

Electoral and Political Rights of Persons with Disabilities in Pakistan

Situation Analysis & Way Forward

2018



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Table of Contents

Abbreviations.....	ii
Background:	1
Disability – The Broader Context:	1
Persons with Disability – Pakistan Scenario.....	2
International Commitments on Electoral and Political Rights of PWD:.....	3
National Legislation on Persons with Disabilities:.....	5
Legal Provisions on PWD’s Electoral Rights in Pakistan:.....	7
Literature Review for understanding the context of Electoral Rights of PWD	8
Global Best Practices on addressing Political Participation Concerns of Persons with Disabilities:	8
Japan	8
United Kingdom	8
USA.....	8
China.....	9
Regional initiative on inclusive local governance in West Africa.....	9
National initiative on promoting the right to work for men and women with disabilities in El Salvador.....	10
Local initiative on inclusion of people with disabilities in Tibet.....	10
Comparison of Situation in Pakistan with other countries.....	10
a) Disability Rights Alliance, India (DRA)	10
b) General Election Network for Disability Access – South East Asia:	10
c) European Countries (France, Czech Republic and Scotland).....	11
Key Informant Interviews:.....	13
Identification of Gaps and Challenges	14
Gaps in prevailing legal regime dealing with Electoral Rights of PWDs in Pakistan	14
Pre-Election Day and Election Day related challenges for PWDs in Pakistan:	14
Policy Recommendations and Way Forward	16
Legislative:.....	16
Information and Awareness Dissemination:	16
Data Collection	16
General	16
Education:.....	17

Abbreviations

CBR	Community Based Rehabilitation
CPDI	Centre for Peace and Development Initiatives
DGSE	Directorate General of Special Education
ILO	International Labour Organization
NCRDP	National Centre for Rehabilitation of Disabled Persons
NGO	Non-Government Organization
NISE	National Institute of Special Education
NTCD	National Training Centre for Disabled
PCRDP	Pakistan Council for Rehabilitation of Disabled Persons
PWDs	Persons with Disabilities
UNCRPD	UN Convention on Rights of Persons with Disabilities

Background:

As per the latest census figures, the total population of Persons with Disabilities (PWD) in Pakistan comes to 3,286,630 which includes 21,73,999 and 1,112,631 Persons with Disabilities for the rural and urban areas respectively¹. Categories of these Disabilities include Blind, Deaf/Mute, Crippled, Insane, Mentally Retarded and those having Multiple Disabilities; ones with crippled disabilities form the biggest proportion in these figures. According to figures shared by Election Commission of Pakistan, the overall number of PWDs who are registered as voters comes to 165,972 which in turn implies that an estimated 87% of the special CNIC-holder PWDs are registered as voters.

The following Table provides an overview of Disability situation in Pakistan as per the early results of the latest census 2017.

DISABLED POPULATION BY NATURE OF DISABILITY

Administrative Unit	Total Disabled Population	Blind	Deaf & Mute	Crippled	Insane	Mentally Retarded	Multiple disabilities	Others
(In Percent)								
Pakistan	3286630	8.06	7.43	18.93	6.39	7.60	8.23	43.37
Rural	2173999	7.92	7.53	20.52	5.94	7.32	8.23	42.55
Urban	1112631	8.32	7.24	15.81	7.28	8.15	8.22	44.97
KP	375752	7.24	8.48	31.73	5.90	7.43	8.11	31.90
Rural	327638	7.46	8.58	32.25	5.81	7.26	8.22	31.48
Urban	48114	5.71	8.22	28.21	6.55	8.63	7.31	34.75
Punjab	1826623	8.48	7.48	20.83	6.75	7.87	8.07	39.84
Rural	1338410	8.58	6.24	20.84	6.29	7.63	8.18	40.32
Urban	488213	8.22	8.36	20.79	7.99	8.51	7.77	38.52
Sindh	929400	7.48	6.18	10.56	6.13	7.45	8.92	53.29
Rural	385984	6.24	6.02	11.25	5.34	6.81	9.06	55.28
Urban	543416	8.36	6.29	10.07	6.69	7.91	8.82	51.86
Balochsitan	146421	8.42	5.24	14.81	4.60	5.61	6.35	54.96
Rural	117971	7.11	5.20	14.31	4.25	5.53	6.24	57.36
Urban	28450	13.87	5.42	16.86	6.03	5.97	6.83	45.02
Islamabad CT	8434	9.22	12.09	29.89	12.46	8.05	4.55	23.73
Rural	3996	9.78	12.16	29.65	6.03	8.63	4.02	29.73
Urban	4438	8.72	12.03	30.01	18.25	7.53	5.05	18.32

<http://www.pbs.gov.pk/content/disabled-population-nature-disability>

¹ Federal Bureau of Statistics, 2018

Disability – The Broader Context:

Although the terms of disability, impairment and handicap are used inter-changeably, there are peculiar distinctions as per WHO guidelines on the subject² as per the globally accepted terminology, following are the details of the two conditions and their consequences.

