



WOMEN'S VOICE AND LEADERSHIP – PAKISTAN

SYNOPSIS

Economic Development in the Legislations regarding Disability in Pakistan: A Qualitative Study

By - Potohar Mental Health Association

This project is funded by the Government of Canada through Global Affairs Canada

The Constitution of Pakistan (1973) guarantees the well-being of all citizens regardless of sex, caste, creed, ethnicity or any other basis but imperceptible about disability. However, Article 38 (d) states of *“providing basic necessities of life, such as food, clothing, housing, education and medical relief, for all citizens, irrespective of any denominator along with those who are permanently or temporarily unable to earn their livelihood on account of sickness, infirmity or unemployment”*¹; provides protection to all citizen including persons living with disabilities (PLWDs).

According to International Labour Organization Convention 1983,² Pakistan as a member state is bound to take measures for vocational rehabilitation of PLWDs to enable them to secure, retain and advance in suitable employment to further such persons’ integration into society. In 1981, Disabled Persons’ (Employment and Rehabilitation) Ordinance was promulgated for the first time by General Zia-ul Haq which reserved 1% employment quota for the Persons with Disabilities. This quota was later enhanced to 2% in 1998 through an administrative order, issued by Establishment Division.

LEGISLATIVE PURVIEW

During review following points were identified:

After devolution of the subject of labour in 2011, the provinces either adopted the 1981 ordinance or enacted their own laws.

The Sindh Empowerment of 'Persons with Disabilities' Act, 2018 reserves a quota of 5% at various levels for the PLWDs in the public, private, corporate and development sectors. The legislation also recommends initiating exclusive skill training programs for PLWDs with active links with the market, loans at concessional rates and marketing of the products made by PLWDs.

The Balochistan Persons with Disabilities Act, 2017 also reserves a quota of 5% at various levels for the Persons with Disabilities in the government institutions and corporate entities. The law proposes that both public and private organizations which do not employ PWDs will pay twice each month the sum of money it would have paid as salary or minimum wages to a person with disability had he been employed and the relevant entities / administrative head shall be responsible for enforcement and implementation.

The current employment quota in Punjab is 3% as reserved in the Punjab Disabled Persons (Employment and Rehabilitation) (Amendment) Act 2015.

The Khyber Pakhtunkhwa Disabled Persons (Employment and Rehabilitation) Amendment Act 2012 also reserves 2% quota which the government has announced to enhance from 2% to 4% as per the demands of disability campaigners.

¹ Brief on Protection and Promotion of PLWDs' Rights, <http://mohr.gov.pk/Sitelimage/Misc/files/briefDisability.pdf>

² Article 1 of the Vocational Rehabilitation and Employment (Disabled Persons) Convention 1983 (No 159)

The Act of Gilgit-Baltistan ensures employment equity in government departments and reserves 3% quota against the total strength for PWDs. The Gilgit-Baltistan Persons with Disabilities Act, 2019 states that the employer shall ensure the provision of reasonable accommodation including necessary aid and equipment which a Person with Disabilities would reasonably require to perform his duties. It makes it mandatory for the government to encourage private enterprises to employ Persons with Disabilities through incentives for which the government shall prepare long term inclusion plans and allocate necessary resources.

Islamabad being the federal capital should have the model law to set an example but the ICT Rights of Persons with Disability Act, 2020 does not fix any quota for employment of PLWDs, instead leaving it to the federal government to reserve and review it periodically. However, in 2015 the federal government has issued instructions to implementation, 2% employment quota for persons living with disabilities in different government departments.

SCOPE OF WORK & METHODOLOGY

The knowledge content explores why persons living with disabilities in general and women living with disabilities in particular are rarely part of fiscal, public and policy discourse. Girls/women living with disabilities have neither received any systematic attention nor support from the government and the development agencies. Attitudes of indifference are deeply entrenched and widely prevalent conventional and cultural practices about women living with disabilities are observed. There seems to be ambiguity regarding the overall population of the PLWDs, since in 1998 they were reported to be 2.5%, whereas in 2017 the percentage significantly decreased to 0.4%. How could their percentage decrease to such substantial amount over the decade? The census, therefore, is not considered to be reliable.

In order to conduct an in-depth analysis of the of the problems that differently-abled people face on daily-basis, Potohar Mental Health Association (PMHA) selected 07 cities across the country based on their socio-cultural, ethnic, religious and sectarian diversity. These cities included Peshawar, Islamabad Capital Territory (ICT), Rawalpindi, Faisalabad, Lahore, Karachi and Quetta.

