**English**

**Questionnaire on “disability-inclusive policies”**

1. Please provide information on how your country is considering the rights of persons with disabilities in their **policies aimed at** **implementing and monitoring the Sustainable Development Goals**, including:

**Existing national strategies and action plans,**

In Pakistan, there exists a statutory cover for persons with disabilities at federal leva and provinces.

The laws regarding persons with disabilities are as under:

**Disabled People (Employment and Rehabilitation) Ordinance 1981**

**THE SINDH DIFFERENTLY ABLE PERSONS (EMPLOYMENT, REHABILITATION AND WELFARE) ACT, 2015**

http://sindhlaws.gov.pk/setup/publications/PUB-15-000082.pdf

**Punjab Disabled Persons (Employment & Rehabilitation) (Amendment) Act 2012**

**Punjab Disabled Persons (Employment & Rehabilitation) (Amendment) Ordinance 2015**

In the recent development, Pakistan has developed strategies in the light of Sustainable Development Goals and convened a 1000+ National Consultation in which the government announced the 11th Five Year Plan 2013-2018 in the light of SDGs. In this National Consultation, over one thousand stakeholders from diverse sectors and domain were involved to streamline the discussion and obtain coherent inputs from relevant stakeholders.

The Planning, Development and Reform Ministry of Pakistan has also developed Vision 2025 and pledged to put special focus on the following priority areas:

* Meeting the basic needs of this growing population, including in particular their access to essential services—health, education, energy, water, and sanitation.
* Providing the social, legal, and physical infrastructure needed to empower people and ensure that they are able to live their lives with dignity, and that human rights are protected, lives are secure, there is full employment (i.e., over 1.5 million additional decent jobs are created every year), women are empowered, and that poverty and hunger are eliminated.
* A responsible and accountable government and public sector
* An entrepreneurial private sector that can generate the required number of jobs.
* Ensuring that the economy can engage effectively with and benefit from the opportunities emerging outside the borders, especially regional opportunities.
* Ensuring competitiveness in the modern world that has shifted towards a knowledge economy.
* Protecting natural resources and addressing climate change.
* Perhaps most importantly, ensuring rapid growth of the GDP in order to generate the required number of jobs, with an emphasis on ‘inclusive growth’, mindful of the regional and social inequalities which exist in our economy. A concerted effort to create balanced growth and provide equal opportunities to all Pakistanis.

Besides, seven pillars have been set for the realization of this vision 2025 that requires simultaneous attention to a number of areas. Each of these pillars resonance with one or more of the latest proposals for the Sustainable Development Goals (SDGs), and Pillars 1-4 with the Millennium Development Goals (MDGs).

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| **Sr.** | **Pillar** | **Links with MDGs** | **Links with SDGs** |
| 1. | **People First**: Developing  social and human capital and empowering women | This pillar encompasses poverty  eradication on (MDG1), access to health and education on services (MDGs 2, 4, 5,  and 6), and gender empowerment  (MDG 3). | SDGs 1 (poverty), 3, (health) 4 (education), and 5 (gender) |
| 2. | **Growth**: Sustained,  indigenous, and inclusive  growth | While this was not an explicit goal, it was a key driver of MDGs, as well as being implicit in MDG 1 (equity, decent work), and MDG 6 (environmental sustainability). | The target is virtually identical to SDG 8, and also to SDGs 10, 12, 13, 14, 15 |
| 3. | **Governance**: Democratic  governance: institutional reform and modernization of the public sector | Again, while not an explicit goal, there is abundant evidence that shows the positive impact of good governance on the human development goals. | Again, the language is similar to that of SDG 16 |
| 4. | **Security**: Energy, water, and food security | These are incorporated in MDG 1  (hunger), and MDG 6 (water) | Linked to SDG 2 (zero hunger), 6 (water security), 7 (energy  security), and 11 (urban) |
| 5. | **Entrepreneurship**:  Private Sector and  entrepreneurship-led  growth |  | This is linked to SDG  9 (foster innovation) |
| 6. | **Knowledge Economy**:  Developing a  Competitive knowledge economy through value addition |  | SDG 9 (innovation),  and 4 (education) |
| 7. | **Connectivity**:  Modernizing transport  infrastructure and  regional connectivity |  | SDG 9  (infrastructure), and  17 (global partnership) |

**In September 2015, the UN member states, including Pakistan, adopted the 2030 Agenda and the 17 SDGs. The Ministry of Planning, Development and Reforms (MoPDR) with the help of UNDP is likely to establish SDGs Support Units to improve policy coherence, coordination and monitoring with the objective to support SDGs implementation in Pakistan. The federal SDG Units will be based in Islamabad, while similar SDG units will be established in the provincial and regional planning and development departments.**

* Budget allocation for their implementation,
* Existing mechanisms or frameworks to monitor their implementation,

In the light of Vision 2025 and Strategic Plan 2013-2018, the government had pledged to introduce the following mechanism:

* ***Strategic Delivery Units (SDUs)***
* ***Performance Assurance Unit (PAU)M***
* ***Minimum baseline efficiency standard will be developed in assessing all new investments. In addition,***
* ***Private institutions will be engaged for guidance, monitor and mobilize broad public understanding and support for economic programs.***

Unfortunately, these commitments have not been translated into action.

