

**The Policies of United Nations and their Implementation:
A comparative study of policy implementation in Pakistan**

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Abstract

The study of the policy implementation in Pakistan with the reference to the policy making context is the main object of this paper. The special persons gained more significance in the social setup but the policies made for them by governments of developing countries are not satisfactory. The implementation of policies is no doubt disheartened. The over all effects of the policies and its implementation are analyzed in this paper. Historical, analytical and comparative approach is adopted. Another object of this paper is to analyze the opportunities that given to special persons by the government of Pakistan. Such a study can provide preliminary information to extend the opportunities and supportive to indicate the problems in implementation of such policies. This research paper is an attempt to analyze the policies of the government and evaluate the impacts of these policies on the persons with disabilities. After revealing grey areas of these policies, recommendations are being made for the improvements in these policies.

Key words: Special Persons, Disability, Handicap, Braille, langra, Kana.

Contextual Analysis

“A Special Person (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”. (Disabled Persons (Employment and Rehabilitation) Ordinance, 1981; Government of Pakistan)

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The data about disabled persons calculated by Pakistani government is not correct enough because not all special persons were included in these estimates. Disability mean physically and mentally disabled having different categories Crippled; Insane; Mentally Retarded; Multiple Disability, Blind; Deaf, Mute. One of the major reasons for inaccuracy of the figures about disable person is the disagreement on the definition of 'disability' and the non-cooperation of the respondents who in many cases do not want to reveal disabilities of their children. Although, various attempts have been made in Pakistan to rehabilitate the persons with disabilities but their outcomes are not properly investigated. The policy acknowledges the need for the provision of a comprehensive range of facilities for persons with disabilities from prenatal to postnatal period through proper assessment education, vocational training and employment (National Policy for the Persons with Disabilities, 2002). Policy consists of the formal and stated decisions of government bodies for implementing programs to achieve societal goals. Ultimately, policy can only be judged in terms of the impact it has on the larger society, for good or ill. However, as this raises normative questions, there is no consensus about desirable 'outcomes' of government. The most commonly used indexes of a government's or system's performance include its ability to maintain stability to maintain stability and order, deliver material prosperity, promote citizenship, and foster democratic rule (Heywood, 1997, p.399). Most modern legislation is general and can be effectively enforced only if administrative officials work out its detail and implementation. Policy implementation and enforcement usually depend on bureaucrats with which they put it into practice.

Historical Notes

United Nations estimates that there are more than 650 million persons in the world with disabilities. The majority of such persons live in under-developed countries. It is feared that their number would increase rapidly due to the break out of wars, terrorist attacks and increasing vulnerability to natural calamities. The UN declared 1981 as the International Year of Disabled Persons to awaken awareness among the member countries regarding the rights of disabled persons. UN adopted "*Convention on the Rights of Persons with Disabilities 2006*" that demands from the signatory countries to make legal framework for providing them equal opportunities in every sphere of life. Pakistan being signatory to this convention had taken a number of steps to facilitate such persons. Pakistan announced its first "*National Policy on the issue of disability*" in 2002 which defined disability as: "A person with disabilities means who, on account of injury, disease, or congenital deformity, is handicapped in undertaking any gainful

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profession or employment, and includes persons who are visually impaired, hearing impaired, and physically and mentally disabled". Earlier, systematic care of disabled persons was initiated in 1981 when "*Disabled Persons' (Employment and Rehabilitation) Ordinance*" was promulgated. This ordinance fixed the responsibility of the State toward the prevention of disabilities; protection of rights of persons with disabilities; and provision of medical care, education, training, employment, and rehabilitation to the persons with disabilities. The Pakistan Census Organization (PCO) in its 1998 national population census has provided data about disability under seven categories: Crippled; Insane; Mentally Retarded; Multiple Disability, Blind; Deaf, Mute and Others. According to the Census data, the Persons with Disabilities constituted 2.49 per cent of the overall population. According to the "*WHO Policy on the Employment of Persons with Disabilities HRD*", released on 28 May 2010, disabled persons constitutes 10 per cent of the world population.

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The United Nations distinguished between the concepts of disability and handicap. Earlier, the Disability has been considered on the bases of physical differences but as the nations of the world focused on the abstract that resulted into the shifting towards social model. 'According to the first definition a person is disabled if he/she has a medically recognized condition or is unable to do anything' (U.N. Decade of Disabled Persons 1983-1992, 1983). 'According to the second definition a person is disabled because he/she is discriminated against due to barriers, fear, myth or attitude' (U.N. Decade of Disabled Persons 1983-1992, 1983). Keeping in view the physical realities in mind, the UN described social environment as decisive factor. It is an accepted truth that both Physical and socio-cultural barriers can hinder an active life of a person with disabilities. A person with disability has to adapt himself with the environment and it is also the duty of society to provide conducive environment fore every segment of the society.

