

POLICY BRIEF

*“Mainstreaming of Disability in the
Political, Democratic and Legislative
Landscape of Pakistan”*

A Document of



Potohar Mental Health Association (PMHA)



Funded by
OXFAM, Pakistan





© PMHA 2018

PMHA holds the intellectual property right of this report. No part of this report may be reproduced, shared, or transmitted in any form or by any means without the prior written permission of PMHA.

For permission requests, please write to: zulqurnainasghar@pmha.org.pk



Executive Summary

Pakistan is 6th densely populated country of the world; total population of Pakistan is approximately two hundred twenty million with thirty three million persons living with disabilities (PWDs). This group because of different disabilities faces several challenges in their lives. Less political will / commitment leads to absence of legal cover to protect their rights, exclusionary practices, inaccessible infrastructure, attitudinal / social barriers and strongly prevailing myths and stereotypes about person living disabilities lead them to a fully dependent life with almost no chances of getting better education, employment and exposure. As a result, large number of person living disabilities spends a miserable life in their native area even some of them never see the outer world throughout their lives.

Women living with disabilities have not received any proper attention so far neither from the government or the development agencies. While a staggering 15 % of Pakistan is persons living with disabilities, women living with disabilities forming a great portion of it, no concerted and sustained effort has been undertaken so far to include women living with disabilities in the mainstream society to raise their voices.

“It has been more than thirty years that any comprehensive legislation has been passed to incorporate the persons living with disabilities in the mainstream of Pakistan. Persons living with disabilities in Pakistan are subjected to the Disabled Persons (Employment & Rehabilitation) Ordinance, 1981. This law largely deals with the provision of employment and rehabilitation services to the Persons living with disabilities. Additionally, because it has no sanctions attached to it, its disrespect has no repercussions. That this legislation was passed as ordinance in a military regime also puts to doubt its credibility. Moreover, besides the 1981 ordinance, subsidiary legislation has been missing”. Bringing Disability in the Constitutional Net

This policy brief is a result of consultative discussions with key stakeholders including persons living with disabilities specifically women living with disabilities, representatives of disabled persons organization (DPO), non government organization (NGO), political parties, law and justice department, electronic / print media, human rights commission of Pakistan, followed by findings and recommendations emerged from a study “*Bringing Disability in the Constitutional Net*” conducted by Potohar Mental Health Association (PMHA).

Disability is diverse; this policy brief focuses on how to address rights of persons living with disabilities and include them in the mainstream through comprehensive legislation at national level which covers all aspects including challenges faced by persons living with disabilities to exercise their fundamental rights including political and civil rights such as acquiring their civil documentations, infrastructural barriers, discrimination at all levels, absence of accurate data about persons living with disabilities, lack of political will, political rights of persons living with disabilities specifically women living with disabilities, representation of persons living with



disabilities specifically women living with disabilities in decision making forums of political parties, allocation of seats for persons living with disabilities specifically women living with disabilities in senate, national assembly, provincial assemblies, district and local level along with allocation of resources in budget for the well being of persons living with disabilities.

This brief not only outlines some key messages which aim to make the above mentioned areas tangible and practically applicable but also enables policy makers to use person-centered language to make all the legislations / policies inclusive and right based.



Key Messages

The only way that we can show our concerns and help persons living with disabilities is by “mainstreaming” them. It is about taking steps that make them equal citizens of the country, a goal which is otherwise not realized due to exclusionary practices. Persons living without disabilities should realize that physical disability can strike anyone with any time with any intensity. If this is understood, there can be feelings of empathy.

Farhatullah Babar, Secretary General Pakistan Peoples Party (PPP)

There is an urgent need to promote the inclusion of persons living with disabilities specifically women living with disabilities in all spheres of life. A comprehensive law at national level should be put in place, myths about disabilities and persons living with disabilities should be challenged, operational coalitions should be formed with key stakeholders, infrastructure should be made barrier free, employment quota should be increased, allocation of seats national, provincial, district and local level budget for the welfare of persons living with disabilities should be mandatory through legislative cover.

Zulqurnain Asghar, Chief Executive, Potohar Mental Health Association (PMHA)

People's mind set needs to be changed and there must be comprehensive legislation at national level which provides social security to person living with disabilities with specific emphasis on women living with disabilities.

Noreen Khan, Assistant Director Legal, Pakistan Bait-ul-Maal

We need to see persons living with disabilities as human being rather than of objects. Policies must be dynamic and comprehensive to cater to needs of persons living with disabilities. It is state's responsibility to take necessary measures to ensure that the vote of a PWD is registered without any hassle and that they are provided with necessary facilities at the polling stations.

Amjad Nazeer, Executive Director, Institute of Development Research and Corresponding Capabilities (IDRAK)

Postal ballot is just another form of exclusion by the ECP as the process of polling itself is a big part of democracy and this experience is denied to people living with disabilities. Polling stations should be accessible as per needs of persons living with disabilities to ensure their right to vote.

