

A Critical Appraisal of Disability Laws in Islamic Republic of Pakistan

Naveed ur Rehman

*PhD Scholar / Assistant Professor, University Law College,
University of the Punjab, Lahore*

Prof. Dr. Shazia Qureshi

Principal, University Law College, University of the Punjab, Lahore

Abstract

In Pakistan, the proportion of Persons with Disabilities (PWDs) has significantly risen. This weaker section of society was habitually neglected, exposed to discrimination, put to legal violations, and banned from practically all advanced vocations while disregarding their other abilities for participation in the routine affairs of life. There was no dynamic legislative framework in place and no forward-thinking research to defend the rights of these PWDs in Pakistan. The problems that PWDs are now experiencing appear to be caused by excessive social, physical, and attitudinal action or inaction on the part of society. Therefore, it is essential that Pakistan's present laws be evaluated from the perspective of international human rights treaties and that administrative measures be put into place at the national level to eliminate the exploitation faced by PWDs. After ratifying the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), Pakistan has built a legislative framework for PWDs, but its efficacy remains unexplored. The article will thoroughly discuss the framework and its efficacy. In discussing PWDs' rights under the UNCRPD, the article emphasizes the active fundamental liberties that PWDs enjoy. The study will also discuss PWDs' challenges in Pakistan and the subtle bias that impedes their advancement.

Ultimately, it will offer suggestions for improving legislation and implementation mechanisms to advance the welfare of PWDs in Pakistan.

Key Words: Persons with Disabilities (PWDs), United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), Disability Laws

Introduction

It has been more than ten years since the World Health Organization (WHO) and the World Bank (WB), in a joint venture, released the World Report on Disability, which disclosed that about one billion people worldwide are suffering from one or the other form of disability. Almost 200 million of them had severe functional limitations¹. Presently, 1.3 billion people in the world or 16% population, are thought to be suffering from impairment of one or the other kind, and this figure is increasing day by day due to population growth.² The United Nations (UN) Charter³ and the proclamation made by the Universal Declaration of Human Rights (UDHR)⁴, along with its two Covenants⁵ and two additional Optional Protocols⁶, all of which have global applicability, does not particularly address the preservation of rights of PWDs⁷. However, the implementation Committees of the two Covenants, the ICCPR⁸ and the ICESCR,⁹ have clarified the position of PWDs by holding their rights as included in these international documents.¹⁰ Generally speaking, such inclusion has made them a protected class about social security and preventative health policies.¹¹ This understanding allowed PWDs to secure their rights in one way or another under the protection of the UN human rights treaties created under the UDHR, which acts as a standard for the human rights framework.¹² The UN ratified five further international treaties to safeguard the rights of various groups of people. However, except for CRC, none of these international human rights treaties explicitly or directly recognized or protected the rights of PWDs.¹³

Legal Framework at the International Level

The United Nations passed two resolutions¹⁴ in the 1970s that were particularly noteworthy because they marked the beginning of the transition from a 'caring' to a 'rights-based' perspective.¹⁵ The Declaration on the Rights of Mentally Retarded Persons¹⁶ was the very first document that stated that

PWDs had the same rights as everyone else.¹⁷ The 'Declaration on the Rights of Disabled Persons'¹⁸ was subsequently adopted by the United Nations General Assembly (GA), which stated that PWDs were entitled to the same civil and political rights as other members of society.¹⁹ With the theme 'full participation and equality', the UN designated 1981 as 'International Year for PWDs'.²⁰ On the advice of experts from member states, the UN developed the 'World Program of Action (WPA)²¹ concerning PWDs' to promote the full involvement of PWDs in the affairs of society for development worldwide. During 'The UN Decade of Disabled Persons',²² the member countries were urged to carry out the WPA on PWDs. The three main objectives of the WPA were 'equalizing opportunities, rehabilitation, and prevention' with a mandate of creating long-term national programs to accomplish the program's goals domestically.²³ It was for the very first time that a proposal was given to draft a convention on the human rights of PWDs.²⁴ Accordingly, drafts of the proposed Convention were presented by Italy²⁵ and Sweden.²⁶ However, the proposal failed to fetch the desired outcome. Subsequently, a resolution affirming the 'Tallinn Guidelines for Action on Human Resources Development in the Field of Disability'²⁷ was approved by the UNGA. The fundamental premise of this text was that the human resource development of PWDs, which has been ignored for too long, should be considered a vital tool to enable PWDs to enjoy their rights and obligations like other members of society.²⁸