Handicap (something that is wrong with ones mind or body permanently) is a social science concept. The term refers to the social differences between disabled and normal people that rooted by the society within itself and outside the particular culture and society also. Age group, stratification, belief system, geographical boundaries, prosperity level and political affiliation affects the handicapped severely. These factors also determined the fortunes and stagnation level for the person with disability. The notion of handicap can then be used for analysing the socio-economic situations of persons with

disabilities, special privileges guaranteed by legislation, standard of special services, behavioural negativities of the society, biasness towards disabled persons, opportunities for independent living, transport facilities and media awareness campaigns etc. It is very important to distinguish between disability and handicap as it connotes the medical care, rehabilitation and support services for the elimination of hindrances and enhancement of independent living. In this connection, the issues of equal opportunity, accessibility, literacy rate, employment, minimum emoluments and social security should be redressed. The distinction emphasized legislative action that are taken to create accommodative environment and general perception of the society towards the persons with disabilities.

‘The recognition of the rights of persons with disabilities started in 1975, when the UN acknowledged the need to protect their rights in the Declaration on the Rights of Disabled Persons’ (U.N. Decade of Disabled Persons 1983-1992, 1983). ‘In 1982, the World Programme of Action concerning Disabled Persons was adopted by the General Assembly’ (General Assembly resolution December 9, 1975). This resolution recognized the rights of persons with disabilities to equal opportunities, full participation in economic and social life and equal access to health, education and rehabilitation services. In 1982, the UN proclaimed 1983-1992 as the UN Decade of Disabled Persons. ‘The Decade resulted in an instrument of a different kind, the UN Standard Rules constituting an international legal standard for programs, laws and policies on disability for the future’. (General Assembly resolution 37/52 of December 3, 1982)

As a Convention, the Standard Rules are legally non-binding. Covenants or Conventions, on the other hand, is declared binding international law that have been ratified by Member States.

“The Standard Rules can attain binding character as international customary rules, when they are applied by a great number of States with the intention of respecting a rule in international law. Until then, they serve as a strong moral and political commitment on behalf of States to take action for the equalization of opportunities”. (International convention on the rights of persons with disabilities, 2006.)

In 1994 the United Nations Commission for Social Development initiated a three-year monitoring exercise to promote the implementation of the Standard Rules and to monitor the progress in the development of national policies and programs built on these Rules.

Government Action on Disability Policy: A Global Survey:

A study is conducted by the UN in August 1996 to monitor the policies of member states in connection with the persons with disabilities with special reference to the conventions and Standard Rules of the UN on the subject. Regarding the legislation, policies and their implementation in Pakistan, UN observed that:

Legislation

Special legislation has been promulgated for the protections of rights of persons with disabilities. It is an unfortunate that judicial mechanism do not protect the special rights of the special person. 'The general legislation applies to persons with disabilities with respect to employment only. The following benefits are guaranteed by law to persons with disabilities: training, rehabilitation and counseling, employment'. (General Assembly resolution 48/96 of December 20, 1993)

Accessibility

Guidelines are drafted for ensuring that accessibility of the build environment like schools, hospitals, rehabilitation centers, the outdoor environment, land, sea, air transportation. Accessibility in the build environment is observed by a national authority and local Governments.

"The following measures have been promoted to facilitate accessibility in the build environment: leveling off pavements, installing lifts and accessible toilets, ensuring access to public places, provision of specially adapted motor vehicles. Special transport is available for the purpose of education only. When planning to build accessible environments the most difficult obstacles are: economic/budgetary factors, lack of legislation and regulations, lack of enforcement mechanism. There is no disability awareness component incorporated in the training of planners, architects and construction engineers" (Government Action on Disability Policy: UN document No. A/52/56)

The sign language is a non verbal communication that bridges the gap between the special and ordinary

"Sign language for deaf people is recognized as the main means of communication between deaf persons and others. There are Government measures for encouraging media and other forms of public information to make their services accessible to persons with

disabilities. The following measures are provided in order to facilitate information and communication between persons with disabilities and others: literature in Braille/tape, news magazines on tape/Braille, sign language interpretation, available only for major events". (Government Action on Disability Policy: UN document No. A/52/56)

