

(As INTRODUCED IN THE NATIONAL ASSEMBLY)

A

Bill

to promote, protect and effectively ensure the rights and inclusion of persons with disabilities in the communities in line with Islamic Injunctions and provisions of the Constitution of the Islamic Republic of Pakistan to advance efforts for recognition of their respect and dignity in the society;

WHEREAS it is expedient to put in place legal and institutional framework to protect the rights of persons with disabilities in general and women, children and the elderly in particular, as called for by the United Nations Convention on the Rights of Persons with Disabilities, as well as other human rights treaties and conventions to which Pakistan is a state party;

It is hereby enacted as follows:-

PART I

PRELIMINARY

1. **Short title, extent and commencement.**- (1) This Act may be called the ICT Rights of Persons with Disability Act, 2018.

(2) It shall extend to the whole of the Islamabad Capital Territory (ICT).

(3) It shall come into force at once.

2. **Definitions.**- In this Act, unless there is anything repugnant in the subject or context,-

- (a) "access" means meaningful and effective access to various physical and intangible means made suitable to fulfill special needs of persons with disabilities;
- (b) "barrier" means physical, social, psychological, communication, information, legal or attitudinal hurdles in the way to access to infrastructure and services meant for general public;
- (c) "chief executive" means the chief executive of the Council appointed under this Act;
- (d) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (e) "Council" means the Council on Rights of Persons with Disabilities constituted under this Act;
- (f) "disability" means a long term physical or mental condition that limits a person's movements, senses or activities and shall include physical, mental, intellectual and developmental disorders or sensory impairments which in interaction with various barriers hinder performance of persons suffering from such conditions to participate fully and effectively in day to day performance and interaction with others on an equal basis;

- (g) "equality before law" includes principles of equality on equitable basis that persons with disability shall have in line with the Constitution and international covenants in which Pakistan is a party;
- (h) "discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination including denial of reasonable accommodation;
- (i) "freedom of movement" shall have the same meaning as expressed in Article 15 of the Constitution;
- (j) "independent living" means environment to live with freedom, self-control, choice and self-determination in everyday life;
- (k) "mobility" means the possible independence for persons with disabilities with access to quality mobility aids, devices, assistive technologies and forms of assistance and intermediaries, including by making them available at affordable cost;
- (l) "reasonable accommodation" means necessary and appropriate modification where needed in a particular case, to ensure that the persons with disabilities enjoy or exercise on an equal basis with others of all human rights and fundamental freedoms at home, workplace and in social life; and
- (m) "misconduct" shall have the same meaning as defined in the Government Servants (Efficiency and Discipline) Rules, 1973.

PART II

RIGHTS OF PERSONS WITH DISABILITIES

3. **Rights of persons with disabilities.**- (1) The Government shall ensure that every person with disability shall have a right to be respected for his individual dignity and lead a decent life with equal opportunity to participate in educational, social, economic, cultural and all other activities in the society without any discrimination.

(2) No person or institution, whether public or private, shall discriminate against persons with disabilities or violate their rights or restrict benefits in any manner.

(3) The Government shall take all necessary legal and administrative steps including appropriate changes in the existing laws, to ensure that persons with disabilities enjoy a life inclusive of the right of equality guaranteed under the Constitution and that such person's disability shall not be used by any person or institution to restrain or restrict him from enjoying his rights unless there is a reasonable cause that not restricting such person may cause him harm or letting him perform something may be out of his physical or mental capacity.

(4) In view of restricted access of the persons with disabilities to means of earning their livelihood independently, the Government shall take extraordinary steps to ensure their effective inclusiveness in the society through suitable education, skill development, training and placement against appropriate positions in the government departments and entities in the private sector according to the allocated quota.