- a) Any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being is known as **Disability**. For instance, a person may be unable to see due to blindness disease or a person may not be able to listen due to deafness caused to the auditory system; both these situations will be termed as “Disability”:
- b) A disadvantage for a given individual, resulting from an impairment or Disability that limits or prevents the fulfillment of a role is known as **handicap**. Thus, handicap is the loss or limitation of opportunities to take part in the life of the community on an equal level with others. Situations of “handicap” can be understood as including ones where a person is unable to enjoy any political rights for the simple reason that access to polling stations is not possible, or persons may not benefit from a social welfare program for the reason that registration process has excluded such persons from being added to list of beneficiaries.

Social Model is the most relevant model to look at the issue and phenomenon of disability in the society. Such a model sees “disability is not an attribute of an individual, but rather a complex collection of conditions, many of which are created by the social environment”³. It therefore emphasizes central role of the society and its members or institutions in making the requisite environmental modifications necessary for the full participation of people with disabilities across the whole spectrum of life. It is important to clearly delineate Social Model of Disability from the Medical Model of Disability.

The Medical Model of Disability

- The focus is entirely on the individual and the particular impairment they may have led to the impairment. In such a model, the emphasis on therapeutic cures in an attempt to make the person "whole"

The Social Model of Disability

- The focus is on organizational and societal barriers, which exist in every facet of day to day life. The important issue for the social model to work is to look at ways of breaking down and dismantling barriers. Essentially, this model argues that disabled peoples' lack of participation and segregation in society is due to the barriers and not a person's impairment. These barriers may be environmental (when public buildings are not provided with enabling and easy access for PWDs) or attitudinal (when deep-rooted public perceptions and thinking shape society's response to the notion of disability) or institutional (when systems and procedures of public bodies discriminate against PWDs such as during elections or for accessing public information.⁴

² “ Disability Report “, http://www.who.int/disabilities/world_report/2011/chapter1.pdf

³ <https://www.disabled-world.com/definitions/disability>

⁴ <https://www.scope.org.uk/about-us/our-brand/social-model-of-disability>

Persons with Disability – Pakistan Scenario

The issues facing Persons with Disability in Pakistan are typically an end-result of mixed and often misconceived perceptions about the phenomenon of disability. Generally speaking, disability phenomenon in Pakistan can be understood in terms of medical model, the charity model and the Social Model. Firstly, there is the Medical Model where PWDs are viewed as suffering from diseases and efforts are made to treat the disability purely as an ailment or a tragic situation. Such model emphasizes rehabilitations services for PWDs in various walks of life and sees treating the ailment as the final solution. In the Charity Model, the problems of PWDs are seen with sympathy and efforts are made to help them out through philanthropic or charitable measures without any effort to look into issues of inclusion. Both these models can be seen as more prevalent in Pakistan and generally define the outlook of common people and society towards the phenomenon of Disability.

However, the recent decade has seen a greater shift towards what is known as Social Model on Disability. The social model looks at ‘disability’ as a result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers⁵. Such a model requires the society and institutions to make and transform so that opportunities and avenues are provided to PWDs for meaningful participation in all walks of life on equal basis. Several policy and operational level initiatives in Pakistan have indicated a shift towards Social Model which shows a shift in collective response to the phenomenon of disability in Pakistan.

⁵ <https://pwd.org.au/resources/social-model-of-disability/>

International Commitments on Electoral and Political Rights of PWD:

Government of Pakistan ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on 5th July, 2011 in UN General Assembly. As a consequence, implementation of UNCRPD became mandatory for the Government of Pakistan for which Directorate General of Special Education and Social Welfare established a cell called UNCRPD secretariat for the implementation of UN Convention in January, 2012. This also acted as a driver for the Governments (Federal and Provincial) to start implementing various Policies and Action Plans particularly the UNCRPD Action Plan, integrating the needs of PWDs also into national Millennium Development Goals (MDGs) agenda. The eight Millennium Development Goals (MDGs) – which range from halving extreme poverty rates to halting the spread of HIV/AIDS and providing universal primary They have galvanized unprecedented efforts to meet the needs of the world’s poorest. The UN is also working with governments, civil society and other partners to build on the momentum generated by the MDGs and carry on with an ambitious post-2015 development agenda (United Nations, 2016)

Article 8 of the UN Convention on the Rights of Persons with Disabilities provides that each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7. Similarly, Article 9 makes the Secretary-General of the United Nations shall be the depositary of the present Protocol. Article 29 of the UN Convention on the Rights of Persons with Disabilities guarantees the full participation of people with disabilities in elections and their right to vote. It ensures that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”. It also ensures the right to assistance when voting.

The UN Convention on the Rights of Persons with Disabilities (CRPD) represents culmination of a decades’ long struggle for mainstreaming rights of persons with disabilities. During 1987, first ever proposal for a disability convention was floated by governments of Italy and Sweden; however, due to lack of agreement between Member States, substantive progress could not be made. First effort was followed by a proposal for a new convention from Mexico Government which succeeded in getting endorsement from UN General Assembly during 2001. It was followed by formation of an AD Hoc Committee in Dec 2001 with a mandate to work on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (Ad Hoc Committee comprised of All Member States and observers of the UN; members of Civil Society as well as selected National Human Rights Institutions. As a result of detailed deliberations, the United Nations General Assembly formally adopted the Convention on the Rights of Persons with Disabilities (CRPD) On December 13,2006 which was later opened for signature on March 30,2007.