Organizations of persons with disabilities

There is a national umbrella organization where all organizations of persons with disabilities are represented. There are no legal provisions mandating the representatives of persons with disabilities to participate in policy-making or to work with governmental institutions. Organizations are always consulted when laws and regulations with a disability aspect are being prepared. Consultations take place at the national level. The government financially supports existing or new organizations. 'Persons with disabilities participate to a very limited extent in government, legislature, judicial authorities and NGOs. The organizations have the role to identify needs and priorities, and contribute to public awareness'. (Government Action on Disability Policy: UN document No. A/52/56)

Co-ordination of work

A co-ordination committee was formed that reports to the Prime Minister secretariat. The committee includes representatives of the Ministries of Finance, Justice, Health and Social Affairs, Employment, Planning, and from organizations of persons with disabilities. The committee is expected to participate in policy development and to perform other tasks. 'The establishment of the coordinating committee has had the following effects: improved legislation, improved integration of responsibility, a better dialogue in the disability field, more accurate planning and more effective use of resources'. (Government Action on Disability Policy)

Magnitude of disability in Pakistan

'The Pakistan Census Organization (PCO) in its 1998 national population census has provided data about disability under seven categories: Crippled; Insane; Mentally Retarded; Multiple Disability, Blind; Deaf, Mute and Others' (Report on National Census of Pakistan, 1998). According to the Census data, the Persons with Disabilities constituted 2.49 per cent of the overall population. Data reveals that 55.7 per cent of disabled people are found in Punjab, followed by 28.4 per cent in Sindh, 11.1 per cent in NWFP, 4.5 per cent in Baluchistan, and 0.3 per cent in Islamabad. Most disabled people have a physical

handicap; this is followed by hearing impairment. The number of males with disability is greater than females in both rural and urban areas. This is probably because of the high incidence of child mortality among female children caused by social discrimination, preference for the male child, and deep-rooted gender insensitivity within households. More resources are used for rearing infant boys than infant girls. Thus, if a girl child is disabled she is doubly disadvantaged as she will receive less nutritious food, health care and attention within the family and will often die young. Among adults, the number of physically disabled males is higher than the number of physically disabled females as the incidence of accidents in the household as well as in the workforce is much higher for men.

The number of people with disabilities is greater in urban areas than in rural areas. A possible explanation is that the incidence of mortality is higher in rural areas than in urban areas because of the lack of facilities such as safe water, sanitation, health services, etc. However, the number of people with hearing and physical disability is greater in rural areas than in urban areas. Besides heredity, one significant cause of hearing disabilities is disease. Illnesses such as typhoid, small pox, polio, pneumonia, meningitis, measles and scabies, which are linked to hearing disability, are more common in rural areas, and their treatment in such areas is also limited.

Analytical note on Legislation and Policy Reforms

Policy reforms introduced by Government of Pakistan in various periods are analyzed in next lines.

Disabled Persons (Employment and Rehabilitation) Ordinance, 1981:

'It was the first constitutional effort on the part of the state to start institutional care of the special persons in Pakistan' (Disabled Persons Ordinance, 1981). 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.

Under Disabled Persons (Employment and Rehabilitation) Ordinance one per cent quota was reserved for special persons in all government and private sector establishments which were later enhanced to two per cent. An establishment which does not employ a disabled person shall pay into the Disabled Persons Rehabilitation Fund each month the sum of money it would have paid as salary or wages to a disabled person had he been employed which will be utilized for the distribution of stipends or scholarships to disabled persons receiving training and financial assistance of those disabled persons who are not fit to undertake any employment. Any establishment which fails to pay into the Fund any sum it is required to pay under section 11 shall be punishable with fine which may extend to one thousand rupees and, in the case of non-payment of fine, with an additional fine which may extend to ten rupees for every day during which the payment of fine is not made.

National Policy for Persons with Disabilities (2002)

The National Policy for Persons with Disabilities was finalized after a lengthy consultative process involving all stakeholders and relevant Federal Ministries including Health, Labor 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 a 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.

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

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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' (National Plan of Action for the Persons with Disabilities, 2006). 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 to 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.

The short term measures listed in the NPA include: establishment of 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; and boosting up public opinion and increasing support to NGOs.

The long term objectives reflected in NPA focus on creation of barrier free physical environment for PWDs in all public, private and commercial buildings and public places and revision of construction bye laws. More effective enforcement and expansion of social assistance and social security program under the provisions of existing laws would be beneficial.

Special Citizens Act, 2008:

Special Citizens Act, 2008 seeks 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 (Special Citizens Act, 2008). Similarly, while crossing the roads special citizens must be given priority. Under this act, government shall make the 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 to provide the facility of access of wheelchairs. Further, Public Transporters shall be made bound to allocate seats for special citizens and provide easy access to their

seats in the public transport. The act also binds concerned authorities to take necessary steps to provide maximum facilities on footpaths for the wheel chairs and blind persons. Under the law, special persons should be given priority while crossing the roads and traffic police should be responsible for its implementation.

