

## NATIONAL ASSEMBLY SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS ON THE ICT RIGHTS OF PERSONS WITH DISABILITY BILL, 2018

I, the Chairman of Standing Committee on Human Rights have the honour to present this Report on "The ICT Rights of Persons with Disability Bill, 2018," (Government Bill) referred to the Committee on 21<sup>st</sup> December, 2018.

2. The Committee comprises of the following:-

1)	<b>Mr. Bilawal Bhutto Zardari</b>	<b>Chairman</b>
2)	Ms. Ghulam Bibi	Member
3)	Mr. Saif-ur-Rehman	Member
4)	Mr. Attaullah	Member
5)	Ms. Kishwer Zehra	Member
6)	Ms. Ghazala Saifi	Member
7)	Ms. Rukhsana Naveed	Member
8)	Ms. Zille Huma	Member
9)	Ms. Fouzia Behram	Member
10)	Ms. Tashfeen Safdar	Member
11)	Ms. Shunila Ruth	Member
12)	Agha Hassan Baloch	Member
13)	Ms. Shaista Pervaiz	Member
14)	Mr. Mohsin Dawar	Member
15)	Mr. Abdul Rehman Khan Kanju	Member
16)	Ms. Zaib Jaffar	Member
17)	Ms. Shaza Fatima Khawaja	Member
18)	Shazia Marri	Member
19)	Dr. Mahreen Razzaq Bhutto	Member
20)	Mr. James Iqbal	Member
21)	Dr. Shireen M. Mazari Minister for Human Rights	<i>Ex-Officio</i> Member

3. The Committee considered the Bill as introduced in the Assembly placed at **Annexure-A**, in its meetings held on 18<sup>th</sup> April, 2019, 20<sup>th</sup> and 29<sup>th</sup> May, 2019, 12<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> June, 2019, 8<sup>th</sup> August, 2019 and 20<sup>th</sup> December, 2019 and made the following amendments therein:-

(1)

#### Clause 2

Clause 2, shall be substituted with the following, namely:-

"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) "barriers" means physical, social, psychological, communication, information, legal or attitudinal hurdles in the way to access to infrastructure and services meant for general public;

- (c) “**Constitution**” means the Constitution of the Islamic Republic of Pakistan;
- (d) “**Council**” means the Council on Rights of Persons with Disabilities constituted under this Act;
- (e) “**Court**” means the Special Disability Court established under section 32;
- (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 participate fully and effectively in day to day performance and interaction with others on an equal basis;
- (g) “**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, denial of reasonable accommodation;
- (h) “**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;
- (i) “**freedom of movement**” shall have the same meaning as expressed in Article 15 of the Constitution;
- (j) “**Fund**” means the fund established under section 28;
- (k) “**independent living**” means environment to live with freedom, self-control, choice and self-determination in everyday life;
- (l) “**misconduct**” shall have the same meaning as defined in the Government Servants (Efficiency and Discipline) Rules, 1973.
- (m) “**mobility**” means the possible independent 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; and
- (n) “**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.

(2)

Clause 3

In clause 3, the marginal note shall be substituted with the following, namely:-

**“Equality and non-discrimination of persons with disability”**

(3)

Clause 6

Clause 6, shall be substituted with the following, namely:-

**“6. Women, children, elderly people and transgender with disabilities.** (1) In view of the extraordinary vulnerability of women, children, senior citizens and transgender with disabilities, the government shall in prescribed manner take special measures to ensure that such women, children, senior citizens and transgenders with disabilities are given full protection under law in enjoying their rights.

(2) The government as well as the private sector shall in the prescribed manners take necessary measures to ensure development, advancement and empowerment of women, children, senior citizens and transgender with disabilities.”

(4)

**Clause 7**

In clause 7,-

i) Sub-clause (1), shall be substituted with the following, namely:-

“(1) The government as well as the private sector shall take necessary measures towards allowing ease of access to the persons with disabilities to public buildings, hospitals, recreational facilities, public transport streets and roads for which the old buildings and vehicles shall be appropriately modified and new buildings and vehicles shall be built conforming to appropriate standards in conformity with guidelines developed by the Council:

Provided that the government shall ensure accessible washrooms, toilets and bathrooms with all the facilities and necessary accessories.”

ii) Sub-clause (2), shall be substituted with the following, namely:-

“(2) The Council shall develop a guideline on removing barriers and obstacles to access in buildings, roads, mode of transportation, housing, hospitals, schools, workplaces, communication and information related services, recreational spaces, parks and also public washrooms and get those implemented by the concerned authorities and persons both in public and private sectors.”

iii) Sub-clause (4), shall be substituted with the following, namely:-

“(4) The government shall implement policies and programs to promote the personal mobility of persons with disabilities at affordable cost or free.”

iv) In sub-clause (5), after the word “public”, the words, “and private” shall be inserted.

(5)

**Clause 8**

In clause 8,-

(i) In the marginal note, after the word “intolerant”, the word “discriminatory”, shall be inserted.

(ii) In sub-clause (2), after the word “intolerant”, the word “discriminatory”, shall be inserted.

(6)

**Clause 9**

In Clause 9, sub-clause (1), after the words “to access”, the expression “Government as well as private” shall be inserted.

(7)

**Clause 10**

In clause 10

(i) In sub-clause (2), for the word “aids” the word “aid” shall be substituted.

(ii) In sub-clause (6), the word “twice” shall be deleted