The UNGA adopted the 'Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care,' known as the MI Principles.²⁹ These principles established standards and procedural protections to prevent the most severe human rights breaches in institutional settings, such as inappropriate or incorrect use of physical restraint or forced imprisonment.³⁰ The principles were viewed as a radical change in how the law is perceived to play its part in this area. Positive treatment and the standard of care were prioritized almost as highly as more conventional issues like the right to liberty.³¹ The UNGA approved the 'Standard Rules on Equalizing Opportunities for Persons with Disabilities'.³² To ensure that PWDs enjoy the same rights and duties as others, these Rules required the States to remove obstacles to facilitate their full inclusion in society. These Rules were drafted

considering the backdrop of the WPA of 1982 and served as an instrument of human rights for a decade.³³ Although the Standard Rules were implemented at the national level under a Special Rapporteur's supervision,³⁴ they never formed part of the treaty and hence were not legally enforceable.³⁵

The World Conference on Human Rights approved the Vienna Declaration and Program of Action³⁶ wherein the PWDs were discussed under "equality, dignity and tolerance". It was reaffirmed that PWDs are entitled to all the human rights that others enjoy.³⁷ During the Cairo International Conference on Population and Development,³⁸ it was recognized that opportunities for PWDs needed to be equalized. The Conference endorsed objectives like 'creating, enhancing, and developing necessary conditions; ensuring equal opportunities and dignity' while promoting PWDs' ability to support themselves; and ensuring the realization of rights and participation in all social, economic, and cultural life.³⁹ PWDs were specifically mentioned multiple times in the Copenhagen Declaration on Social Development and the World Program of Action⁴⁰ at the World Summit for Social Development.⁴¹ They received recognition as the largest community in the globe.⁴² Provisions like access to rehabilitation, independent living services, assistive technology⁴³ and the promotion of community-based, long-term care services for persons suffering loss of independence⁴⁴ were also included in the Declaration. The Fourth World Conference on Women's Platform for Action⁴⁵ outlined specific areas of concern and emphasized that obstacles to full equality for women may include matters like disabilities.⁴⁶ In the Beijing Declaration, released following the Conference, the parties committed to intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement due to disability.⁴⁷

The Declaration on the Rights of People with Disabilities, regarded as a legally enforceable Declaration, was adopted during a World Summit on Disability in Beijing.⁴⁸ A Resolution on a 'Comprehensive and integral international Convention to promote and protect the rights and dignity of PWDs was then accepted by the GA.⁴⁹ To invite suggestions for implementing mandatory practices to advance freedoms for PWDs comprehensively, the GA constituted an Ad-hoc Committee.⁵⁰ The Ad-hoc Committee then mandated a working group to develop a proposal for a human rights treaty.⁵¹ The 'Draft Articles'

were published by the Working Group⁵² and then were approved by the Adhoc Committee⁵³ to operationalize the provisions of the seven fundamental treaties.⁵⁴ Various organizations advocating for the rights of PWDs expressed interest in initiating the process and tracking the events that resulted in the creation of the Convention.⁵⁵ Finally, it was adopted by the UN⁵⁶ with its Optional Protocol, and it eventually became available for signing on March 30, 2007. It became effective on May 3, 2008. It has 177 parties, including 172 nations and 161 signatories.

Significance of UNCRPD

The UNCRPD has significantly impacted the International Law of Human Rights and Disability. It was the first human rights Convention signed by the UN in the twenty-first century. The pace at which it was created and embraced during its development was remarkable. Hence, it was said to have been the most quickly ratified ever due to the member nations' astounding response.⁵⁷ It is regarded as the culmination of years of persistent UN efforts to clarify how to recognize PWD rights. It is a UN-approved document that outlines the procedures that must be taken to enhance the social situation of PWDs.

PWDs were often seen as welfare and charity users rather than people who could choose their future.⁵⁸ The CRPD completely altered this idea; nowadays, PWDs are considered contributing members of society who have the right to be recognized as right-bearers.⁵⁹ By reiterating that our rights are human rights and promoting greater observance of those rights, the CRPD⁶⁰ discusses ways to help PWDs to get all human rights, including civil and political,⁶¹ economic, and social rights.⁶² The CRPD is prominent because it is the first legally binding document that thoroughly protects PWDs' rights.⁶³ It has not only mandated that governments should not discriminate against PWDs, but it also laid out explicitly several actions that States should take to make the environment PWDs-friendly so that they may experience true equality in society.⁶⁴ Human rights legislation has evolved via this treaty from individualistic to more relational concepts of self-hold.⁶⁵

The medical and social theories of disability were the two most significant ones that human rights activists have ever explored. Disability-study researchers created models in the UK and the USA in the 1970s and 1980s. The UNCRPD has initiated the human rights paradigm of disability. The

UNCRPD aims to create a paradigm change in disability policy based on a fresh view of PWDs as human rights subjects. According to the Declaration, disability cannot be used as a defence for denying or restricting human rights to PWDs. In practice, the UNCRPD is founded on a novel conception of disability that is sometimes referred to as a paradigm shift from the medical to the social model of disability, which goes up to the human rights model.⁶⁶

The full enjoyment of human rights by PWDs and their complete equality before the law must be promoted, protected and ensured by parties to the Convention. Additionally, it is the first UN human rights document with a clear sustainable development component. The Convention provides for a Committee⁶⁷ which monitors its implementation.