Special Citizens (Right to Concessions in Movement) Act, 2009:

Special Citizens (Right to Concessions in Movement) Act was promulgated in 2009 which seeks to provide concessional rates to special citizens in all modes of public and private transport as these citizens even if working, are unable to earn sufficient to pay standard fares (Special Citizens (Right to Concessions in Movement) Act, 2009). Under this act, air, railway and other transport authorities are bound to charge less/half rates from disabled persons.

Duty Free Import of Car:

'Disabled persons are allowed waiver of import duty which is in excess of 10% on Completely Knocked Down [CKD] kits that are imported for assembling of car for them' (Trade Policy, 2009-10) Restricting disabled persons to use locally assembled cars limits the choice to only a few makes. There have been persistent complaints of non-availability of customized vehicles in the local makes. Some time ago, the duty free import of customized cars by disabled persons was allowed. To facilitate disabled persons to actively participate in economic activities, the facility to import duty free customized cars, not above 1350cc of engine capacity is being allowed. To facilitate disabled persons further, it has been decided to allow the import of one used duty free motorized wheel chair to actual users.

'According to the notification issued by the Ministry of Commerce, the disabled are allowed custom-free import of cars of up to 1,300cc capacity for their personal use, subject to certain conditions, such as having a valid driver's licence and a verifiable income of Rs20, 000-100,000 per month' (SRO No: 16(1)/2006-import II, dated 28th September, 2009). Once an applicant has submitted the required documents and been assessed as genuinely disabled by the Federal Board of Disabled Persons, he or she is due an import authorisation certificate from the Ministry of Commerce.

Banking Services

'Ministry of Social Welfare and Special Education through State Bank issued special directives to all national and private banks to permit

visually impaired persons to open their individual accounts' (Daily the News, December 5, 2009). The persons with visual impairment would be given a special cheque books with Braille (a system of printing for blind people, in which each letter is represented as a raised pattern which can be read by touching with the fingers through which they could operate their accounts independently and individually. Previously blind persons were not allowed to open their individual accounts in any bank of the country and only their joint accounts could be opened which sometimes create trouble for them in the absence of some close blood relation.

'Braille information is being produced and, for the first time, Talking ATMs (automated teller machine) are being considered for installation in Islamabad. Efforts to end discrimination against people with disabilities in insurance and micro-lending are also underway' (Rehman, 2010). Special ATM cards would be issued to the visually impaired persons who could operate their account through their card as well. "The ATM cards with special identity of special persons would be issued to them and only they could take benefit from the talking ATM,"

Independent access to financial information and equipment is critical to financial privacy. Virtually all ATMs around the world are manufactured by a few global corporations, and the financial industry itself continues to grow more and more international.

Major Challenges and Constraints

The identification of challenges faced by persons with disabilities and organizations working for their welfare is of paramount importance. This important aspect has remained neglected in the past. No scientific study or survey at national level was ever conducted to comprehensively assess the problems of this marginalized segment of the society. However, inferences or conclusions drawn from the various micro studies carried out identify the following challenges and constraints:

Lack of Reliable Data

The basic problem identified in all key reports is the non availability of accurate and reliable data about the magnitude or prevalence of disability in the country. This does not help in proper planning and policy making. In the absence of nation-wide and accurate data collection methodologies, reliability of current data would remain questionable.

Inappropriate Need Assessment

The ownership of any program largely depends upon the common needs of the beneficiaries and key stakeholders. However, in Pakistan no scientific effort has been made to assess the real needs and problems of the PWDs.

Inadequate Policy, Legislative and Enforcement Framework

The Disabled Persons (Employment and Rehabilitation) Ordinance 1981 does not contain an effective mechanism for the employment and rehabilitation of PWDs (person with disability) due to number of lacunae in the Ordinance. The policies and laws for the welfare of PWDs are not being followed strictly due to weak enforcement mechanisms and lack of awareness on part of major decision makers. For example, the 2% quota in all jobs reserved for PWDs is not being followed but there is no mechanism to ensure its implementation. Special Persons have not any active pressure group that can articulate their demands. Pressure groups make demands to government but in developing countries they are not doing remarkable job. 'The means used by pressure groups to apply pressure or influence on the government, legislature, administrators, political parties or agitation, persuasion, political sniping or even bribery' (Heywood, 1997,p.186) .The politics of pressure groups hinges on the psychological foundation of self interest. An interest group or pressure group is an organized association which aims to influence the politics or action of government. 'These groups typically have a narrow issue focus, in that they are usually concerned with a specific cause or interest of a particular group: pressure groups may have a sectional or promotional character'. (Ashraf, *Dawn*, 2009)

'As for as the political parties are concerned, taking least interest in legislation for special persons. Interest Aggregation is the activity in which the political demands of individuals and groups are combined into policy programs' (Almond, 1993:81).Interest Aggregation means the process by which a party brings together various viewpoints on an issue. A party develops enough common ideas among enough people so that pressure can be brought to bear upon the political system. In the developed countries/political systems, the political parties along with advantageous groups do this job but in Pakistan they are doing job for their own interest.