In terms of implementation, CPRD is predicated upon four pillars of Dialogue (to be held and promoted between governments, civil society and the disability community for developing a shared understanding of the CRPD) ; Consultation Mechanism and Focal Point (requiring CRPD to have a publicly accessible focal point in all Governments along with a formal consultation mechanism); Resourced Plan for Implementation (an appropriately resourced plan developed in collaboration with the consultation mechanism to guide effective implementation of CRPD); and, Submission of Shadow Reports (requiring all state parties to report to the Committee; Civil society can submit reports as well.

CRPD contains and reaffirms a wide range of substantive rights for PWD. Additionally, this Convention also marks a transition whereby the phenomenon of disability is no longer seen

as a medical condition but where it is perceived as “the effect of interaction between an individual’s impairment and barriers which are created by the societal norms. All Governments which are party to this Convention are required to recalibrate their legal and policy frameworks in line with the core concepts of CRDP including equality, self-determination, non-discrimination, participation, inclusion and accessibility.

Incheon Strategy was the next major initiative which resulted from a meeting of ESCAP region countries, in Incheon, Republic of Korea, from 29 October to 2 November 2012 to chart the course of the new Asian and Pacific Decade of Persons with Disabilities for the period 2013 to 2022. The Governments at the High-level Intergovernmental Meeting adopted the Ministerial Declaration on the Asian and Pacific Decade of Persons with Disabilities, 2013–2022, and the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific. The Incheon Strategy provides the Asian and Pacific region, and the world, with the first set of regionally agreed disability-inclusive development goals in the shape of 10 goals, 27 targets and 62 indicators (<http://www.un.org/millenniumgoals>). The Incheon Strategy builds on the Convention on the Rights of Persons with Disabilities and the Biwako Millennium Framework for Action and Biwako plus Five towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

National Legislation on Persons with Disabilities:

A series of national level legislation and policies govern the issues related to mainstreaming concerns and specific requirements of persons with disabilities in Pakistan. First and foremost, Government of Pakistan promulgated “Disabled Persons’ (Employment and Rehabilitation) Ordinance, 1981” for systematic care of persons with disabilities. Among other things, this Ordinance also fixed a quota of 1% (this 1% quota was later increased to 2% by a special directive of the Prime Minister) for the public and private sector to employ persons with disabilities. This came soon after 1981 when UN declared 1981 as the International Year of Disabled Persons to awaken awareness among the member states regarding the rights of disabled persons. It was the first constitutional effort on the part of the state to start institutional care of the special persons in Pakistan. Under this ordinance, the National Council for the Rehabilitation of Disabled Persons was established to formulate policy for the employment, rehabilitation and welfare of the disabled persons. The Council was also assigned the medical examination, treatment and survey of disabled persons who are desirous of being rehabilitated. The ordinance binds the provincial governments to establish the Provincial Councils for the Rehabilitation of Disabled Persons to execute the policy made by the National Council for the employment, rehabilitation and welfare of this vulnerable segment of the society. These councils are also responsible to issue directions to relevant bodies for the implementation of the projects launched by the government. Establishment of training and vocational centers for equipping special persons with necessary skills is also the domain of Provincial Councils.

Later, Pakistan announced its first “National Policy on the issue of disability, 2002” which for the first time defined disable as: “A person with disabilities means who, on account of injury, disease, or congenital deformity, is handicapped in undertaking any gainful profession or employment, and includes persons who are visually impaired, hearing impaired, and physically and mentally disabled”. The National Policy for Persons with Disabilities was finalized after a lengthy consultative process involving all stakeholders and relevant Federal Ministries including Health, Labour Manpower, Housing and Works, Science and Technology as well as relevant departments and prominent NGOs. The provision and expansion of services of good quality require a multi-sectoral and multidimensional approach. This is possible only through the active cooperation of federal, provincial, local government organizations, NGOs as well as involvement of family, professionals and the community at large. The policy document contains a vision, guiding principles and strategies to achieve the objectives. The overall vision of the policy is to provide conducive environment for the realization of the full potential of persons with disabilities leading to their empowerment irrespective of caste, creed, colour race, or religion in all spheres of life including social, economic, personal and political.

2006 National Policy was followed by National Plan of Action for Persons with Disabilities, 2006. The National Plan of Action (NPA) suggests measures to operationalize the National Policy for the Persons with Disabilities 2002. The NPA is based on the philosophy that access, inclusion and equalization of opportunities for the person with disabilities are not possible by isolated interventions. These services should therefore be designed in an integrated way by pooling and mobilizing all resources. The NPA identifies 17 critical areas of intervention from assessment of the magnitude of the problem in service delivery systems. It spells out short term steps to be taken by the end of June 2009 and long-term measures to be adopted by July, 2025. It contains specific time frames for the completion of each activity and assigns responsibility to various departments and agencies.

Some of these objectives of the National Plan of Action for persons with disabilities included:

- Establishment of a data bank
- Sample surveys of persons with disabilities in selected districts
- Reduction in incidence of disabilities through primary and secondary preventive care
- Strengthening of disability prevention programmes
- Arrangements for early detection and institutional interventions
- Escalating medical rehabilitation services
- Promoting inclusive education
- Expanding and reinforcing vocational training
- Employment, including self-employment
- Legislative support to persons with disabilities
- Boosting public opinion and increasing support to non-governmental organizations
- Creation of barrier-free physical environment for persons with disabilities in all public, private and commercial buildings and public places and revision of construction by-laws
- Effective enforcement and expansion of social assistance and social security programme under the provisions of existing laws would be beneficial.