The appropriate depiction of each city was ensured through a sample size of 100 participants, out of which 70 participants were women living with disabilities selected through proportionate sampling across disabilities. As a result, PMHA conducted 07 FGDs. Each FGD consisted of ninety minutes duration, had a minimum of 06 participants and a maximum of 10 participants. The FGDs were conducted by skilled lead facilitator with the help of sign language interpreter and translator.

A total of 30 key informant interviews (KII) were conducted with those who had first-hand knowledge about the community including disability rights advocate, head of disabled persons organizations (DPOs), government representatives, bankers, industrialists, policymakers, legislators and parliamentarians. Non-probability sampling technique (purposive sampling) was used for the selection of participants of the study. Consent form, demographic sheet and detailed topic guide was developed for the FGDs.

More than 80% participants specified that due to inaccessibility of infrastructure, bank websites, job/internship advertisements, Automated Teller Machines (ATMs) coupled with absence of sign interpreter, tactile walking surfaces, ramps, placement of signage and lack of many other means of support, women living with disabilities don't have equal access to exercise their rights as compared to others. This results in an overall restricted atmosphere which not only violates their right to mobility but also discourages them to be the part of economic spheres of life.

All the participants spoke about the absence of equivalent employment openings for women living with disabilities. Chauvinism and discrimination barred these women from achieving employment according to their capabilities and abilities. Many respondents stated that 2% employment quota reserved for persons living with disabilities is not implemented and unfortunately persons living without disabilities are getting jobs on that quota.

In the light of the extensive desk review of the secondary documents, perspectives of the expert officials, FGD and KII findings, the knowledge content presents following key recommendations for specific departments.

RECOMMENDATIONS

FEDERAL AND PROVINCIAL DEPARTMENT OF EDUCATION

- Inclusive education should be mandatory in schools.
- Accessible admission forms and prospectus should be made widely available.
- Success stories of person living with disabilities in general and women living with disabilities in particular should be included in syllabus of Federal Textbook Board, Punjab Textbook Board, Sindh Textbook Board, Balochistan Textbook Board and KPK Textbook Board to increase the level of sensitization of the children at large.
- Technical and vocational capacity-building programmes should be arranged for women living with disabilities while considering their interests.
- Choice to opt for science subjects should be available to the girls living with visual and hearing impairment across the country.
- Sign language should be taught as an independent language at university level.

FEDERAL AND PROVINCIAL TRANSPORT DEPARTMENT, PAKISTAN RAILWAY, CIVIL AVIATION AUTHORITY AND NATIONAL HIGHWAY AUTHORITY

- Transport department should ensure the accessible public transport before issuing the routes.
- Tactile walking surfaces, ramps, alarms on zebra crossings and signals should be mandatory for National Highway Authority and it should be plugged in their code of infrastructure.
- Trains as well as stations should be made accessible.
- Accessible washrooms should be installed in coaches. Ramps must be placed in train coaches.
- Tactile walking surface should be fixed.
- Ticket counters of railway stations should be made according to the need of women living with disabilities - lower for wheelchair users.
- Disability sensitization trainings should be mandatory for railway staff.
- Pakistan Railway, Civil Aviation Authority and National Highway Authority should maintain the fare according to the policies.

STATE BANK OF PAKISTAN

- Policy for financial inclusion of persons with disabilities issued by Banking Conduct and Consumer Protection Department and State Bank of Pakistan should be implemented without any delay.
- Banks should be instructed to open company account of PLWDs.

NON-GOVERNMENT ORGANIZATIONS (NGOS) AND DISABLED PERSONS ORGANIZATIONS (DPOS)

- NGOs should consciously work towards including qualified and experienced women living with disabilities in their workforce and decision-making posts.
- Disability sensitization trainings, workshops and seminars at public and private workplaces should be conducted.
- International NGOs should increase their funding for the well-being of women living with disabilities and the funding should be given to DPOs for implementation.
- Inclusive, accessible and conducive work environment should be ensured in local NGOs.
- DPOs should run extensive awareness campaigns about the issues of women living with disabilities.
- Organizations working on the issues of women should ensure inclusion of women living with disabilities through imparting skill-based trainings to them.



WOMEN'S VOICE AND LEADERSHIP - PAKISTAN