The UNCRPD affirms that these rights apply to PWDs and restates, strengthens, and expands upon them. The Convention additionally mandated that PWDs be actively involved in preparing and implementing laws and policies to implement the crucial decision-making processes through their representative organizations.⁶⁸

PWDs continue to experience a disproportionate number of human rights breaches worldwide, despite current national, regional, and international laws and other instruments, as well as actions of international organizations and the efforts of NGOs. It seems a proven truth and is not meant to imply that there hasn't been any progress. Even though enacting a law does not ensure that it will be enforced, the tremendous expansion of domestic anti-discrimination legislation in recent years is quite optimistic. International organizations, especially the ILO, have consistently worked to promote equal opportunity and treatment in the workplace, and these efforts have made significant progress in reducing the economic and social isolation of PWDs.

The UNCRPD has already strengthened efforts at the national and international levels to eliminate discrimination against PWDs. The reports submitted by the State parties to the Committee⁶⁹ reveal this motivation. Through the Inter-Agency Support Group to the UNCRPD, UN agencies' progress, individually and collectively, has increased manifold. Most State parties have now examined and updated their domestic disability laws and created national monitoring systems.

Position in Pakistan

After signing⁷⁰ UNCRPD and ratification,⁷¹ Pakistan has expressed its willingness to safeguard and promote the full realization of the rights and freedoms of PWDs. The UNCRPD has been mandated to take necessary legislative, administrative and policy measures while keeping in mind its commitments made at national and international levels.

Disability data were last collected during a national census 1998, the 5th Population and Housing Census, which counted PWDs as 2.38%. Besides this, no Pakistani national population census has ever included the complete statistical data gathering of PWDs.⁷² According to the most recent 6th Population and Housing Census conducted in 2017, Pakistan has a population of over 207 million people, of which 31 million people in Pakistan were anticipated to be living with a disability of one or the other kind.⁷³ The Constitution of Pakistan, 1973 guarantees social and economic security to all people, including PWDs.⁷⁴ After the 18th Constitutional Amendment, all the Provinces in Pakistan are empowered to legislate over the problems relating to disabilities and related issues in the light of UNCRPD.

In Pakistan, the institutional care of PWDs was formally established by 'The Disabled Persons (Employment and Rehabilitation) Ordinance', passed during the International Year for Disabled Persons⁷⁵ and was meant to aid PWDs in obtaining jobs in governmental, commercial, and industrial sectors. The Ordinance does not create special provisions for the welfare of PWDs. Rather it required that all PWDs seeking employment must be registered with the Council, which was empowered to make, among other things, policies for the adequate enforcement of the Ordinance of 1981.⁷⁶ The law remained in vogue almost in all the provinces until the 18th Constitutional Amendment, whereafter all of the provincial governments made their respective laws in the light of UNCRPD. Punjab is the sole Province that renamed this legislation amending the Ordinance of 1981.⁷⁷ The Province of Balochistan, in line with the provisions of UNCRPD, also legislated on the subject.⁷⁸ The Balochistan Act held the Government responsible for ensuring the inclusion of PWDs into all spheres of life and provided them protection from all abuses, violence or exploitations etc. The Act further provided legal aid to the victims of violence at public expense. The Province of Sindh first enacted a law,⁷⁹ which was

repealed with new legislation.⁸⁰ Almost in all respects, this Act is similar to that of the Balochistan Act, except with the addition of provisions providing for guardianship (in a limited sense) to a person who can legally make decisions on behalf of PWDs. The Province of Gilgit Baltistan has also stepped in with a similar law.⁸¹ However, the Province of Khyber Pakhtunkhwa (KPK) promulgated a novel legislation⁸² with additional provisions setting up a District Disability Board under the Provincial Council to carry out the tasks that the Council was doing under the Ordinance of 1981. Compared to the other contemporary laws, the KPK Act appears to cover only a few grounds.⁸³ For employing PWDs, Sindh and Balochistan have fixed the 5% quota, whereas Punjab and KPK have fixed it at the 3% quota.⁸⁴ One of the major flaws in all of these laws is the assumption that 2% of Pakistan's population has impairments, despite the figure being 13.4%. However, it is regrettable that these laws need to be properly applied.