Special Citizens Act, 2008 is an important piece of legislation in Pakistan designed to provide the accessibility to disabled citizens at every public place, with regard to allocation of seats in public transports, provision of facilities on footpaths for wheelchairs and blind persons. Under this act, government is required to ensure that all concerned authorities bound, before the construction of buildings in public or private sectors particularly in Educational Institutions, Banks, Hospitals, Shopping Malls, Police Stations, Airports, Railway Stations, Bus Stops, Hotels and at every public place provide the facility of access of wheelchairs. Further, Public Transporters under the Act are also required to allocate seats for special citizens and provide easy access to them. Lastly act also binds concerned authorities to take necessary steps to provide maximum facilities on footpaths for the wheel chairs and blind persons.

The latest in terms of legal provisions on the theme of Persons with Disabilities in Pakistan is The *Disabled Persons (Employment & Rehabilitation) (Amendment) Act 2012: (11 Feb. 2012)*

The important features of this amendment include the following:

1. Included the provision of 2% employment quota both in public as well as private sector entities in the text legislation (before this the 2% quota was only a directive from the federal government, not included into the legislation)
2. Substituted the word Federal Government with Provincial Government (After the 18th Constitutional Amendments the provinces got autonomy to make their own legislation accordingly to needs of the provinces, in this way the role of NCRDP has been reduced)
3. Introduced the formation of District Committees
4. Authorized the District Governments to issue the Disability Registration Certificates (Before this, the task has been done by the Provincial Headquarter)

Legal Provisions on PWD's Electoral Rights in Pakistan:

In line with the spirit of article 29 of the CRPD, "States parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others", Government of Pakistan has recently introduced amendments in the legal framework governing electoral rights of PWDs. These amendments have been introduced through Election Act 2017 and Election Rules, 2017.

Following is the text of these amendments.

Section 69 of Election Rules 2017: *(Assistance to a voter with physical disability who cannot travel.*—A voter with physical disability as mentioned in clause (c) of sub-section (1) of section 93, shall authorize one of his family members, namely father, mother, spouse, son or daughter, as the case may be, who is a voter registered in that electoral area, to get the declaration attested from a Gazetted or a Commissioned officer: Provided that the authorization shall be accompanied with a copy of the National Identity Card of the voter bearing logo of disability issued by the National Database and Registration Authority)

Section 74 of Chapter V of the Conduct of Election Rules 2017: *(Manner of marking ballot paper if voter is incapacitated)* — (1) If a voter is totally blind or physically otherwise so incapacitated as to require the help of a companion, the Presiding Officer may allow him to be accompanied by a companion of his choice who is not less than eighteen years of age; and in case the disability is such that the voter cannot mark the ballot paper himself, the person accompanying the voter may mark the ballot paper indicated by the voter: Provided that the person allowed to accompany the voter shall not himself be a candidate or an agent of a candidate. (2) If the ballot paper is to be marked by the companion, the Presiding Officer shall make it clear to him that he must mark the ballot paper for the candidate of the voter's choice and that he must maintain the secrecy of voting by not divulging to any one the voter's choice of candidate. (3) The Presiding Officer shall maintain a list of voters on whose behalf the ballot papers have been marked by their companions.

Section 114 of Chapter VII of the Conduct of Election Rules 2017: *Manner of marking ballot paper if voter is incapacitated*— (1) If a voter is blind or is physically or otherwise so incapacitated as to require the help of a companion, the Returning Officer may allow him to be accompanied by a companion of his choice who is of not less than eighteen years of age; and, in case the disability is such that the voter cannot mark the ballot paper himself, the person accompanying the voter may mark the ballot paper as indicated by the voter: Provided that the person allowed to accompany the voter shall not himself be a candidate or his agent. (2) If the ballot paper is to be marked by the companion, the Returning Officer shall make it clear to him that he must mark the ballot paper for the candidate of the voter's choice and that he must not divulge to any one the voter's choice of candidate. (3) The Returning Officer shall maintain a list of voters on whose behalf the ballot papers have been marked by their companions.

Section 48 of Election Act, 2017: *Enrolment of non-Muslims etc.* — (1) The Commission shall take special measures for registration of non-Muslims, **persons with disabilities** and transgender citizens in the electoral rolls as voters. (2) The measures under sub-section (1) shall include coordinated action with the National Database and Registration Authority to expedite the issuance of National Identity Cards for non-Muslims, persons with disabilities and transgender citizens. (3) No activity undertaken in connection with an election by the Commission or National Database and Registration Authority, as the case may be, shall be delayed, postponed or otherwise affected in any manner whatsoever merely on the ground of any measure being taken under this section or section 47.