Fatimah Shah, Senior Programme officer, Centre for Peace and Development Initiatives (CPDI)

Accessible websites should be mandatory in public and private sector to facilitate persons living with disabilities. Electronic voting machines must be installed in polling stations so persons living with visual impairment can exercise their right to vote independently.

Amjad Sohail, Computer Teacher, Al-Maktoom Special Education Centre



Collaborative efforts should be made to pass legislation at the national level. It is the responsibility of the Election Commission of Pakistan to take necessary actions for persons living with disabilities so they can exercise their right to vote. Infrastructure should be made accessible for persons living with disabilities specifically women living with disabilities.

Sohail Khan, CEO Chef International

Meaningful participation of persons living with disabilities in the democratic process will lead to the safeguarding of their rights. Inclusive voting processes should be implemented for persons living with disabilities specifically women living with disabilities which will not only increase their participation in electoral process but also will provide them an opportunity to emerge as leaders.

Hadia Nusrat, Gender and Justice Programme Manager, OXFAM

Our political leaders needs to understand that they should include persons living with disabilities in their decision making process and make them a part of their governing staff rather than just allocating funds and specified employment quota. Independent living initiatives must be taken by the government to facilitate persons living with disabilities.

Nasreen Azhar, Council Member-Human Rights Commission of Pakistan (HRCP)

Exclusion of persons living with disabilities from our society makes disability worse and it leads to even more difficulties for women living with disabilities. There is a dire need for taking innovative initiatives beyond religious / ideological differences which address the needs of persons living with disabilities specifically women living with disabilities.

Salim Malik, Head, Strengthening Participatory Organization (SPO) Pakistan.

Absence of accurate data about persons living with disabilities will increase the problems as the government will not be able to have a strategic plan to identify and recognize the problems of persons living with disabilities but it will also lead to further compound the problems of this marginalized segment of society.

Dr. Bashir Hussain Shah, Human Rights Activist / Psychologist

Exclusion of persons living with disabilities starts from our homes and schools exacerbate this discrimination and exclusion. Use of derogatory words for persons living with disabilities also magnifies the problem. We, as a society needs to remove the differences of “Us Vs Them”, move from “sympathy to empathy”. Inclusive education is need of the hour because our children must develop social ties with persons living with disabilities, so they can learn to treat them as equals. It is important to bring all such barriers to zero level to achieve the goal of inclusive society.

Marvi Sirmed Council Member Human Rights Commission of Pakistan

Attitudinal and social barriers cause great distress for persons living with disabilities specifically women living with disabilities. It is suggested that media play a positive role to eliminate all kind of attitudinal and social barriers by using politically correct language. Inclusive education system



can definitely help to eliminate all kind of discrimination about persons living with disabilities.
Lubna Hannan, Front Desk Officer (SPO) A Woman Living with Physical Impairment

There is no acceptance of women living with disabilities in our society; it is prime responsibility of electronic / print / social media to promote correct use of words to increase acceptance of persons living with disabilities specifically women living with disabilities.

Arham Khan, Reporter SAMAA TV

Representation of persons living with disabilities is a must in legislative forums to make policy / legislation inclusive for persons living with disabilities. Programmes like “Independent Living” should be culturally adaptive and implemented.

Shahid Rasheed, Chairman United Blind Welfare Trust



Conclusion

As the title of the policy brief suggests “*Mainstreaming of Disability in the Political, Democratic and Legislative Landscape of Pakistan*” –this policy brief touches upon on the comprehensive legislation at the national level for the wellbeing of persons living with disabilities specifically women living with disabilities. Unfortunately, fundamental rights of persons living with disabilities are continuously compromised and violated due to absence of comprehensive legislation in Pakistan. This brief also highlights that conceptual clarity and coherence on the part of policy makers / legislators and is essential for developing an enabling policy / law to mainstream persons living with disabilities. It is recommended that any policy / law for this additional marginalized and vulnerable segment of population should be aligned with the UNCRPD and SDGs 2030 agenda.

This brief recommends that representation of persons living with disabilities specifically women living with disabilities should be made mandatory in all decision making forums to not only empower them through their active participation but also enhance their skills to carve out indigenous solution according to their needs and allow them emerge as leaders.

The said brief also calls for person centered and politically correct language about persons living with disabilities in public documents by policy makers, legislators, electronic and print media officials is essential to increase the political will, ensure and safeguard the fundamental and civil rights of persons living with disabilities.

There is a dire need for collaborative efforts start from home, public and private sector to bring an end to the exclusion of persons living with disabilities in society at zero level through a holistic and rights-based approach, inclusive education, accessible infrastructure, equal employment opportunities, allocation of seats and budget for the wellbeing of persons living with disabilities which will pave the way for an inclusive and barrier free society for all where everyone can live his / her life with dignity.