

**The Right of Persons with Disabilities Law**

**(The Pyidaungsu Hluttaw Law No. 30, 2015)**

**The 4th Waning of Nayon, 1377 M.E.**

**(5 June, 2015)**

The Pyidaungsu Hluttaw hereby enacts this Law.

**Chapter I**

**Title and Definition**

1. This Law shall be called **the Right of Persons with Disabilities Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - (a) **Persons with Disabilities** means a person who suffers long-term the physical, visual, utterance, hearing, intellectual, mental, intelligent, one or more sensory impairment by birth or not;
  - (b) **Disability** means limited participating and acting in the society due to the environmental, physical, mental, visual and other form of barriers;
  - (c) **Right of Persons with Disabilities** means any right of persons with disabilities contained in this Law;
  - (d) **Rehabilitation** means training and nurturing the persons with disabilities through medical, education, social, livelihood, and the other process to regain fully capacity for having the right of participation in their environment and society;
  - (e) **Discrimination** means the distinction, exclusion not to be participated in a society, and restriction of participation that are hindered recognition and equal enjoyment as others in politics, economics, social, education, health, culture, public affairs and any other field on the basis of disability;
  - (f) **Communication** means a communication with language, written, human-reader, tactile, body and sign language, electronic or any form of method which can be understand one another;
  - (g) **Language** includes spoken language, signed language and other forms of non-spoken language;
  - (h) **Employer** means an employer or a manager assigned by the employer from government departments and organizations, companies, and private economic enterprise who has the responsibility to employ persons with disabilities in accord with the specified quota under this Law;
  - (i) **Association of Persons with Disabilities** means any association organized and led by persons with disabilities themselves either based on different types of disability or combination of types of disability;
  - (j) **Myanmar Federation of Persons with Disabilities** means a federation established with representatives from association of persons with disabilities and representatives of persons with disabilities who are not the members of such association;

- (k) **Organization of Persons with Disabilities** means any local or international organization established with intent to carry out the rights and interests of persons with disabilities;
- (l) **Private Special Education School** means a university, degree college, college, institute or basic education schools owned by the private or private organization and voluntary welfare which give a lecture to provide educational needs of persons with disabilities;
- (m) **Private Special Vocational Training School** means any training or school owned by the private or private organization and voluntary welfare which give training for enabling to operate any vocational programmes to persons with disabilities;
- (n) **Private Rehabilitation Centre** means any rehabilitation centre and school owned by the private or private organization or voluntary welfare which give service on treatment, care and rehabilitation physically, mentally and intellectually according to medicine to persons with disabilities;
- (o) **Owner** means an owner or a manager who is assigned by the owner of any private special education school, private special vocational training school and private rehabilitation centre established by the private organization or person;
- (p) **Fund** means a fund relating to the rights of persons with disabilities raised to implement the right and interest of persons with disabilities for the upgrading the life of persons with disabilities, distributing the necessary assistive devices, education, health, employment, rehabilitation and other rights;
- (q) **Fund Management Body** means a body formed under this Law for saving and management of the fund relating to the rights of persons with disabilities;
- (r) **Ministry** means the Ministry of Social Welfare, Relief and Resettlement of the Union Government.
- (s) **National Committee** means the National Committee relating to the rights of persons with disabilities formed under this Law;
- (u) **Region or State Committee** means the Region or State level committee relating to the rights of persons with disabilities formed by the National Committee under this Law;
- (v) **Department** means the Department of Social Welfare;
- (w) **Chief Registrar** means the Director General of the Department of Social Welfare who has been assigned by the National Committee to supervise the functions and duties of registration of persons with disabilities and association of persons with disabilities;
- (x) **Registrar** means an officer from the department who has been assigned by the Ministry to perform the functions of registration of persons with disabilities at the relevant Region or State;
- (y) **Registration Supervisor** means a personnel assigned by the department to perform duties and functions of registration of persons with disabilities either as a duty or voluntarily or the personnel assigned by government departments and organizations or any suitable citizen who is not government servant in coordination with the relevant government departments and organizations;
- (z) **Disability Degree Classification Body** means the body formed by the Ministry of Health under this Law in order to evaluate the person with disability for enjoying the rights of persons with disabilities according to the type and degree of disability.