Literature Review for understanding the context of Electoral Rights of PWD

Global Best Practices on addressing Political Participation Concerns of Persons with Disabilities:

Japan

In case of Japan, the fundamental human rights including rights of persons with disabilities are enshrined under the constitution of the country. Municipal governments are mandated with provision of a wide range of services for persons with disabilities including Medical clinics and welfare centers. In case of employment, specific quotas have been earmarked for persons with disabilities in both public as well as private sectors. In case of public sector employment, this quota has been fixed as 2.0% whereas for the private sector, a ratio of 1.8 (United Nations Human Rights Office of the High Commissioner, 2017) has been earmarked for persons with disabilities. Provisions have also been made to set up special schools for the blind, deaf, and physically handicapped & retarded. Trains, buses, and aircraft must meet the barrier-free standards whereas the barrier-free building law is also in force since 1994 which seeks to ensure that all the Public buildings should be accessible to disabled people. Tax incentives and other financial supports services are also provided for the persons with disabilities. Political Empowerment of Persons with Disabilities in Japan has been ensured through The Elimination of Discrimination against Persons with Disabilities Act 2016 which prohibits discrimination based on disability by private companies and the government and requires public entities to adapt in order to ensure that social barriers as well as barriers against political participation are removed for those with disabilities, assuming costs are not disproportionate.

United Kingdom

United Kingdom has a mandatory provision for registration of Disabled persons. Any employer of twenty or more persons is bound by law to employ a minimum of 3% of workforce from amongst persons with disabilities. It is also mandatory for the public service vehicles to make them accessible, comfortable, and safe for disabled persons. The Telecommunications service providers are also required to address the issue of disability by allowing the use of text phones to be charged for standard price of a voice call. Similarly, the in-vogue tariff schemes are also required to compensate disabled persons such that at least 75 % of the call boxes are made accessible to people in wheelchairs (United Nations Human Rights Office of the High Commissioner, 2017)

A number of measures have been taken in UK for supporting PWDs in enjoying their political rights. For instance, General Elections of 2010 saw three main political parties publicize their political manifestos in easy to read language for the benefit of PWDs. A website was also developed by self-advocates about voting in easy to read language for PWDs (www.promotethevote.co.uk). The 2010 elections in UK also saw initiatives such as “Get My Vote” Campaigns which asked political parties to produce their election-related information in easy to read language besides calling for more accessible election material for PWD.⁶

USA

Government in U.S. has addressed the issues of disability through legal provisions and amending existing laws in more than one hundred instances. The Social Security Act provides cash benefits and authorized Medicare for beneficiaries with disabilities; Courts are required to provide auxiliary aids and services including interpreters, note takers,

⁶ Election Europe; EDAP Project

teletypewriters etc. Electronic and information technology (EIT) services have also been established including federal websites, telecommunications, software, and information kiosks to facilitate Disabled persons. There is a mandatory provision for providing Free Education for All Handicapped Children alongside provision of grants and loans through higher education institutions to persons with disabilities. In 1977, the Tax Reduction and Simplification Act allowed the use of tax credits to promote employment of people with disabilities besides encouraging businesses to hire individuals with disabilities. The Federal Advisory Committee Act also permits personal assistant services (PAS) for employees with disabilities. Rent subsidy program and direct loans to nonprofit agency projects are also meant to facilitate the persons with mental as well as physical disabilities. In 1990, the National Affordable Housing Act was passed for providing institutional funding for supportive housing for persons with disabilities.

In terms of enabling provisions for the PWDs to enjoy their political and election rights, USA has two landmark pieces of legislation including The Americans with Disability Act (ADA) 1990 and Help America Vote Act 2002. The latter secures the political rights of the PWDs through three main provisions as follows.

1. Replace punch-card and lever based voting systems
2. Establish the Election Assistance Commission in order to assist with the administration of federal elections
3. Establish minimum federal election standards

China

In case of China, more than thirty (30) national laws contain specific provisions for addressing the concerns of persons with disabilities. According to Election Laws, a voter, who is not capable to produce a voting card due to his disabilities, may assign someone else to cast vote on his or her behalf. Most of the local TV programs are broadcast in alternative formats to enable persons with disabilities. Standardized Chinese sign language has been developed for helping persons with disabilities whereas Braille Libraries have been established in most of the districts. User-friendly pagers, mobile phones and internet-based technologies & services have been developed for the Disable people. Similarly, provisions for compulsory free education for children and youth with disabilities alongside reservation of 1.5% quota in jobs have also been reserved for persons with disabilities. Last but not the least, Government also supports welfare enterprises that recruit employees with disabilities and facilitate self-employment.⁷(United Nations Human Rights Office of the High Commissioner, 2017)

Regional initiative on inclusive local governance in West Africa

“Rights in Action” was a regional initiative to document and disseminate good practices on people with disabilities and their representative organizations actively participating in local governance in West Africa. In the spirit of Article 29 of the CRPD, the initiative was implemented at regional level through which twenty six (26) good practices were identified from various countries including Benin, Burkina Faso, Mali, Niger, Senegal, Sierra Leone and Togo. “Rights in Action” was carried out with a regional multi-stakeholder advisory committee as well as national level advisory committees that included disabled people’s organizations, development organizations, civil society organizations, government ministries and local authorities.

⁷ Disabled Citizens: SZABIST; A Case Study of Pakistan; Journal of Independent Studies and Research (JISR) Volume 5, Number2, July 2007

National initiative on promoting the right to work for men and women with disabilities in El Salvador

In this national-level initiative, DPOs, private companies and national authorities worked together to collect good practices on inclusive employment of people with disabilities. They used the findings to train leaders of national DPOs and other relevant stakeholders on inclusive employment practices. National-level outcomes from this initiative were several including; i) The El Salvador Ministry of Labour was influenced to amend labour laws to be more inclusive; ii) UniLever El Salvador (a large private company and major employer in the region) designed an inclusive model for recruiting people with disabilities.