As a result of rigorous efforts of Non-Governmental Organizations (NGOs) in Pakistan, a national policy was formulated by the Government and the private sector to protect the rights of this sizeable portion of our population. Its main goal is to develop specific facilities for the education, training, and rehabilitation of PWDs.⁸⁵ To put this Policy of 2002 into operation for PWDs by providing access, participation, and equal opportunity, the Federal Government developed a National Plan of Action in consultation with important stakeholders.⁸⁶ However, it lacked a proper mechanism for monitoring and implementation. Another legislation aimed to make every public space accessible to people with disabilities by allocating seats on public transit and providing wheelchairs and blind people with amenities on sidewalks.⁸⁷ The Youth Policy infused in young people a feeling of national pride, responsible citizenship, interregional peace, the development of well-rounded individuals, and the ability to generate revenue in real life. In the education sector, a policy was made to realize the State's vision of education, according to which education is a definite need for personal, social, and national growth. It should allow each person to realize their full potential.⁸⁸ The Government is also dedicated to helping the PWDs in the context of commerce and business.⁸⁹ The banking sector gives preferential treatment and out-of-line assistance to PWDs whenever they want to conduct any banking transaction or use other financial services provided by the banks.⁹⁰ The banks

have also been instructed to make preparations, where feasible, to build ramps at the entrance of current branches and ATM booths to facilitate wheelchair users and individuals with special needs. Guidelines were issued to the banks to provide equitable access to visually impaired/blind persons.⁹¹ Similarly, the State Bank of Pakistan announced a concessionary Financing Facility for the PWDs.⁹²

The PWDs have been provided with several facilities, but the underlying problem is the honest and dedicated implementation of policies which will tremendously eliminate the genuine grievances of PWDs. The effective implementation of such policies can only be possible if the people are trained to believe that PWDs are not less inferior to ordinary individuals in all the spheres of human life and that the right to life guaranteed by the Constitution means to include all aspects that make the life of an individual meaningful.

Judicial Developments

The welfare of Pakistan's PWDs has always been a top priority for the country's higher courts. In two recent rulings, the Supreme Court of Pakistan emphasized the need for the Federal and Provincial Governments to employ every effort to ensure that the country's PWD-related laws are being aggressively enforced. These rulings might be regarded as ground-breaking for Pakistan's legislation governing PWDs.

Considering the inaction to implement the legislation, the apex court has directed the federal and provincial governments to take decisive steps to ensure equitable and meaningful participation of PWDs in society. Accordingly, the apex court required the Pakistan Bureau of Statistics to publish and periodically update statistics for PWDs.⁹³ The public officials were also directed to use more polite phrases for PWDs, such as 'persons with disabilities' or 'persons with different abilities', instead of referring to them as 'disabled and mentally retarded'. The Supreme Court also desired the public to recognize PWDs as productive individuals and work to eradicate discriminatory barriers to their well-being.⁹⁴ As a result, the Pakistan Bureau of Statistics has cited disability numbers provided by NADRA in compliance with the directives of the Supreme Court.⁹⁵

The rights of individual PWDs were also preserved when the Supreme Court directed to revisit the Pakistan Railway Personnel Manual in the light of the

fundamental rights and principles of policy as enshrined in the Constitution and the CRPD, particularly under Article 27, when an employee with visual impairment to his disadvantage was posted to a lower grade by the Railway.⁹⁶ Employment of PWDs has been acknowledged as a right with constitutional values of equality, social justice, and fundamental rights to life, profession, and non-discrimination. Any law or policy related to PWDs should not be viewed as charity or mercy. The Supreme Court held that the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, required establishments to employ PWDs at least 3% of their total number of employees. The disability quota must coexist with the general category of posts, considering the variety of qualifications, skill sets, and descriptions. It must be applied to all tiers of posts, including the highest positions. Accordingly, the direction was given to comply with the provisions of the Ordinance 1981 across all the institutions.⁹⁷

The constitutional safeguards to seats reserved for PWDs and minorities were reaffirmed, holding that opening these seats for general quotas is not permissible. Seats earmarked for minorities or PWDs were held to be retained and carried forward as their constitutional right. Such allocation must not be reversed or made available to other citizens.⁹⁸ As a result, it was directed that the PPSC must guarantee that the term 'disabled' is not used and that the term 'persons with disabilities' be used instead, following the directions given in Malik Ubaidullah's case.⁹⁹ Accordingly, it was held that the word 'disabled' must not be used in job advertisements.

