survey covered 995 internet-using children aged 12 to 17 years.
[12] CyberSecurity Malaysia, 2019. CyberSAFE™ Parenting: Towards Cyber Wellness, p. 3.
[13] Extensive data collection took place in Malaysia from early 2020 through November 2021. The data analysis for Malaysia was finalised in April 2022. Source: ECPAT, INTERPOL and UNICEF, 2022, p.13.
[14] Online child sexual exploitation and abuse is defined as situations that involve the use of digital or communication technologies at some point during the continuum of sexual exploitation or abuse of a child. Source: ECPAT, INTERPOL and UNICEF, 2022, p.18.
[15] ECPAT, INTERPOL and UNICEF, 2022. Executive Summary, *Ibid.* Regarding the household survey, a certain degree of under-reporting is expected due to factors including discomfort about discussing sex and sexuality with survey administrators and fears of legal self-incrimination, as some practices are criminalised. Of the 38 children who reported being subjected to at least one of the four clear forms of online child sexual exploitation and abuse, the offenders were individuals the children did not know prior to the incident (10 children), peers under 18 (six children), adult friends or acquaintances (five children) or family members (five children). Eighteen children did not know who the offender was, while another 11 children preferred not to indicate who the offender was.
[16] The US federal statute 18USC2258A requires US companies to report to the CyberTipline if they become aware of suspected child sexual abuse material on their platforms and servers. As these companies have users worldwide and those incidents are reported to the U.S. National Center for Missing and Exploited Children (NCMEC), by extension, the Cyber Tipline serves as a global clearinghouse <CyberTipline Data (missingkids.org)>.
[17] Information disclosed by the children who participated in the Disrupting Harm study. Children – particularly boys – who were abused or exploited by offenders of the same sex may have particular difficulty in disclosing online sexual exploitation and abuse due to stigma and the risk of self-incrimination, as sexual contact between males is illegal in Malaysia and a male child could, therefore, be prosecuted under these laws if victimised by a male offender. Source: ECPAT, INTERPOL and UNICEF, 2022. Executive Summary, Ibid.

exploitation and abuse being charged under the Penal Code rather than the Act, affecting the support and services available to the child victims. Inconsistencies between legal provisions may lead to varying levels of protection, depending on the sex and age of the abused child.[18]

12. Regarding the exposure of **Malaysian children and youth** to other forms of online abuse/risks, in 2012, one in three were found to be victims of cyber-bullying.[19] The survey revealed that 38% of Malaysian respondents (aged 8 to 17) were worried about online bullying and wanted to discuss it with their parents, while only 27% of parents talked with their children about self-protection from online risks. The children's responses indicated that only 4% reported the availability of formal school policies addressing online bullying. In 2016, 39% of students aged 12-18 reported having succumbed to peer pressure,[20] 37% reported engagement in cyberbullying,[21] with only 47% seeking parental advice when in difficulties and 40% addicted to online peer pressure.[22] That there was no gender difference in internet usage only meant that boys and girls were equally open to online risks.[23]

13. The Digi CyberSAFE in Schools 2015 Survey[24] showed high internet use by Malaysian schoolchildren (above 90 percentile), with no significant gender difference. There was a strong correlation between peer pressure and cyberbullying. Furthermore, 25% of the children indicated that they had agreed to meet someone whom they first made contact with through the internet. Interpol statistics showed that, annually, one in five children online became the target of cyber predators or paedophiles. Sexual harassment of minors online was growing with 30% of teenage girls claiming to have been sexually harassed in a chat room. [25]

14. The anonymity of the digital space facilitates **cyberbullying**, with social media as the leading channel. Malaysia ranks ahead of the UK, Canada, USA, India, Turkey and China in share of social media as a cyberbullying platform.[26] Furthermore, 65% of children and youth who experience cyberbullying experience this on social networks.

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[18] For example, the age of consent for non-penetrative sexual acts (e.g., online sexual exploitation and abuse of children), which fall under the Penal Code's "acts of gross indecency" is set at 14 for all children, while the provisions of the Sexual Offences against Children Act apply to all children below the age of 18. Source: ECPAT, INTERPOL and UNICEF, 2022. Executive Summary, Ibid.

[19] Digital News Asia, August 10, 2012 < 1-in-3 Malaysian kids victims of cyber-bullying: Microsoft survey | Digital News Asia>; Microsoft, 2012. Data on Malaysian children in the Global Youth Online Behavior Survey http://go.microsoft.com/?linkid=9808197

[20] As in friends encouraging them to visit unsuitable websites or use bad language online. Source: Telenor Group, 2016. Safe Internet study <Safe Internet research spotlights student experiences with cyberbullying and online peer pressure - Telenor Group>.