Local initiative on inclusion of people with disabilities in Tibet

This initiative brought together a collection of local level initiatives that illustrate inclusion of people with disabilities in society. All of the good practices were implemented in partnership with disabled people's organizations and each initiative reflects examples of people with disabilities accessing their rights as enshrined in the CRPD. As a result of this initiative, the previously marginalized and disenfranchised, groups of people with disabilities in Tibet were able to meet and come together, sometimes for the first time, share experiences and learning from local inclusive initiatives.

Comparison of Situation in Pakistan with other countries

a) Disability Rights Alliance, India (DRA)

Disability Rights Alliance, India (DRA) is a success story from India where DPOs (Disabled Person's Organizations) have come up with the novel idea of "12⁸points charter" on the political rights of persons with disabilities. The charter highlights availability of personal assistance while voting and inclusion of persons living in institutions, among other issues. Due to lobbying and policy dialogue facilitated by DRA, Election Commission of India developed mechanism for encouraging Inclusive and Qualitative Election Participation of PWDs in 2016 General Elections. Collaboration between Election Commission of India (ECI) and DRA resulted in expanded ECI's checklist for accessible polling stations along with mandatory selection of a focal point on inclusion of voters with disabilities. Other improvements included printing of braille ballots, to ensuring priority queueing for voters with disabilities, and increase in the mandated number of basic minimum facilities for accessibility. ECI also pledged to make its official website accessible in line with guidelines drawn from practices by International Foundation for Electoral Systems (IFES). Last but not the least, lobbying by DRA also resulted in ECI requiring election officials to make special arrangements for to accept candidacy forms of persons with disabilities outside of their offices.

b) General Election Network for Disability Access – South East Asia:

AGENDA Program represents a regional level effort to improve access to political and electoral opportunities for persons with disabilities (PWD) in five South East Asian Countries including Cambodia, Indonesia, Lao PDR, Philippines and Vietnam. This regional forum represents five national jurisdictions in SE Asia by forging cooperation among national level organizations such as DPOs, election-focused CSOs and IFES. AGENDA's principal focus is on the promotion of election access in member countries as well as on ensuring that disability rights are enshrined alike human rights during political and electoral processes. Case study from this initiative indicates that barriers to realizing full participation of PWDs in election process are varied and multi-dimensional just like

⁸ Convention on the Rights of Persons with Disabilities

Pakistan. There are typical legal and operational challenges such as gaps in legal frameworks, issues with accessible voter registration, voter education and information, the physical placing and layout of the polling stations or polling booths, non-provision of braille templates alongside societal attitudes amongst individuals and institutions about PWD. It has also been pointed out that in most of the cases, the human rights approach enshrined in UNCRPD is yet to be fully mainstreamed in protecting electoral rights of PWD in SE Asian countries. Visible gaps in access to visible and coherent information add to the problems of PWD to fully enjoy their political and electoral rights in most of these countries.

However, it has been seen that ⁹increasing amount and quality of data about PWD is positively impacting the operationalization of political and electoral rights of PWDs. More comprehensive data on disabilities seem to enrich the quality of voting schemes and physical arrangements for Election Day activities. Another visible improvement from AGENDA program can be traced in increased use of ITC and modernization of electoral systems and processes. Such technology-driven improvements have visibly enhanced the level of participation and sense of satisfaction among PWDs to be part of the process in a more meaningful manner. Increased level of voter education and rights-based awareness, achieved through robust participation and active collaboration of CSOs and NGOs also seems to have gone a long way for improving adherence to the ideals of UNCRPD. Last but not the least, active participation of PWDs in the election process (as workers, officials , activists) has also been seen (especially in case of Philippines) to build the confidence of PWDs to become more actively associated and involved in election process, thereby benefiting from their rights under laws and statutes. Replications of best practices and cross-fertilization of success stories hold a huge potential and promise for similar situations in Pakistan.

c) European Countries (France, Czech Republic and Scotland)¹⁰

This case study is based upon implementation of ADAP project in France, Scotland and Czech Republic for improving the accessibility of elections for PWD (intellectual disabilities). First and foremost, the initiative sought to identify the most pertinent barriers to participation of PWDs in election processes. As per findings of the projects a number of barriers were identified such as a) inaccessibility of the election campaign and polling booths, b) less than optimum efforts by political parties and election authorities to communicate with PWD, c) ossified and implicit prejudices amongst common people about irrelevance of PWD in the electoral process, d) non-accessibility of ballot forms in easy to read formats, e) lack of training amongst polling staff in terms of ability to communicate and facilitate PWD, f) lack of information in an appropriate form that would allow them to make an informed decision about who to vote for and the exact procedure. All these barriers were seen to impact the participation of PWD in the elections process (both before and during the Election Day) across these three jurisdictions in varied proportions.