* **How do these strategies/plans take into consideration the situation of women and girls with disabilities, and of children and older persons with disabilities?**

Despite ratifying United Nation Convention on the Rights of Children, Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and Convention on the Rights of Persons with Disabilities (CRPD), the persons with disabilities in general and women and children with disabilities in specific are still waiting for the practical steps from the government side. No doubt, the persons with disabilities and organizations concerned to the rights of persons with disabilities are succeeded to drag the attention of decision makers towards the issues of disability rights, and state authorities made several commitments, but the implementation mechanism could not have been put in place. The authorities are failed to introduce any strategy/plan to include the children with disabilities and women/girls with disabilities. Resultantly, the mentioned stakeholders are facing the multiple discrimination and exploitation.

* **How is the participation of persons with disabilities and their representative organizations ensured in the development and implementation of such strategies/plans?**

Mostly, the person with disabilities are not consulted, even the disability concerned departments are operated by non-disabled people. Further, most of the disability concerned departments are not accessible, as they are not situated on the ground floor. In such circumstances, it is very difficult for the persons with disabilities to connect themselves with these departments. The concerned departments also avoid to include them, because they have to make special arrangements for the accessibility and inclusion of persons with disabilities.

1. **Please provide information on the legislative and policy framework in place in your country concerning non-discrimination, including:**

* **Whether “disability” is specifically mentioned as a prohibited ground of discrimination,**

There are several provisions concerning non-discrimination in the constitution of Pakistan, but none of them specifically mentions disability as a prohibited ground of discrimination.

Few of the articles of the constitution of Pakistan are as under:

**Article 22: Safeguard as to educational institutions in respect of religion, etc.**

1. No citizen attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.
2. In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

**Article 25: Equality of citizens**

1. All citizens are equal before law and are entitled to equal protection of law.
2. There shall be no discrimination on the basis of sex.

**Article 26: Non-discrimination in respect of access to public places.**

1. In respect of access to places of public entertainment or resort not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.

**Article 27: Safeguard against discrimination in services.**

1. No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Though the article 37 of the Constitution of Pakistan 1973 ensures the social justice concept and generally includes disadvantaged sections of the society, but the word “Disability” is not mentioned specifically. After the ratification of UNCRPD in 2011, Pakistan is under obligation to incorporate the provisions of the CRPD into the domestic legislation, but the situation of the compliance is very pathetic, as there is no any commission or exclusive department to deal with the issues of persons with disabilities. Though there exists National Council for Rehabilitation of Disabled People (NCRDP) and Provincial Councils for Rehabilitation of Disabled People (PCRDP), but these councils are neither independent, nor have funds.

* **The existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities,**

The ‘Reasonable Accommodation’ is the one of the salient features of UNCRPD which is the initial step to enhance the visibility and social acceptance of the persons with disabilities. Unfortunately, there exist no any budgetary mechanisms to ensure the ‘Reasonable Accommodation” of persons with disabilities.

* **Whether the denial of provision of reasonable accommodation amounts to discrimination,**

Obviously, the persons with disabilities are facing diverse forms of discrimination in all spheres of life due to denial of provision of reasonable accommodation.

* **The existence of any affirmative action measures for persons with disabilities,**

Disabled People (Employment and Rehabilitation) Ordinance 1981

Free Primary Special Education

Special Computerized National Identity Card (SCNIC) with disability mark from NADRA

3% job quota in Punjab, 2% job quota announced by federal govt.

Age relaxation of 10 years in recruitment

Appearance of PWDs in competitive examination (Punjab Public Service Commission)

Exemption of examination fee for persons with disabilities to appear in Punjab public service commission for jobs

50% discount for travel through Pakistan Railway & PIA

The Ministry of Defense issued notification dated 6th June 2009 for 50% concession in air, rail and road fare for persons with disabilities on the basis of special Computerized National Identity Card (CNIC) being issued to the PWD, which carries universal disability logo.