[21] Experienced either "being bullied or disturbed online" or "being bullied by the same person both online and offline" or actually engaged in the act of bullying others online <Safe Internet research spotlights student experiences with cyberbullying and online peer pressure - Telenor Group>.

[22] Telenor Group, 2016. Safe Internet study on Internet safety knowledge among students across Bangladesh, Malaysia (1,896 Malaysian students participated) and Thailand. <Telenor releases study on cyberbullying and online peer pressure | The Star>.

[23] <Final_Asia_SafeInternetforSchoolStudents.jpg (globalchildforum.org)>.

[24] <Digi CyberSAFE in Schools 2015 Survey: Malaysian Schoolchildren on Staying Safe Online (malaysianwireless.com)>; <RESULTS 2015 Cyber Safe Survey (malaysianwireless.com)>

[25] Hariati Azizan, 2012. "Do you know who your kids are talking to?" Published Sunday, 29 Apr 2012 <Do you know who your kids are talking to? | The Star>.

[26] Ipsos 2018. Global Advisor Cyberbullying Study <Impact Word(s) (ipsos.com)>.

Of children who play games online, 76% experience cyberbullying attack. Also of concern, 60% of girls and 59% of boys have experienced cyberbullying.

15. In Malaysia, the majority (53%) of cyberbullying is perpetrated by a classmate. One in five adolescents (22.7% of the male population and 13.9% of the female population) bullied and harassed somebody through the Internet, cell phones or other electronic devices.[27] Moreover, 39% of victims are cyberbullied by a young person (stranger), 36% by an adult (stranger), and 29% by a known adult.[28] Most cyberbullying victims are students and youth, with children aged between 13 and 17 years being most vulnerable. In addition, 45% experience cyberbullying on mobile devices, 38% via online messaging, 34% in online chat rooms, and 19% via email.[29]

16. Of 83% of teens who have been bullied online, 69% have admitted to harassing someone online; 30% of young people engage in cyberbullying to seek revenge on people who cyberbullied them. Cyberbullying victims are twice as likely to attempt suicide, with 59% of victims experiencing mental health problems. The multiple adverse effects on cyberbullying victims include social anxiety (37%), depression (36%), suicidal thoughts (24%), self-harm (23%), and skipping classes (21%). Others include developing antisocial behaviours (12%), developing eating disorders (10%), and running away from home (10%). Teen victims are highly likely to develop mental health, social, and behavioural issues in school. Among cyberbullying victims, 64% claim that it negatively impacts how they learn and how secure they feel at school.[30]

17. Parental internet addiction directly influences children's internet habits.[31]To develop a cyber-resilient family, parents must self-regulate the consumption of internet content and guide their children in safely navigating the digital landscape without harming others either intentionally or inadvertently. In addition to protecting children from internet addiction, sex-related threats and cyberbullying, other threats include: malware/viruses/scams; identity theft; online gaming, especially involving violent games; online gambling; copyright infringement; and interacting with online communities that support self-harm and violence.[32] A study of 680 parents whose children aged below 18 were internet users found that two in every three parents felt it took a lot of effort to acquire online safety knowledge, while three in five parents were confident about their online safety knowledge.[33]

18. The misuse of the internet and digital technologies for unleashing all the abovementioned threats represents the sword edge of digitalization. Cybercrime accounts for over 70% of commercial crime in Malaysia.[34] In January 2021 alone, there

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[27] National Health and Morbidity Survey 2022. Adolescent Health Survey 2022. < NHMS 2022-adolescent-1a_Infografic_AHS_BI_18052023 (1).pdf >.
[28] Ipsos 2018. Global Advisor Cyberbullying Study <Impact Word(s) (ipsos.com)>.
[29] Zuckerman, Arthur, 2020. 60 CYBERBULLYING STATISTICS: 2020/2021 DATA, INSIGHTS & PREDICTIONS, May 12, 2020
<60 Cyberbullying Statistics: 2020/2021 Data, Insights & Predictions | CompareCamp.com>.
[30] <60 Cyberbullying Statistics: 2020/2021 Data, Insights & Predictions | CompareCamp.com>.
[31] Dayang Anita Abdul Aziz et al, Pusat Perubatan Universiti Kebangsaan Malaysia. Cyber Health Threats, in CyberSecurity Malaysia, 2019. CyberSAFE™ Parenting: Towards Cyber Wellness; see also <Launching of the "Cybersafe Parenting-Ke Arah Kesejahteraan Siber" by Her Royal Highness | Department of Social and Preventive Medicine (um.edu.my)>.
[32] CyberSecurity Malaysia, 2019, Ibid., p. 5.
[33] Findings based on Zulfadi Hafiz Ismail et al, University of Malaya-CyberSecurity Malaysia collaborative study entitled "Achieving Digital Citizenship: Developing a Theory-based Parental Digital Security Tool among Malaysian Parents" in CyberSecurity Malaysia, 2019, Ibid, p. 20.
[34] CyberSecurity Malaysia, 2019, Ibid., p. 3.