In terms of good practices from Europe, it was seen that Easy-to-read voting guides were used in Germany, Scotland, England, Ireland, Finland, Sweden and Belgium. These guides covered a wide range of themes including the importance of voting, different types of elections, procedure of polling the vote and helping with finding the polling stations and polling booths. These voter guides for PWD proved of immense worth in terms of enhancing participation of PWD in election process. Targeted training for election staff as well as polling agents was also seen to make major impact of turn-out of PWD for voting in

⁹ Accessible Elections for PWDs in five SE Asian countries; The Center for Election Access for Citizens with Disabilities (PPUA Pence), Jakarta, Indonesia, 2013

¹⁰ <https://inclusion-europe.eu>: “ Accommodating diversity for Active Participation In European Elections - ADAP - Project”

Scotland whereby a peer training manual was developed to enable one group of PWD to facilitate other groups of PWD to meaningfully enjoy their political rights. It was also noted that campaigns and lobbying activities for enhancing participation of PWD were launched with positive impact. In UK, “Get-my-Vote” campaign called for the main political parties of the country to produce all election-related information in easy to read and easy to understand manner for PWD, leading to enhanced participation. Another success story through improved campaigning and lobbying was witnessed in Romania where lobbying for assisted voting over six months period resulted in introduction of important changes in election codes of the country including provisions for compulsory assisted voting for PWD.

On the whole, the experience of European countries indicates that targeted efforts in lobbying and campaigning coupled with high quality voter education and awareness for PWD invariably enhances chances of their participation in political and electoral processes.

Key Informant Interviews:

Discussions held with key informants highlighted a number of issues hampering attainment of electoral and political rights of PWDs in Pakistan. First and foremost, the issue of misconceived perceptions and attitudes towards disability phenomenon appears to impact thinking of individuals as well as society. Full appreciation of political rights of PWDs is generally missing in individuals as well as institutions or policy-makers. Such list even includes political parties which make minimum efforts to focus PWDs either as part of political processes or as voters. Secondly, the challenges of timely availability of robust and reliable data also impact the level of participation of PWDs in political processes. Whether it is the census organizations or Election Commission of Pakistan, comprehensive coverage and interventions for including PWDs in electoral process is far from satisfactory. Thirdly, public sector institutions mandated to facilitate the access and involvement of PWDs in political and electoral process also suffer from chronic resource shortage and optimum capacity to fully deal with issues involved. Last but not the least, the gaps in supervisory regime and monitoring systems for ensuring compliance and adherence on policy and legal regime related to PWDs are also a major challenge. Similarly, the level of collaboration between concerned public sector organizations, DPOs and development partners for common pursuit of political empowerment agenda for PWDs is unsatisfactory in Pakistan. All these challenges will need to be tackled with in a time-bound and holistic manner for promoting the notion of inclusive and participatory approach to political and electoral rights of PWDs in Pakistan.¹¹

¹¹ Key Informant Interviews were held with Ms Ambreen Raza, Secretary Social Welfare Punjab, Dr. Izhar Hashmi, I/C Punjab Welfare Trust for Disabled , Lahore and Mr. Tariq Zaman, Election Coordinator/Administrative Officer City District Government Lahore

Identification of Gaps and Challenges

Gaps in prevailing legal regime dealing with Electoral Rights of PWDs in Pakistan

Following are the important challenges which hamper the political empowerment and fulfillment of electoral rights for the persons with disabilities in Pakistan.

- **Lack of Reliable Data:** Lack of reliable data has become a more complex problem especially in the aftermath of eighteenth amendment to constitution in Pakistan. Anomalies in institutional mandates and assignments hamper the collection of reliable information about the numbers and status of persons with disabilities among federal and provincial government organizations. Challenges about varied definitions and interpretations of disabilities also impinge on collection of valid data about disabilities and putting in place a robust system of data collection and presentation
- **National Census process does not include specific provisions for capturing the whole range of the factors and manifestations in Disability in Pakistan.** While counting of broader disabilities help get the numbers the whole range of problems faced and encountered by PWDs do not come out in empirical terms through census in Pakistan.
- **Social Constructs and Discriminations:** In the peculiar socio-cultural context of Pakistan, it is not uncommon for government functionaries and the workers to make invalid or incorrect assumptions about the incidence and phenomenon of disability which in turn affects the calculation of numbers and statistics about persons with disabilities. In most of the rural settings, phenomenon of disability is seen as a natural issue without considering the rights or legal entitlements persons with disabilities. One of the factors leading to non-issuance of CNICs is the fact that their families did not think it was necessary or are unwilling to accompany their family members who might need assistance to get registered as a voter or receive any legal benefit
- **Accessible Technology:** Issues of missing election technologies, such as electronic voting machines, are often a major hindrance in making the voting process more accessible to persons with disabilities. However, recourse to the whole range of technical and logistical considerations before supporting advanced technology options is crucial especially in areas which may lack the capacity to maintain elaborate technological solutions. In such cases, some simple forms of technology can make the process more accessible with limited chances of failures as compared to trying complex and technology-heavy solutions for empowering persons with disabilities. Case of Australia is an example in this situation where voters who are blind or have low vision can vote by using facilities of telephone connection. Online voting is yet another solution that has so far been ignored in Pakistan voting system to make the election process more accessible to persons with disabilities. However, online voting requires trust in the system as well as advanced technological resources and capacities, which are presently missing in Pakistan for a large part.

Pre-Election Day and Election Day related challenges for PWDs in Pakistan:

Following are the more common unaddressed issues which are hampering the meaningful participation of persons with disabilities in election systems of Pakistan.