50% discount only for Visually Impaired persons for travel through PIA

Driving License only for Hearing Impaired persons

Disability Registration Certificate from Social Welfare

Financial assistance from Disabled Persons Rehabilitation (DPR) Fund by NCRDP

One time grant for establishment of small business from Pakistan Bait-ul-Mal

One time hardship grant from Prime Minister Grievances Cell

Free Postage for Brail material through Pakistan Post

Free medical treatment in government hospitals

Persons with Disabilities have also got waiver of import duty on *importing the Customize Cars for Personal Use of Persons with Disabilities* with subject to certain conditions.

According to the notification issued by the Ministry of Commerce dated 1 September 2014, the disabled are allowed custom-free import of cars of up to 1,300cc capacity for their personal use.

**The Government also introduced Banking Services for Persons with Disabilities as it installed the talking ATM Machines, which helped the visually impaired people to use the services of banks.**

Ministry of Social Welfare and Special Education through State Bank issued special directives to all national and private banks to permit visually impaired persons to open their individual accounts. The persons with visual impairment would be given a special cheque books with Braille through which they could operate their accounts independently and individually. Previously blind persons were not allowed to open their individual accounts in any bank of the country and only their joint accounts could be opened which sometimes create trouble for them in the absence of some close blood relation. Braille information is being produced and, for the first time, Talking ATMs are being considered for installation in Islamabad. Efforts to end discrimination against people with disabilities in insurance and micro-lending are also underway. Special ATM cards would be issued to the visually impaired persons who could operate their account through their card as well. “The ATM cards with special identity of special persons would be issued to them and only they could take benefit from the talking ATM,” Independent access to financial information and equipment is critical to financial privacy. Virtually all ATMs around the world are manufactured by a few global corporations, and the financial industry itself continues to grow more and more international.

**Punjab Educational Endowment Fund (PEEF)**

The Punjab government offers scholarships for students in four categories, including; PWDs, Minorities, Orphan, & Children of govt. employer (less than grand 4)

**Special Facilities for Disabled Students in Educational Institutions of Punjab**

Govt. of the Punjab Higher Education Department has issued Notification No. S.O. (A-II) 1-83/2012 dated 7th November 2013 , and the Chief Minister has been pleased to approve the following for Special Students (Disabled).

i. In case of Disable/Special Students, there will be no age limit for taking admission in any Educational Institutions of Punjab.

ii. All institutional charges including Tuition Fee, Hostel Fee and Utility Bills will be waived off for Disabled/Blind/Physically challenged students.

iii. There should be at least one seat reserved for higher qualification i.e M.Phil & Ph.D in all Govt institutions/universities.

iv. Provision of Ramps/Special Pathways and toilets would be made mandatory for all Govt. buildings. This should be ensured in all future constructions.

iv On admission of a special student in a university, a laptop will be awarded to him/her as an incentive and Electric Wheel Chair be provided on passing out from University.

* **The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation),**

The existing legislation ‘Disabled People (Employment and Rehabilitation) Ordinance 1981’ deals with the persons with disabilities in Pakistan. The legislation puts restrictions upon persons with disabilities to access to the courts of justice against the discrimination on the basis of disability, while the legislation assigns National Council and Provincial Councils, which are supposed to take notice on such issues after having received written complaints.

Such restrictions to access to the courts of justice are also a discrimination that exists in the legal document, and prohibit the persons with disabilities to enjoy their right to access to justice in case they have been subject to discrimination on the basis of disability.

* **The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination.**

Obviously, there exists Human Rights Ministry, Human Rights Institutions which are under obligation to take into consideration the matters of human rights violations including discrimination on any ground, but on the basis of ‘Disability is not specifically mentioned’. Though, such arrangements exist, but they do not consider the matters of persons with disabilities. Further, there exists 2% quota at national level and 3% quota in Punjab province reserved for persons with disabilities, but this arrangement is unable to deliver the services to persons with disabilities at required level, because the national census is still pending and the department are using the data of 1998 census which declares the 2.49% ratio of persons with disabilities. While the CSOs are claiming that the population of persons with disabilities is above 10% of the total population. So, in such circumstances the state authorities are failed to establish an exclusive government agencies or other similar institutions for guaranteeing equal rights and opportunities for persons with disabilities.

1. **Please provide information on the legislative and policy framework in place in your country concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to other facilities and services; including:**

* **The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies,**

Recently, the National Assembly (lower house) **passed a bill** to ensure the Accessibility of persons with disabilities, which is **pending before the senate** (upper house) for the discussion and approval. This positive development, however, created a sense of hope that the collective constant voice of CSOs is able to drag the attention of policy makers. It is mandatory for every bill to be passed from both lower & upper house, then the bill transforms into law and can be enforced in Islamabad (Capital) and provinces in Pakistan.