## Chapter II

### Objectives

3. The objectives of this Law are as follows:

- (a) to take more care on persons with disabilities in accord with the Constitution of the Republic of the Union of Myanmar;
- (b) to implement the provisions of the United Nations Convention on the Rights of Persons with Disabilities more effectively;
- (c) to obtain the human rights and fundamental freedoms equally and fully which are entitled to enjoy by citizens on equal basis with the others with disabilities;
- (d) to integrate into the society with others equally in the respective area of political, social, education, health, economics, culture and public affairs;
- (e) to recognize the dignity, ability and capability of persons with disabilities by the State and the citizens;
- (f) to secure and develop the socio-economic life of persons with disabilities ;
- (g) to reduce and eliminate the various forms of discrimination against persons with disabilities in all areas and to protect not to do the said discrimination under the law;
- (h) to protect persons with disabilities from abuse and exploitation including different types of extreme violence and domestic violence and to protect person with disabilities especially women and children;
- (i) to provide the special care by the State for persons with disabilities who suffer from orphanage, homeless and disability more than one according to the types of disability.

## Chapter III

### Formation of the National Committee on the Rights of Persons with Disabilities and Functions and Duties Thereof

4. The Union Government:

- (a) shall, in order to guide, manage, and supervise necessarily for implementing effectively the provisions of this Law, form the National Committee on the Rights of Persons with Disabilities comprising not more than 60, the following persons:

- |       |   |                 |
|-------|---|-----------------|
| (i)   | Vice-President  | Chairman        |
| (ii)  | Union Minister, the Ministry of Social Welfare, Relief and Resettlement | Vice-Chairman-1 |
| (iii) | Chairman, Myanmar Federation of Persons with Disabilities               | Vice-Chairman-2 |

(iv)	Director General, Department of Social Welfare	Member
(v)	Representatives from relevant Union Ministries, State or Region Governments	Members
(vi)	Representative from Myanmar Human Right Commission	Member
(vii)	Selected Representatives with Different Types of Disabilities	Members
(viii)	Selected Representatives from Non-governmental Social Welfare	Members
(ix)	Selected Representatives from Volunteers	Members
(x)	Deputy Minister, Ministry of Social Welfare, Relief and Resettlement	Secretary
(xi)	Secretary, Myanmar Federation of Persons with Disabilities	Joint-Secretary

(b) may reform the National Committee if necessary.

(c) may determine the tenure of the members of the National Committee except the persons as ex-officio from the relevant Union Ministries and Region or State Governments in the members of the National Committee.

5. The National Committee shall have the right to perform with own name, logo, and continuous succession, to sue and to be sued.

6. The members of the National Committee who are not civil service personnel shall have the rights to enjoy allotted emoluments and allowance by the Ministry for the days performing duties of the National Committee under this Law.

7. The functions and duties of the National Committee are as follows:

(a) laying down the national level policy and guidelines for protection of the rights of persons with disabilities, developing of their lives, implementing the provisions of this Law effectively and obtaining the approval of the Union Government;

(b) cooperating with the relevant Union Ministries, Region Government, State Government, Nay Pyi Taw Council, Development Committee, Development Bodies and cooperating, monitoring and supervising the activities of non-governmental social welfare organization which is performed the work of disability, business organization and businessmen, persons with disabilities association, voluntary organizations which are interested in work of disability, transport organizations, information, communication and technology organizations, and persons;

(c) forming the different levels of committee related to the rights of persons with disabilities and specifying their functions and duties;

(d) laying down the plans to protect persons with disabilities from all forms of discrimination, exploitation, violence, abuse, neglect by any person or organizations or departments;

- (e) coordinate with the international organizations, regional organizations, government organizations or non-government organizations from the local and international, persons with disabilities, associations, schools and persons to exchange the experience related to the rights of persons with disabilities and obtain technology resources;
- (f) gathering information related to disability and collecting data on the services of persons with disabilities;
- (g) researching and inventing the services, systems, models, technologies, supportive devices and communication methods with one another which are accessible easily for persons with disabilities;
- (h) specifying the sign language for the deaf and the braille letter for the blind;
- (i) laying down the plans for providing supportive devices and sign language interpreters and the technological training related to learning opportunities for persons with disabilities;
- (j) arranging television and broadcasting programmes for persons with disabilities;
- (k) managing to fully enjoy the services of economics, social, education and health by persons with disabilities;
- (l) performing to obtain the rights of participation of persons with disabilities in the area of politics, economics, social, culture, and public affairs respectively;
- (m) managing to protect effectively persons with disabilities especially women and children;
- (n) implementing and supervising the necessary plans for obtaining job opportunities by persons with disabilities;
- (o) laying down the processes of care and rehabilitation for persons with disabilities;
- (p) laying down the work programme to raise the awareness of disability within the public;
- (q) providing the local and international organizations and disabled associations which are performed for the rights of persons with disabilities;
- (r) coordinating and designating the functions and duties of the Myanmar Federation of Persons with Disabilities;
- (s) laying down necessary guidelines and providing support in relation to the formation of association of persons with disabilities;
- (t) laying down necessary guidelines and directives, and providing support in relation to the establishment of private special education schools, private special vocational training schools and private rehabilitation centres;
- (u) establishing, saving and managing the fund;
- (v) submitting to the Union Government through the Ministry to proceed for changing discriminatory customs and practices, repealing or amending as may be necessary after vetting the laws, rules, regulations and policies which constitute discrimination against persons with disabilities;
- (w) seeking the approval of the Union Government in coordination with the relevant Union Ministries to enjoy relief on the expenses for medical examination and treatment, service fees for sign language interpretation, fare for government and private water-craft, plane, train and bus in local transportation in accord with the stipulations and having the right to carry the supportive devices used by persons with disabilities in free of charge;

