



## Public Seminar – “Accommodating the Needs of Persons with Disabilities in Policies Concerning Public Health Emergencies: Law, Ethics and Practice”

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**Dr. Pok Yin Stephenson CHOW** (Principle Investigator; Assistant Professor, School of Law, City University of Hong Kong; Public Law and Human Rights Forum Core Member) and **Dr. Po Yee Becky LEUNG** (Post-doctoral Fellow, School of Law, City University of Hong Kong) hosted the research seminar online via Zoom on 10 March 2022. The seminar was conducted in Cantonese with simultaneous sign language interpretation. In the seminar, **Dr. Pok Yin Stephenson CHOW** and **Dr. Po Yee Becky LEUNG** explained the implications of addressing the needs of persons with disabilities in public health emergencies from the perspectives of law, ethics and practice. **Dr. Oi Wah Esther CHOW** (Associate Professor at the Department of Social and Behavioural Sciences, City University of Hong Kong), **Prof. Wachara RIEWPAIBOON** (Dean of Ratchasuda College, Mahidol University) and **Mr. Oh-yong KWEON** (Secretary General and Founder of the Korean Alliance for Mobilizing Inclusion) are co-investigators of the project.



From left to right: First row- Dr. Pok Yin Stephenson CHOW , Dr. Po Yee Becky LEUNG;  
Second row- sign language interpreters

**Dr. Pok Yin Stephenson CHOW** observed that the COVID-19 pandemic has gravely affected both mental and physical health of persons with disabilities, as many medical, rehabilitative and supporting services have been suspended. The situation has also brought extra burdens to caregivers. However, most governments around the world have failed to take into account the needs of persons with disabilities when implementing disease prevention measures.

The aim of the project is to develop an empirically informed and theoretically supported policy framework for the Hong Kong government to accommodate the needs of persons with disabilities in public health emergencies. The project explored four research questions: (1) What are the experiences of persons with disabilities in the COVID-19 pandemic and what are the challenges that they faced? (2) What measures have other Asian countries and regions taken to address their needs as well as to safeguard the rights of persons with disabilities and their carers in public health emergencies? (3) What are the ethical issues that arose during the COVID-19 pandemic? And (4) What are the legal and ethical obligations that governments must take up to protect in persons with disabilities in public health emergencies?

**Dr. Po Yee Becky LEUNG** explained the findings of part one of the research where focus group interviews were held with 74 participants to understand their needs and challenges during the pandemic. She pointed out that persons with mobility disabilities have experienced significant setbacks in their rehabilitation and recovery progress due to the postponement of treatments and the cancellation of rehabilitative services. On the other hand, the suspension of welfare services has adversely impacted the psychological well-being of persons with disabilities as they could not maintain their daily routine. It has also been difficult for them to understand public health information and pandemic-related contingency measures, as these instructions issued by the government did not come in accessible formats such as audio descriptions or easy read versions. The information was not disseminated in a way that caters to their needs. The shortage of sign language interpretations service left persons with disabilities with no choice but to ask their family members to accompany them. Many often, persons with disabilities found that their family member often made medical decisions on their behalf. They felt like their self-determination was not respected.

**Dr. Pok Yin Stephenson CHOW** found that most countries and regions compared - including Mainland China, Taiwan, Japan, Korea, Singapore, and Thailand - do not have any protective regulations or guidelines prior to public health emergencies that address the needs of persons with disabilities during these emergencies. In this context, he observed that the effectiveness of these countries and regions in providing support to persons with disabilities in public health emergencies largely depends on how robust policies are in supporting their needs at times of non-emergency. For example, Taiwan has been collecting comprehensive data on the service, medical and communication needs of persons with disabilities which allowed their government to act promptly and provide corresponding supports to these individuals in the present public health crisis. In Thailand, the National Committee for the Empowerment of Persons with Disabilities – a committee consisting of persons with disabilities, Senators and cabinet members, and presided by the Thai Prime Minister – was established in 2007 to devise and promulgate policies on persons with disabilities. The establishment of such a policy-making platform specifically on matters concerning persons with disabilities at times of non-emergency helped ensure that the needs of persons with disabilities are not forgotten in emergency management.

Public health emergencies also pose ethical challenges to societies. For instance, in some countries, medical bias exists and deeming persons with disabilities to have a lower chance of recovery, to justify prioritizing medical treatment and life-sustaining equipment for others. This infringes upon the right of persons with disabilities to have equal access to medical treatment. In other places, stereotypes portray persons with disabilities as less capable of protecting themselves in a pandemic

and thus a higher chance of infection. Persons with disabilities were denied all kind of services as a result of discrimination. **Dr. Pok Yin Stephenson CHOW** also explained the necessary ingredients to devising inclusive emergency management plans and policies with reference to international law and good practices, which include the elements of accessibility, participation, non-discrimination, inclusive policymaking and data-collection, inclusive response, cooperation and coordination.

The project concludes with recommending an inclusive policy framework for the Hong Kong government in a public health emergency. This policy framework begins with three normative duties, namely, the duty to protect, the duty to plan and the duty to lead. The duty to protect includes the duty to protect the physical and psychological well-being of persons with disabilities as well as their rights. The duty to plan refers to the duty to plan in advance in order to mitigate the risks of potential health hazards that may have an impact on the health and psychological well-being of persons with disabilities and increasing the capacity of the government to respond. The duty to lead involves the duty on the part of the government, as a leader, to provide suitable and appropriate guidance for persons with disabilities, demonstrate moral leadership, and promote the spirit of mutual-help. Deriving from these three normative duties, the research team introduced 22 recommendations under the proposed framework for the government to adopt, including for example, to establish a centralised registration system for persons with disabilities for data collection in order to strengthen the capacity of the government and private actors to respond to potential public health hazards and crises. The team also recommended that a disability public health emergency response centre run and supported by persons with disabilities be set up, to assist the government in disseminating accessible information and resources, as well as offer them specific whenever help is needed. On the other hand, the government is obligated to promote trust in the community and ensure transparency and accountability in their policies.

The research team thanked the Policy Innovation and Co-ordination Office of the Hong Kong SAR Government for providing funding support. They expressed gratitude to the organizations that assisted them in conducting the research in the past 14 months, which include: Chosen Power, Hong Kong Blind Union, Baptist Oi Kwan Social Service, SLCO Community Resources, The Hong Kong Society for Rehabilitation, Association of Women with Disabilities Hong Kong and 彩牛居民力量 etc. The team highlighted that a lot of participants whom they interviewed before joined the seminar, and they once again thank the participants for their valuable contributions to the project.

The research team created a dissemination webpage for their research outputs and they welcome anyone interested to download the full research report at <https://www.persons-with-disabilities-in-public-health-emergencies.com/>. Various versions of the research report in accessible formats - such as an audio version of the executive summary and easy read version of the research report - are also available for download and access. To receive the latest updates on the project, please like and follow the project's Facebook page <https://www.facebook.com/pwdnpublichealthemergencies>