were 10,016 reported cases that breached cyber security, compared with 10,699 reported cases throughout 2018.[35] The total cyber-attack events (as of 15 July 2023) numbered 909,991.[36]

19. All holders of digital rights are entitled to protection from the silent pandemic of **online scamming**[37] that parallels the horrors of the COVID-19 pandemic. Already in 2016, Malaysia (among four countries studied) was found to be most vulnerable to Internet scams: 46% of respondents had succumbed to Internet scams; another 46% knew someone close who had been scammed online.[38] The largest percentage of Malaysian scam victims had fallen for the fraudulent "work from home" scheme – fooled into paying someone online to help start a business or undertake work for which they never received payment. Other cyber scams included online dating scams (false online profiles baited victims into parting with funds). Online purchases that were paid for but never received was a common way of swindling online shoppers.

20. Online privacy management is an important means of self-protection in the virtual world. A Malaysian study on the online privacy management behaviour of Deaf youth revealed that basic awareness of privacy management did not suffice to protect Deaf youth from online scams. Most respondents did not read the terms, as required, before registering for certain applications. Language proficiency limitations made it impossible for Deaf respondents to understand the Internet, as well as instructions and terms and conditions for apps. Despite aspirations to have more knowledge and skills, low literacy levels and the absence of digital literacy training undermined cybersecurity among Deaf youth.[39] These findings exemplify the impact of low education and exclusion from digital literacy training on ability to safely access digital rights – and are relevant for other disability groups and older persons who face similar exclusion. There is critical need for better targeted approaches to enable cyber security among persons with disabilities, particularly the majority with low education levels.

21. Among online scam victims, **person with disabilities** and **older persons** are less able to withstand the financial shock of losses.[40] Civil society advocates in the disability community have been engaging with the Central Bank for some years on the need for overarching action against prevailing discriminatory financial service provider practices.[41] Those practices have been compounded by the rise of digitalization

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[35] Malaysia Computer Emergency Response Team (MyCERT), 2022. MyCERT Incident Statistics 2021 <https://www.mycert.org.my/portal/statistics-content?menu=b75e037d-6ee3-4d11-8169-66677d694932&id=77be547e-7a17-444b-9698-8c267427936c>.

[36] <LebahNET (honeynet.org.my)>.

[37] The National Scam Response Centre (NSRC), established in October 2022, has improved the tracing and intercepting of online scam proceeds. In 2022, it responded to 12,253 calls on online financial scams from the public; of these, 4,216 calls from scammed victims involved RM41 million worth of total losses. The NSRC has reduced the time taken to trace and block online financial scam proceeds from months to hours. Source: Data from NSRC as at December 2022, in Bank Negara Malaysia/Central Bank of Malaysia Annual Report 2022, pp. 92-93 <BNM Annual Report 2022 - Bank Negara Malaysia>.

[38] Source: 2016 multimarket Internet Scams study commissioned by the Telenor Group polled 400 users aged 18 to 65 in four countries (Malaysia, India, Singapore and Thailand). <Malaysians most gullible, prone to falling for online scams: study | The Star>.

[39] Wan, Puspa Melati et al, 2022. "Staying Safe Online: Online Privacy Management Behaviour among Deaf Community," in the European Proceedings of Multidisciplinary Sciences (EpMS), Reimagining Resilient Sustainability: An Integrated Effort in Research, Practices & Education, Proceedings of the International Conference on Sustainable Practices, Development and Urbanisation (IConsPADU 2021), 16 November 2021, Universiti Selangor (UNISEL), Malaysia, see especially pp. 365 -368.