- Non-Inclusion in pre-election process and electioneering strategy development due to luke warm response of provincial and district authorities and / or ECP which can potentially lead to missing an opportunity to identify needs of PWD and formulate

recommendations for supporting their inclusion on the election day through inclusive, accessible, coordinated, and consistent processes and systems

- Site selection for accessibility Registration and polling center site selection especially in rural areas tend to have a major impact on accessibility to voter registration and balloting. In many cases, universally acclaimed alternatives such as off-site voting, voting by mail, and mobile voting mechanisms, are usually not readily available in majority of places in Pakistan for PWDs.
- Challenges faced by PWD in Pakistan related to voter registration and overall access to political processes related to elections is multifarious. Access to timely information and physical mobility requirements typically put PWD at an inherent disadvantage to meaningfully participate in pre-election day procedures. Their disadvantage at this stage may be both systemic (voter registering authorities being less sensitive to peculiar requirements of PWD) as well as tradition-based (as family members or friends may not be convinced about the existence of a valid right among PWD). Similarly, extraneous factors such as socio-economic vulnerabilities, poverty, illiteracy, or social stigma also lead to situations whereby minimal efforts are put in operation to ensure PWD's rights to be part of the political and electioneering processes.
- Aspects such as accessible balloting, ballot design, balloting procedures and physical infrastructure of the balloting process collectively impact upon ability of PWD for effective participation on the Election Day. Voters who are blind or who have low vision are particularly at risk of compromised access to printed ballots and other electoral material essential to participate effectively in electoral processes. With specific regard to ballot casting, such persons very often have their right to vote independently and in secret compromised. Pakistan is yet to replicate some of the developed countries where electronic voting machines are enhancing access for persons with visual impairments¹².
- Voter education, awareness dissemination about election procedures and information campaigning is of direct relevance for increasing chances of PWD to be part of the political and electioneering process. The degree to which tailor-made efforts are made and put in operation to inform PWD about the candidates, party symbols, manifesto etc. would determine the success of any inclusivity measures for enhancing political participation of PWD, both before and during conduct of elections. It is crucial to fully factor in specific needs of communication and information of PWDs if their full participation is to be achieved.
- Apathy in political parties for rarely looking at PWDs as active members of political parties or including them in political campaigning as agents or party workers also contributes to ignoring the importance of PWDs in terms of their political rights and entitlements.

¹² (Mindes 2002; Ghana Association of the Blind 2002)

Policy Recommendations and Way Forward

Following are some key policy recommendations and way forward for Facilitating Fulfillment of Electoral Rights of PWDs in Pakistan

Legislative:

- a) Revise ECP rules and legal regime on legal capacity and the right to vote in accordance with article 12 of UNCRPD
- b) ECP to ensure provision of accessible information (both in hard copies as well as soft copy format) for PWD in line with the requirements of article 21 of UNCRPD which requires all States Parties to take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention,
- c) ECP to make regulatory provisions for enabling PWD to exercise the right of “assisted voting” in applicable situations
- d) ECP to regularly engage with rights-based CSOs/NGOs working for the political rights of PWD for constantly considering and processing requisite amendments in policy and legal regime in the spirit of UNCRPD.

Information and Awareness Dissemination:

- a) ECP and relevant authorities to ensure provision and access to election related information in easy to understand language about all aspects of electoral process and systems for the PWD
- b) Targeted and effective delivery of awareness material for the benefit and enhanced awareness of PWD on election system and procedures
- c) Training programs for election staff and officials to compulsorily cover the issues and concerns of PWD for enhancing their access to political and electoral processes
- d) Deepening of awareness raising through electronic and social media for mainstreaming the discourse about rights of PWD during election and political campaigning

Data Collection

- a) NADRA and ECP to maintain updated and disaggregate lists/voter lists of PWD who fall in categories of voters through priority action and effective coordination with provincial governments
- b) Special campaigns to be launched near election times to bring maximum number of PWD in the fold of voters and voter lists
- c) Political parties and their workers to also maintain lists of probable voters from PWD category through proactive efforts and campaigns
- d) Disaggregating data from national and local census for timely identifying the PWD and their political empowerment objectives

General

- a) Concerted, time-bound and duly coordinated efforts by ECP and Federal/Provincial Governments to boost the capacity of PWD for effectively accessing their political and electoral rights through trainings, information dissemination on media and political processes
- b) Mainstreaming discourse on electoral rights of PWD in academic, research and political debates

- c) Build Technical Capacity of relevant government organizations including ECP, assemblies and Provincial/District Governments to improve enabling legal/policy frameworks for facilitating PWD in effectively accessing their rights and entitlements under UNCRPD
- d) Include NGOs/CSOs and citizen groups in civil society coalitions to conduct domestic election monitoring and voter awareness campaigns
- e) Supporting political parties to conduct meaningful awareness campaigns for reaching out to PWD for improving local and national level situation and circumstances in furtherance of UNCRPD compliance
- f) Devise transportation programs on election days with a specific focus on bringing PWDs to polling booths and polling stations in a timely manner

Education:

- a) Development of guidelines and SOP Manual for PWD for mainstreaming notion of accessible voting as well as types of assisted voting that can be easily implemented
- b) SOPs for ECP staff and functionaries to understand and cater to peculiar voting requirements of PWD
- c) Citizen education through electronic and social media for increasing understanding about various aspects of disabilities and rights of PWD in terms of meaningful participation in election and political processes.

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