- (x) forming the necessary staff office for enabling to carry out the office work of the National Committee and appointing the staff;
- (y) carrying out the functions and duties related to the rights of persons with disabilities occasionally assigned by the Union Government.

## **Chapter IV**

### **Equality of Human Rights and Fundamental Freedom of Persons with Disabilities**

8. The persons with disabilities shall have the right to enjoy the inherent rights, right to life, citizenship, liberty, justice, security, equality and respect for dignity.
9. No persons with disabilities shall be discriminated and humbled on the basis of disability.
10. The behaviours and acts which are affected the physical and mental of persons with disabilities are prohibited.
11. The State shall provide basic needs for living standard of persons with disabilities who are not able to work in accord with the degree of disability which is specified.
12. The persons with disabilities shall have the following rights without discrimination of race, birth, religion, official position, status, culture, male, female, poor, rich, disability:
  - (a) to be equal before the law;
  - (b) to be given equal opportunities with the others.
13. The National Committee shall protect by laying down plans for persons with disabilities who have difficulty to maintain the inheritance.
14. The persons with disabilities:
  - (a) have the right to educate, access information and health care;
  - (b) have the right to enjoy human rights and fundamental freedoms as others including having the rights to live inherent life, freedom of speech and religion;
  - (c) have the rights to own and succeed the legitimate money, properties, buildings and have the right to reside in housing which is constructed by public housing projects;
  - (d) have the right to claim at the court for arranging the necessity according to the type of disability for obtaining the right to sue, defend, and to be examined as a witness;
  - (e) have the right to be remitted the court-fee when litigating by a law-suit for their entitlement and rights;
  - (f) have the right to be protected from torture, discrimination, neglect, abuse and to enjoy disability services while imprisoning.
15. In laying down the social development programmes by the relevant government departments, international and local non-government organizations, business organizations and businessmen, it shall include the programmes which are protected the rights of persons with disabilities.
16. The children with disabilities:

- (a) have the right to enjoy fundamental freedoms including having the right to live inherent life, child right, freedom of speech and religion on equal basis with other children without disabilities;
  - (b) have the right to enjoy all rights contained in the Child Law on equal basis with children without disabilities;
  - (c) have the right to manage by the parent or guardian in accord with the existing law on behalf of the children with intellectual disabilities who have inability of self-decision making for their best interests;
  - (d) have the right to be protected from abuse, exploitation, and discrimination including different types of forced violence and domestic violence.
17. The women with disabilities:
- (a) have the right to participate in decision making process of society and enjoy all human rights and fundamental freedoms on equal basis with women without disabilities for improving the living standard such as health, education, and economics;
  - (b) have the right to participate on equal basis with men with disabilities in every process which is aimed for persons with disabilities;
  - (c) have the right to participate and enjoy in every process which is aimed for women;
  - (d) have the right to be protected from abuse, exploitation, and discrimination including different types of extreme violence and domestic violence.
18. The National Committee shall accept the expert opinion as evidence when submitting the sign language for the deaf and the braille for the blind prescribed under this Law in any case or any matter by the expert.
19. Nothing is an offence which is done by a person who, at the time of doing it, by reason of intellectual disability, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

## **Chapter V**

### **Education of Persons with Disabilities**

20. Every person with disability has:
- (a) the right to educate as the other persons without disabilities;
  - (b) the right to educate at schools, trainings, institutes, colleges and universities owned by the government, public, private and organizations and private schools and private vocational training schools.
21. The National Committee shall, in collaboration with the Ministry of Education, lay down the programmes for obtaining curriculums and accommodation, transportation and communication devices and teaching aids in learning from the basic level education to the university level education by persons with disabilities.
22. The National Committee shall instruct the Ministry of Education to teach all inclusive education systems which every person can learn together with person without disabilities and to include the rights of persons with disabilities at education colleges and education universities and to learn teaching methods according to the types of disability and methods of communication one another.