[40] <https://www.thestar.com.my/news/nation/2023/07/12/even-the-blind-are-not-spared-by-scammers>

[41] Civil Society Inputs to Bank Negara Malaysia (BNM) for the Preparation of BNM Guidelines on Accessible Malaysian Banking Practice BNM Guidelines to Banking Access <http://tiny.cc/BankingA11yBNM>.

leading to further victimization of persons with disabilities and older persons. This culminated in the 28 February 2023 issuance of a Central Bank Exposure Draft on Fair Treatment of Vulnerable Consumers.[42] Among others, the Exposure Draft highlighted for feedback the criterion of digital savviness for inclusion in defining a vulnerable consumer -- as a financial consumer who, inter alia, is a person who is not digitally savvy.[43] It also recognizes the existence of poor financial service provider practices that include digital provision of main services "by default, without taking into consideration the needs of those without adequate internet access or those who may face difficulties or require assistance to access such services effectively and conveniently, such as senior citizens."[44]

22. Thus far, online banking does not adequately accommodate situations in which consumers are no longer in a position to manage their own finances for reasons arising from cognitive decline and/or restricted (or zero) mobility and ability to physically leave home. Directly related to this is the issue of online access by care partners.[45] Many care partners face financial issues, in addition to social, psychological and physical stress.[46] Without adequate support, the financial issue hampers the online access of care partners to a range of essentials for coping, including information, psychosocial counselling, medical consultations, commercial items and financial services – all increasingly digitalized.

23. Persons with disabilities and older persons are particularly vulnerable in instances of **data breach**, requiring mandatory additional cybersecurity protection. Furthermore, with increasing use of AI in digital transactions, the non-visibility of persons with disabilities means the exclusion of this group from the process of AI development.[47] This reinforces the digital discrimination and exclusion of persons with disabilities. With the rapid ageing of Malaysian society and increasing needs that are similar to those of persons with disabilities, continued indifference will impact growing numbers.

IV. Recommendations to Government at all levels

[42] Applicable to nine groups: 1. Licensed banks. 2. Licensed Islamic banks. 3. Licensed insurers. 4. Licensed takaful operators. 5. Prescribed development financial institutions. 6. Approved financial advisers and approved Islamic financial advisers. 7. Approved insurance brokers and approved takaful brokers. 8. Approved issuers of a designated payment instrument. 9. Approved issuers of a designated Islamic payment instrument. Source: Bank Negara Malaysia (Central Bank of Malaysia) Fair Treatment of Vulnerable Consumers Exposure Draft, 28 February 2023. < Exposure Draft on Fair Treatment of Vulnerable Consumers - Bank Negara Malaysia (bnm.gov.my)>.

[43] Bank Negara Malaysia (Central Bank of Malaysia) Fair Treatment of Vulnerable Consumers Exposure Draft, 28 February 2023, para (d), p. 6.

[44] Bank Negara Malaysia (Central Bank of Malaysia) Fair Treatment of Vulnerable Consumers Exposure Draft, 28 February 2023, para 8.7, Poor practices 2., p. 10.

[45] The term "care partner," as distinct from "caregiver" underscores the value of the relationship with, and the dignity of, the person in need of care. It shifts the perception of dependence to a relationship in which both parties contribute to the interpersonal dynamic.

[46] Based on a Universiti Putra Malaysia review of 17 studies in Malaysia, see Chan Siaw Leng, et al, 2022. "A review of family caregiving challenges in Malaysia" Professional Guidance and Counseling Journal, 3 (1), 2022, 1-9. https://journal.uny.ac.id/index.php/progcouns/article/download/48386/17814; note in particular Taib et al., 2020. "Caregivers' strain when nursing palliative care patients in North East of Peninsular Malaysia" in International Medical Journal Vol. 27, No. 4, pp. 430 - 432, August 2020. <430-22Taib.indd (wordpress.com)>; Azman et al., 2019. "The mentally ill and their impact on family caregivers: A qualitative case study" in International Social Work, 62(1), 461–471. <https://doi.org/10.1177/0020872817731146>; Rahman et al., 2018. "Burden of stroke caregivers: Evidence from a qualitative study in Sarawak, Malaysia" in Bangladesh Journal of Medical Science, 17(4), 593– 599. <https://doi.org/10.3329/bjms.v17i4.38321>.

[47] <https://www.ohchr.org/en/stories/2022/05/humanity-should-get-best-ai-not-worst-un-disability-rights-expert>

Timeframe for implementation of recommendations:

24. Fourth Asian and Pacific Decade of Persons with Disabilities, 2023 – 2032, endorsed by the Government of Malaysia and other member States of the Economic and Social Commission for Asia and the Pacific via resolution E/ESCAP/RES/79/5 of 19 May 2023.[48]

A. Protecting Children and Youth

25. Launch a multi-ministerial/inter-departmental initiative to actively enforce the Sexual Offences against Children Act, 2017 aimed at reducing:
    (a) Child pornography production and distribution;
    (b) Online child grooming.