'The Supreme Court took notice of a report that seats reserved for the disabled in 50 government departments were lying vacant. Aftab Amir,

a representative of National Centre for Rehabilitation of Disabled Persons (NCRDP) confessed that Disabled Persons Ordinance has not been implemented yet properly thus forcing disabled person for begging'. (Daily the Times, 2010)

Reality of Concession in Fare Rates:

Pakistan Railway has practically reduced the facility by not allowing concessions in all trains as matter of alternate which is really troublesome. Furthermore the procedure of receiving concession every time from commercial office is really troublesome both financially and otherwise moreover Railway has no commercial offices in all the Towns, as such the Blind Citizens of those Towns and Cities can not avail the facility so alternate arrangement be made to avoid injustice.

Proposed Initiatives and recommendations

Collection of Reliable Data

The non-availability of reliable data is a great impediment in the effective delivery of services to PWDs. Database provides a basis for policy making, project planning and program implementation. There is a vital need to have reliable data about magnitude of the disability problem in the country. It is, therefore, imperative that a comprehensive survey to determine the status of disability be carried out which should also focus on the need assessment of PWDs to develop reliable programs for their welfare.

Improvements in Policy, Legislative and Enforcement Framework

Existing policies and laws need to be refined since the only law for the welfare of PWDs was passed in 1981 and it now needs to be brought in line with changes in the society and advancement in various models for the rehabilitation and mainstreaming of PWDs. Weak enforcement mechanisms need to be strengthened so that the benefits available to PWDs, such as 2% quota in jobs, can accrue to them. This requires advocacy and lobbying with the government and corporate sector. A Disability Tribunal may be created on the patterns of Federal Services Tribunal to ensure compliance with laws, policies and rules related to persons with disabilities.

Performance of the National Trust for the Disabled Persons:

The National trust for disabled persons may be functional in accordance with its determined aims and objectives so that the benefits of the education of the disabled children may be ensured. For

these reason involvements of the representative of the disabled persons may also be involved at implementation and monitoring level. The similar Trust established at Punjab had increased its funds and assets from Rs. 10 million to Rs. 44 million; but the output is below the desired standards that warranted its revitalization.

Micro Credit Facilities:

Micro-credit facilities should be provided to PWDs to promote self-employment opportunities leading to their socio-economic empowerment.

Simplification of Procedure to get transport concessions:

The procedure of getting railway concession for visually handicapped persons should be simplified and made available at all railway stations instead of only at commercial offices of railway located at Karachi and other big cities.

Continuous Media Campaign:

Hostile behavior and culture to tease the persons with disabilities is very common in Pakistan. This factor aggravates the problem and make their life miserable. Resultantly, they engulfed in physiological problems that affects their relationships with the other members of the society.

The name calling like langra (lame person) and kana (one eyed) etc destroys the whole personality of special persons and unfortunately the government did not take any measures to refrain society for using these derogatory name calling. Coordination between the civil society and the government is a must for rooting out this menace. In this connection, an aggressive and continuous campaign on print and electronic media is the need of the hour. Media can play important role to articulate the demands and requirements of special persons. The power of the media can be used in a constructive manner not only in interest articulation process but for policy implementation too. The media should play an important role in highlighting the real issues and searching for their solutions.

Brail as Optional Subject:

In the light of very successful experience and subsequent practice of introduction of Braille as an optional subject in ordinary schools and colleges of Karachi (Daily the Dawn, 2007), It is strongly

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recommended to introduce the Braille subject as an optional subject in all the four provinces through boards of education and universities so that purpose of inclusion main streaming and employment of the visually impaired be comfortably solved. Political parties should take the minor issues as policy as soon as possible otherwise these small issues became the cause of aggravate activities or political instability. The slight demands should take seriously at initial stage even presented by small and slight group because no one in the country is unimportant. Ignored area's demands are as important as of preferred area. There should be open channels for special persons through whom they can make demands or express their interests and needs. It becomes more popular to comments on the deficiencies of such policies and political decisions of government.

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