The use of pejorative words such as 'crippled' or 'disabled' was held as seriously offending the rights of PWDs, thereby infringing the right to life, human dignity and equality of the persons with disabilities guaranteed under the Constitution.¹⁰⁰ The further ruling of the Supreme Court required the Provincial Legislature to appropriately consider amending the relevant provisions of mental health laws to categorize medically recognized mental and behavioral disorders as reported by WHO through its most recent edition of the International Classification of Diseases (ICD).¹⁰¹

Considering the preceding judicial developments and in pursuance of the mandate given by the UNCRPD, the Federal Government has recently enacted 'The Islamabad Capital Territory Rights of Persons with Disability Act, 2020' which has offered an all-encompassing legal framework for safeguarding and

advancing the rights of PWDs in the Islamabad Capital Territory. Following the legal and constitutional mandate, all the Provinces must also update their respective legislation to extend similar protection to the PWDs in the provinces.

Conclusion

The preceding study demonstrates that Pakistan, following its international commitments under the UNCRPD, has taken significant steps to acknowledge and safeguard the rights of PWDs. Still, the judicial developments have changed the direction of such legislation towards the right path in a meaningful and decisive manner. The subsequent steps expressed the country's resolve to extend social rights to PWDs and have changed the public perception to a greater extent. However, several aspects of the issue remain unresolved and need a focus to fetch tangible results to align the current legislation and policies with international standards and mechanisms. Much ahead needs to be done on the legal and social front to redress this deprived class of society properly. At this stage, legislation establishing a legal and institutional framework is essential for establishing an inclusive society that enables PWDs to participate in all aspects of social life meaningfully and fully.

References

¹ World Health Organization. "World Report on Disability (*WHO Library Cataloguing-in-Publication Data*, 14 December 2011)." Accessed March 19, 2023. <https://www.who.int/publications/i/item/9789241564182>.

² World Health Organization. "Disability (Key Facts, 7th March 2023)". Accessed March 20, 2023. <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>.

³ United Nations. "Charter of the United Nations, 24 October 1945, 1 UNTS XVI". Accessed August 2, 2023. <https://www.refworld.org/docid/3ae6b3930.html>.

Article 55(c) of the Charter expresses an aspiration to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

⁴ University Declaration of Human Rights. General Assembly Resolution 217A (III) of 10 December 1948. Article 1 & 2 of UDHR provide that all human beings are born free and equal in dignity and rights and are entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

⁵ The Two Covenants included (i) The International Covenant on Civil & Political Rights (ICCPR), General Assembly Resolution 2200A (XXI) of 16 December 1966 and (ii) The

International Covenant on Economic, Social and Cultural Rights (ICESCR), General Assembly resolution 2200A (XXI) of 16 December 1966.

⁶ ICCPR has two Optional Protocols, which being additional treaties provide further rights to PWDS or processes to secure those rights. The first Optional Protocol to ICCPR allows people to complain directly to the Human Rights Committee (HRC) if they believe that their rights have been violated. It came into force on 23 March 1976. The Second Optional Protocol to ICCPR which is also its subsidiary agreement, aims at the abolition of the death penalty. It was created on 15 December 1989 and entered into force on 11 July 1991.

⁷ Rioux, M. H. and others eds., *Critical Perspectives on Human Rights and Disability Law* (Boston: Martinus Nijhoff Publishers, 2011), 19.

⁸ The Committee on Economic, Social and Cultural Rights (CESCR) is a body of 18 independent experts that monitors implementation of the ICCPR by its State parties. The Committee seeks to develop a constructive dialogue with State parties, determine whether the Covenant's norms are being applied, and assess how the implementation and enforcement of the Covenant could be improved so all people can enjoy these rights in full.

⁹ The Human Rights Council (HRC) is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.

¹⁰ HRC General Comment 18 HRI/Gen/I/Rev.I at 26 (1994) para 7 and ESCR General Comment 5 UN.DE/C.12/1994/13 (1994) released general remarks clarifying the inclusion of PWDs.

¹¹ Jayna Kothari, *Economic & Political Weekly* XLV no. 18 (May 1, 2010). <https://www.epw.in/journal/2010/18>.

¹² *Article 1 of UDHR declares that "Every single person is brought into the world free and equivalent in respect and rights."*

¹³ Art.23, para 1 of Convention on the Rights of the Child which requires the States Parties to recognize the rights of children with disabilities to enjoy "full and decent: lives and participate in their communities".