26. Amend legislation to:
    (a) More explicitly criminalize online child sexual exploitation and abuse, including the live-streaming of child sexual abuse (Sexual Offences against Children Act, 2017);
    (b) Remove inconsistencies of legal provisions to accord higher uniform levels of protection to all children of all age groups (Act 574 Penal Code and Sexual Offences against Children Act, 2017).

27. Increase the active engagement of the Malaysian Communications & Multimedia Commission (MCMC), CYBER999 (reporting online crimes against children), Cyber Care Youth Organisation[49] and the Malaysian Schools Anti-bullying Support in reducing online child abuse and bullying, and track the link between actions taken with the mental health of children and youth, as well as Malaysian data and ranking as measured in domestic and international surveys, respectively.

28. Introduce and enforce legal provisions, as well as implementing rules and regulations to criminalize cyberbullying.

29. Mandate all schools to have formal policies, early response teams, and continuous training of staff members and parents to build strong school-parent-community protective mechanisms against cyberbullying, including reducing internet addiction by developing alternative non-digital activities (such as outdoor activities), while also educating students on cyberbullying and self-protection from cyber perpetrators.

B. Honoring Malaysia's Treaty Obligations

30. Recognize that, in the context of Malaysia's digitalization, as well as Malaysia's ratification (19 July 2010) of the **Convention on the Rights of Persons with Disabilities** and accession (31 March 2022) to the **Marrakesh Treaty to Facilitate Access to Published Works** for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty):
    (a) Disability-inclusive access to the Internet is a basic human right;

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[48] <https://undocs.org/Home/Mobile?FinalSymbol=e%2Fescap%2Fres%2F79%2F5&Language=E&DeviceType=Desktop&LangRequested=False>; <https://slate.com/technology/2020/02/algorithmic-bias-people-with-disabilities.html>; <No, 'AI' Will Not Fix Accessibility — Adrian Roselli>.

[49] Under the Ministry of Youth and Sports.

(b) While disability-inclusive access to the Internet is essential for girls and women, and boys and men with disabilities and older women and men, it enhances convenience for all others;
(c) Malaysia needs to take urgent steps to enable universal design-based digital accessibility for persons with disabilities and older persons to participate meaningfully in the increasingly digitalized aspects of everyday life.

C. In Follow-up to and towards Implementation of Malaysia's Treaty Obligations

31. **Harmonize** domestic legislation with the **CRPD**[50] and the **Marrakesh Treaty.**

32. Translate into policies, programmes and budgetary allocations priority to enabling affordable disability-inclusive access to the internet as a basic human right in follow-up to Malaysia's ratification (July 2010) of the CRPD and accession (March 2022) to the Marrakesh Treaty.
In this regard and among others, to provide free/subsidised internet access, ICT and other assistive devices to internet users with disabilities, older (senior citizen) users and care partners with no income source who are engaged in full-time care partnering.

33. Develop and implement a national policy and plan, with adequate institutional resource allocations, to ensure Malaysia's compliance with the latest version of the Web Content Accessibility Guidelines (WCAG) and International Telecommunication Union mandates, including (but not limited to) disability-inclusive and older user-friendly digital accessibility of the following:
(a) All Malaysian websites, especially government websites where the public access e-forms and documents, including information that voters have every right to access.
(b) Digital content, including documents, videos and posters.
(c) Mobile applications (apps).
(d) All digital services, including banking and other online financial services.
(e) Webcasting that includes accessible webpages and documents, as well as the use of captioning and audio description in audiovisual content, and the use of sign-language interpretation.[51]
(f) All government social media-disseminated information and announcements.