The Pakistan Environmental Planning and Architectural Consultants (Pvt) Limited (PEPAC) for and on behalf of Directorate General of Special Education under Ministry of Social Welfare and Special Education, Government of Pakistan, Islamabad prepared and published **“Design Manual & Guidelines for Accessibility”** in February 2007 for creation of barrier free environments to make buildings and facilities accessible to people with disabilities.

The **Design Manual & Guidelines for Accessibility** is meant for nation-wide application by planners, designers, builders and regulators of public buildings and facilities with a view to ensuring that all new construction meant for public use is made in such a way that it is without physical barriers, and that already existing buildings and facilities are modified appropriately to make barrier-free. This document sets out design standards and parameters with special reference to local geographic and socio-economic conditions to facilitate the planners and builders alike in meeting the requirements of the law; outlined in the Accessibility Code which establishes minimum requirements and regulations for building enclosures and systems.

It is sad that this document is not being followed by planners, designers, builders and regulators of public buildings and facilities. Even the government officials serving in departments across Pakistan other than Directorate General of Special Education, Islamabad are not aware about the availability of such a productive document for accessibility.

In short, there exist standards and guidelines on accessibility and universal design in Pakistan, but they are not implemented, so the persons with disabilities have to face problems due to inaccessible physical environment and transportation.

* **The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities,**

The time frame yet to be set, as the accessibility bill is waiting the approval of Senate. Once it has been approved from the upper house, then ultimately, the government will announce a time frame.

* **The existence of accessibility requirements for public procurement,**

Unfortunately, there exist no any accessibility requirements for public procurement.

* **The existence of any enforcement mechanism of accessibility standards,**

There exists no any enforcement mechanism of accessibility standards for persons with disabilities.

* **The provision of training on accessibility issues for State officials and other actors.**

Till date, no training on the accessibility issues has been organized for the state officials and other actors. This is the main reason that disability concerned departments are unable to deliver their services according to the needs and requirements of the persons with disabilities. Moreover, the ratio to recruit persons with disabilities is very low and mostly disability concerned departments are occupied by the non-disabled persons, who are not disability sensitized.

1. **Please provide information on the legislative and policy framework in place in your country concerning support services for persons with disabilities, including:**

* **The diversity and coverage of services available (e.g., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice and health; and other community services),**

The salient features of Disabled Persons' (Employment and Rehabilitation) Ordinance, 1981 concerning support services for persons with disabilities are as under:

2% Job quota in federal area, while 3% job quota in Punjab province

Special Education Institutions

Registration of persons with disabilities

Establishment of training centres

Disabled People Rehabilitation Fund

**For more information, please refer to answer to question regarding affirmative action measures.**

* **The availability of certified sign language interpreters,**

There is no any concept of certified sign language interpreters.

* **The types of service delivery arrangements (e.g. direct provision, public-private partnerships, partnerships with community-based or non-government organizations, contracting out, privatization),**

The Bait-ul-Maal is the concerned department to provide services to persons with disabilities and also making partnership with CBOs, NGOs and DPOs. But the procedure to access the facilities available at the said department is very complicated and tough. Therefore, the CBOs, NGOs and DPOs avoid to contact them.

* The financial mechanisms to ensure affordability of support services for all, persons with disabilities,
* How services enable direct choice and control of users with disabilities?

1. **Please provide any other relevant information (including information from surveys, censuses, and administrative data – statistics, reports, and studies), in relation to the implementation of existing disability-inclusive policies and action plans in your country.**

In 2002, the government of Pakistan introduced the “National policy for persons with disabilities” to strictly enforce the existing disability legislation formulated in 1981, and ensure the involvement of disability community in planning and implementation of programs for PWDs. The overall vision of the first ever national policy was to make certain that they have equal opportunities and access to medical, education, social, psychological, vocational training, employment and rehabilitation, and they are empowered for the full realization of the potential through their inclusive mainstreaming in all spheres of life including; social, economic and political, for fulfilment of their present as well as future requirements.

In 2006, the government of Pakistan developed a “National Plan of Action (NPA) for persons with disabilities” through consultative process among key stakeholders to translate the National policy for persons with disabilities into practice by ensuring access, inclusion and equalization of opportunities for PWDs. The plan was more focused for actions to be taken in next five years till 2011, and for making recommendations up to 2025. Major thrust areas of NPA include early intervention, assessment and medical treatment, inclusive education and training, employment and rehabilitation, research and development, advocacy and mass awareness, sports and recreation, barrier free physical environment, strengthening of institutional mechanisms, and adequate funding.

Though the national policy and national plan of action were a good initiative on the part of the government to empower persons with disabilities and include them in society, but no adequate enforcement was seen on the part of the relevant ministries. Most of the steps remained in the papers, and limited number of measures taken by the authorities did not meet the needs of the persons with disabilities due to not having comprehensive legislative cover upon the policies and planning.