¹⁴ (i) General Assembly Resolution No.2856 (XXVI) at 93, UN GAOR, Supp. No. 29, UN Doc.A/8429 (Dec. 20, 1971) concerning the Declaration on the Rights of Mentally Retarded Persons, 1971 and (ii) General Assembly Resolution No.3447 (XXX) of 9 Dec. 1975 concerning the Declaration on the Rights of Disabled Persons, 1975.

¹⁵ Gerard Quinn & Theresia Degener and others, *Human Rights and Disability, the current use and future potential of United Nations Human Rights Instruments in the Context of Disability* (United Nations, New York and Geneva: United Nations Human Rights, 2002), 30.

¹⁶ General Assembly Resolution No. 2856 (XXVI) at 93, UN GAOR, Supp. No. 29, UN Doc. A/8429 (Dec. 20, 1971).

¹⁷ Art.I of the Declaration on the Rights of Mentally Retarded Persons, 1971.

¹⁸ General Assembly Resolution No. 3447 (XXX) at 88, UN GAOR Supp. No. 34, UN Doc. A/10034 (Dec. 9, 1975).

¹⁹ Para 4 of the Declaration on the Rights of Disabled Persons, 1975.

- ²⁰ General Assembly Resolution No. 36/77 at 176, UN GAOR, 36th Sess., Supp.No.77, UN Doc. A/Res/36/77 (Dec. 8, 1981).
- ²¹ General Assembly Resolution No.37/52 at 185, para II, UN GAOR, 37th Sess., Supp.No.53, UN Doc. A/Res/37/53 (Dec. 3, 1982).
- ²² General Assembly Resolution No.37/52 at 186-187, para II, UN GAOR, 37th Sess., Supp.No.53, UN Doc. A/Res/37/53 (Dec. 3, 1982). The UN Decade of Disabled Persons' ran from 1982 to 1992.
- ²³ Paragraphs I to 88 of World Program of Action, 1982.
- ²⁴ At the Global Meeting of Experts to Review the Implementation of the WPA for PWDs held in Stockholm in 1987.
- ²⁵ United Nations document A/C.3/42/Sr.16.
- ²⁶ United Nations document A/C.3/43/Sr.16.
- ²⁷ General Assembly Resolution 44/70 of 15 March 1990.
- ²⁸ Gerard Quinn & Theresia Degener and others, *Human Rights and Disability, the current use and future potential of United Nations Human rights Instruments in the Context of Disability* (United Nations, New York and Geneva: United Nations Human Rights, 2002). <https://www.ohchr.org/sites/default/files/Documents/Publications/HRDisabilityen.pdf>
- ²⁹ General Assembly resolution 46/119 of 17 Dec. 1991.
- ³⁰ Principles for the Protection of Persons with Mental Illness. General Assembly Resolution, 46/119 Adopted on 17 December, 1991.
- ³¹ Eric Rosenthal and Leonard S. Rubenstein, "International human rights advocacy under the Principles for the Protections of Persons with Mental Illness." *International Journal of Law and Psychiatry* 16 (1993): 257.
- ³² General Assembly Resolution 48/96 of 20 Dec. 1993.
- ³³ Valentina Della Fina, Rachele Cera & Guiseppe Plamisano Editors, *The United Nations Convention on the Rights of Persons with Disabilities: A Commentary* (New York: Springer International Publishing AG, 2017), 9. DOI 10.1007/978-3-319-43790-3_I.
- ³⁴ Reports issued by the Special Rapporteur are available at UN. Enable, The Special Rapporteur on Disability of the Commission for Social Development, <http://www.un.org/esa/socdev/enable/rapporteur.htm>.
- ³⁵ Dimitris Michailakis, *The Standard Rules: A Weak Instrument and a Strong Commitment in Disability, and Legal Change* 117 (Melinda Jones & Lee Ann Bassar Marks ed., 1999).
- ³⁶ Vienna Declaration and Program of Action, UN. Doc. A/Conf.I57/24 (July 12, 1993).
- ³⁷ Para 63 and 64 of the Vienna Declaration and Program of Action, 1993.
- ³⁸ Cairo International Conference on Population and Development was held in 1994.
- ³⁹ United Nations. *The United Nations and Disability: 70 Years of the Work Towards a More Inclusive World* (Division for Social Policy and Development United Nations, Department of Economic & Social Affairs, 2018), 10.
- ⁴⁰ United Nations Document A/Conf.I66/9, Annexure I (Declaration) and II (Program of Action).

⁴¹ World Summit for Social Development, which was held in Copenhagen from March 6 to 12, 1995.

⁴² Ibid., Annex. I, para 16(h).

⁴³ Ibid, Annex. I, commitment 6(n).