34. Protect and uphold, including via digital literacy training in languages and formats that beneficiaries can understand, AAC and assistive devices, the digital rights of:
(a) Persons with diverse disabilities and older persons;
(b) Persons with disabilities to work and fair remuneration on an equal basis with others in the digital economy; telework; gig and platform economies, economic reactivation or recovery from crisis; transition to a green economy.[52]

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[50] Especially **article** 4 on **General obligations;** article **8** on **Awareness-raising; article 9** on **Accessibility**; **article 16** on **Freedom from exploitation, violence and abuse; article 21** on **Freedom of expression and opinion, and access to information; article 24** on **Education; article 25** on **Health; article 26** on **Habilitation and rehabilitation; article 27** on **Work and employment; article 28** on **Adequate standard of living and social protection; article 29** on **Participation in political and public life; article 30** on **Participation in cultural life, recreation, leisure and sport;** and **article 31** on **Statistics and data collection.**

[51] Inspired by International Telecommunication Union (ITU) RESOLUTION 175 (REV. BUCHAREST, 2022) "Telecommunication/information and communication technology accessibility for persons with disabilities and persons with specific needs." <Final Acts of the Plenipotentiary Confererence - Decisions and resolutions (Bucharest, 2022) (itu.int)>.

[52] CRPD Committee General comment 8 (2022) on the right of persons with disabilities to work and employment, para 81 (f), p. 18 <G2251857.pdf (un.org)>.

35. Adopt the universal design approach to ensuring the accessibility of information, the affordability and availability of assistive devices, AAC-devices and other ICTs and wifi stability, including in remote, rural and low-income urban areas, so that persons with disabilities, older persons (senior citizens) and care partners can achieve their fullest potential throughout their lives.[53]

36. Document and reward good practices at all levels on improving the accessibility of telecommunication/ICT services, equipment, software and applications for persons with disabilities and older persons (senior citizens), to reduce digital inequality.[54]

37. Disseminate widely and ensure compliance with the Malaysian Communications and Multimedia Content Code 2022,[55] particularly with regard to content that impacts the cyber safety and well-being of children and youth, persons with disabilities, older persons, care partners and other persons closely associated with persons with disabilities.[56]

D. Spotlighting the Services of Financial Service Providers

38. Mandate policy measures and standard operating procedures for adoption by all financial service providers to:
    (a) Enable consumers with disabilities and older (senior citizen) consumers, via customized awareness and learning programmes, to understand their rights and the online services available, as well as to use online financial services;
    (b) Deliver online financial services to consumers with disabilities and older (senior citizen) consumers with optimal cyber security and at a pace that takes into consideration disabilities and the need for a longer response time (than is the prevailing standard suited to the speedier responses of younger consumers);
    (c) Protect consumers with disabilities, older (senior citizen) consumers and any other consumers who express interest in such protection from being scammed online, taking into consideration lessons generated from scamming on the need for:
        (i) A professional code of conduct and detailed guidelines that, among others, includes identification of grey areas where staff members might exploit the vulnerability of consumers that lead to financial loss for the consumers and financial benefits or other rewards for the staff members;
        (ii) Comprehensive and continuous staff training on the duty to protect vulnerable consumers and adherence to the code of conduct;
        (iii) Financial service providers to establish ceilings to limit risk exposure and protect vulnerable consumers;
        (iv) Vigilant and transparent inhouse monitoring of and rewards for staff compliance with the code of conduct and guidelines on staff responsibilities for the digital protection of consumers.

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[53] Inspired by International Telecommunication Union, 2022. RESOLUTION 58 (Rev. Kigali, 2022) "Telecommunication/information and communication technology accessibility for persons with disabilities and persons with specific needs." See also <https://apps.who.int/iris/handle/10665/354357>.
[54] International Telecommunication Union, 2022. Ibid.
[55] Registered on 30 May 2022.
[56] <Content-Code-2022-Third-Edition.pdf (contentforum.my)>.

(d) Remove existing barriers, especially those that impose on care partners additional financial strain,[57] and accommodate situations in which consumers who are no longer able to undertake online transactions require online actions to be taken by trusted care partners.

E. Strengthening the Disabled/Older User Relevance of Banking Services via Accessible Apps

39. Ensure that all bank statements and notifications via email or web posting are in formats that persons with diverse levels of disabilities can access on an equal basis with others.

40. Ensure that mobile banking apps meet current WCAG standards,[58] are continuously updated to comply with subsequent versions of WCAG, as well as address wifi stability and rural, remote and low-income area access issues via mobile phones and tablets.

41. Ensure that means of controlling or lengthening the duration to enable consumers with disabilities and older consumers to have the time required to perform online transactions: Blind consumers, consumers with learning disabilities and consumers with dementia and other disabilities need enough time to switch from the banking app to the device screen to access the Transaction Authorisation Code (TAC), then switch back to the banking app to safely enter and complete the transaction.

[57] Such as the requirement for a care partner to have a second mobile phone number, to digitally access an account held by the loved one who has declined cognitively.
[58] See: <https://www.w3.org/WAI/standards-guidelines/mobile/>.