⁴⁴ Ibid, Chap. II, Eradication of poverty, para 35(j).

⁴⁵ The Fourth World Conference on Women's Platform for Action was held in Beijing, 4-15 September 1995.

⁴⁶ Beijing Declaration and Platform for Action, Fourth World Conference on Women (A/CONF.177/20).

⁴⁷ Para 32 of Beijing Declaration and Platform for Action.

⁴⁸ The World NGO Summit on Disability was held in Beijing, China on the 12th of March 2000.

⁴⁹ General Assembly Resolution 56/168 of 19 December 2001.

⁵⁰ O'Reilly, A., *Decent work for persons with disabilities: promoting rights in the global development agenda* (Geneva: International Labour Office, Gender, Equality and Diversity Branch, Conditions of Work and Equality Department, 2007).

⁵¹ Report of the Working Group to the Ad Hoc Committee, para I, UN Doc. A/AC.265/2004/WG.I (Jan 27, 2004).

⁵² The 'Draft Articles' were published by the Working Group on January 16, 2004.

⁵³ Draft Convention on the Rights of Persons with Disabilities and Draft Optional Protocol (2006) <http://www.un.org/esa/socdev/enable/rights/ahc8adart.htm>.

⁵⁴ Para d of Preamble of Draft Convention on the Rights of Persons with Disabilities.

⁵⁵ United Nations Convention on the Rights of Persons with Disabilities, 2006.

⁵⁶ December 13th, 2006.

⁵⁷ Secretary General Hails Adoption of Landmark Convention on Rights of People with Disabilities, Official statement of the UN Secretary General, 13 December, 2006. UN Doc SG/SM/10797, HR/4911, L/T/4400. Accessed October 28, 2018.

<http://www.un.org/News/Press/docs/2006/sgs10797.doc.htm>.

⁵⁸ Lee Ann Basser (Editors), *Human Dignity - Critical Perspectives on Human Rights and Disability Law* (Leiden Boston: Martinus Nijhoff Publishers, 2011), 17.

⁵⁹ Marcia H. Rioux, Lee Ann Basser & Melinda Jones (Editors), *Critical Perspectives on Human Rights and Disability Law* (Leiden Boston: Martinus Nijhoff Publishers, 2011), 2.

⁶⁰ United Nations. United Nations – Disability, Frequently Asked Questions regarding the Convention on the Rights of Persons with Disabilities. Accessed October 28, 2018. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/frequently-asked-questions-regarding-the-convention-on-the-rights-of-persons-with-disability.html>.

⁶¹ For example, liberty, freedom of movement, freedom of expression and privacy etc.

⁶² For example, education, health and work etc.

⁶³ For example, to realize the right to education (Art.24), State Parties inter alia ensure that education is 'deliberated in the most appropriate languages and modes and means of communication for the individual'.

- ⁶⁴ Bryan Y. Lee, "The UN Convention on the Rights of Persons with Disabilities and its Impact upon Involuntary Civil Commitment of Individuals with Developmental Disabilities." *Columbia Journal of Law and Social Problems* 44 (2011): 393-445.
- ⁶⁵ Danai Angeli, "Positive Obligations in Human Rights Law: The Disabilities Paradigm Shift." (PhD thesis, European University Institute, 2015).
- ⁶⁶ Theresia Degener, "Disability in a Human Rights Context." *MDPI Publications* 5 no. 35(2016): 2-24. doi:10.3390/laws5030035.
- ⁶⁷ The Committee on the Rights of Persons with Disabilities (CRPD) is the body of independent experts monitoring the Convention's implementation by the States parties.
- ⁶⁸ International Labour Office, Geneva, Decent Work for Persons with Disabilities: Promoting Rights in the Global Development Agenda, Summary overview. p. 12.
- ⁶⁹ The Committee on the Rights of Persons with Disabilities (CRPD) is the body of independent experts which monitors the implementation of the Convention by the States parties.
- ⁷⁰ Pakistan signed UNCRPD on 25th September 2008.
- ⁷¹ Pakistan ratified UNCRPD on 05th July, 2011.
- ⁷² Razzaq, S., & Rathore, F.A., "Disability in Pakistan: Past experiences, current situation and future directions." *Journal of Pakistan Medical Association* 70 no. 12(2020): 2084-2085.
- ⁷³ Rathore, F.A., & Mansoor, S.N., "Disability Rights and Management in Pakistan: Time to Face the Bitter Truth." *Journal of the College of Physicians and Surgeons Pakistan* 29 no. 12(2019): 1131-1132.
- ⁷⁴ According to Article 38(d) of the Constitution, the Government is required to provide for all such citizens, irrespective of sex, caste, creed or race, basic necessities of life, such as food, clothing, housing, education and medical relief, who are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.
- ⁷⁵ General Assembly Resolution No. 36/77 at 176, UN GAOR, 36th Sess., Supp.No.77, UN Doc. A/Res/36/77 (Dec. 8, 1981).
- ⁷⁶ Amendment in Section 10 of the Disabled Persons (Employment and Rehabilitation) Ordinance (1981).
- ⁷⁷ Punjab Disabled Persons (Employment and Rehabilitation) Ordinance' of 2015 (X of 2015) 19th March, 2015.
- ⁷⁸ Balochistan Persons with Disabilities Act, 2017 (II of 2017) 8 June, 2017.
- ⁷⁹ Differently Abled Persons Act, 2014 (Sindh Act No. XVI of 2015) 18 March, 2015.
- ⁸⁰ Sindh Empowerment of Persons with Disabilities Act, 2018.
- ⁸¹ The Gilgit-Baltistan Persons with Disabilities Act, 2019 (Act No. V of 2019) 5 Nov. 2019.
- ⁸² Khyber Pakhtunkhwa Rights, Rehabilitation, Accessibility and Empowerment of People with Disabilities Act 2018.
- ⁸³ Muhammad Rafesh & Syed Muhammad Aun Abbas, "Disability Laws in Pakistan: A critical & Contextual Study." *South Asian Law Review Journal* 8(2022): 196.

- ⁸⁴ Moving from the Margins: Mainstreaming Young Persons with Disability in Pakistan, British Council, 2019 <<https://www.britishcouncil.pk/about/research-reports/mydpd-2019>> assessed on 3 August, 2023 at 5:18 p.m.
- ⁸⁵ National Policy for Persons with Disabilities, 2002 <<https://dgse.gov.pk/SiteImage/Downloads/National%20Policy%20for%20Persons%20with%20Disability.pdf>> assessed on 3 August, 2023 at 6 pm.
- ⁸⁶ National Plan of Act, 2006 <<https://www.google.com/search?q=National+Plan+of+Action+in+2006+in+pakistan>> assessed on 3 August, 2023 at 6:04 pm.
- ⁸⁷ Special Citizens Act, 2008 (Act No. 24 of 2008).
- ⁸⁸ National Education Policy, 2008 by Ministry of Education, Govt. of the Punjab was made on 14 April, 2008. It was adopted in 2009.
- ⁸⁹ The Import of Duty-Free Cars for Disabled Persons, announced by Ministry of Commerce, Govt. of Pakistan vide a notification dated 1st September, 2010 <https://www.commerce.gov.pk/wp-content/uploads/pdf/SRO_6I_2009_new.pdf> assessed on 3 August, 2023 at 6:27 p.m.
- ⁹⁰ Accessible Banking Infrastructure for Special Persons, 2014, Circular/Notification dated 13 Feb. 2014 issued by the State Bank of Pakistan.
- ⁹¹ Guidelines for Banking Services to Visually impaired/Blind Persons, 2014, Circular dated 5 Dec 2014 issued by the State Bank of Pakistan.
- ⁹² The State Bank of Pakistan Concessionary Financing Facility, 2019 vide notification dated 19 Mar, 2019.
- ⁹³ Dr. Shahnawaz Munami Vs. The Federal Govt. of Pakistan (2020) SCMR 1713 SC, 2020 PLC(CS) 1475 SC.
- ⁹⁴ Malik Ubaidullah Vs. Govt. of Punjab (2021) PLC(CS)N 65 SC (PK).
- ⁹⁵ Pakistan Bureau of Statistics. (2020 Feb. 28). *Disability Statistics provided by NADRA & cited by Pakistan Bureau of Statistics in compliance to the decision of the Honorable Supreme Court dated 28-02-2020*. <https://www.pbs.gov.pk/content/disability-statistics>.
- ⁹⁶ Divisional Superintendent, Pakistan Railways Vs. Umar Daraz, 2023 SCMR 761.
- ⁹⁷ Peerzada Waqar Alam Vs. National Accountability Bureau (NAB), 2023 SCMR 742.
- ⁹⁸ Mubarak Ali Babar Vs. Punjab Public Service Commission, 2023 SCMR 518.
- ⁹⁹ Malik Ubaidullah Vs. Govt. of Punjab, PLD 2020 SC 599.
- ¹⁰⁰ Mst. Beena Vs. Raja Muhammad, PLD 2020 SC 508.
- ¹⁰¹ Mst. Safia Bano Vs. Home Department, Govt. of the Punjab, PLD 2021 488 SC.