23. Except the consideration of subject requirement, anyone shall not be refused the admission of persons with disabilities on the account of disability.
24. Every child with disability shall:
- (a) obtain the educational opportunities including early childhood care and the lifelong learning;
  - (b) have the right to learn up to free education level prescribed by the Ministry of Education at schools opened by the State in the communities in which they live or the closest communities as others.
25. The Ministry shall carry out special education programmes, informal education programmes, and vocational education programmes for persons with disabilities who are not able to learn the formal education.

## **Chapter VI**

### **Health of Persons with Disabilities**

26. The persons with disabilities shall have the rights to enjoy opportunities of health care performed by the State.
27. The Ministry of Health shall carry out the following functions in accord with the guidance of the National Committee:
- (a) carrying out the health care activities which are prevented the occurring of disability;
  - (b) laying down the plans that ensure a minimum of disability prevalence rate at pregnant woman and infants, children, women and elder person;
  - (c) determining the duties and functions by forming the disability degree classification body by responsible persons from the relevant Ministries and organizations, experts from disabled organizations for examining, evaluating the category of disability and degree of disability;
  - (d) arranging the access of qualified health care and services which are free or affordable rate for persons with disabilities in rural areas;
  - (e) establishing physical or mental treatment centers, nurturing centers and rehabilitation centers by medicine for persons with disabilities in coordination with the relevant Ministries, Region or State Governments;
  - (f) allowing the reproductive in accord with the health care policy if the parents or present guardian desire to do so as necessary for adult women with intellectual disabilities.

## **Chapter VII**

### **Accessibility for Persons with Disabilities**

28. The National Committee shall coordinate and implement the followings in cooperation with the relevant Union Ministries, Development Committees and Development Bodies, Region or State Governments, non-government organizations, private organizations and persons which are performed disability activities for ensuring accessibility of persons with disabilities at public places:
- (a) laying down the guidelines on designing, renovation the public building and their environments to ensure physically and mentally safety of persons with disabilities;

- (b) designing and constructing not for having barrier in public places to go conveniently for persons with disabilities with their supportive mobility devices;
- (c) making necessary arrangement for persons with disabilities to access easily in the public transportations;
- (d) fixing supportive signs, symbols, alarms and other necessary requirements at intersection traffics, crossing lines, corners and the ebb and flow of the roads;
- (e) arranging for persons with disabilities to go and use easily in the physical environments including the public housing, hospital, school and communication, information and public relation sector.

### **Chapter VIII**

#### **Having the Right of Participation for Persons with Disabilities in the Area of Political and Public Affairs**

- 29. The persons with disabilities who are eligible to vote under the law shall have the right to vote a secret ballot for any Hluttaw.
- 30. The citizens with disabilities shall, in accord with the Constitution and existing related election laws, have the right to be elected at any Hluttaw.
- 31. The National Committee shall:
  - (a) coordinate with the Union Election Commission to take appropriate measure in accord with the rules and procedures issued by this Law to facilitate for the person with disability in voting, understand devices to be used in voting and voting procedures by the persons with disabilities and abide by members of the election commission according to the relevant constituency;
  - (b) make appropriate measures to participate persons with disabilities in traditional and cultural events, entertainment programmes, sports trainings and competitions related to the public.

### **Chapter IX**

#### **Care and Rehabilitation of Persons with Disabilities**

- 32. The National Committee shall:
  - (a) lay down policies, plans and programmes for the participation of persons with disabilities in the society on an equal basis with others, enhancing abilities and capabilities of persons with disabilities, care and rehabilitating the physical, mental, intellectual, language and social aspects of persons with disabilities;
  - (b) make necessary measures for the survival of orphan and helpless of persons with disabilities;
  - (c) provide support the non-government organizations which are performed the care and rehabilitation of persons with disabilities and associations of persons with disabilities from the fund.
- 33. The Ministry, in order to perform effectively the policies, plans and programmes laid down by the National Committee under sub-section (a) of section 32, shall:

- (a) carry out care and rehabilitation activities for persons with disabilities in coordination with the relevant Union Ministries, Region or State Governments, association of persons with disabilities, non-government organizations and private benefactors;
  - (b) make preparations for the activities of search and rescue, protection, safety, and rehabilitation for persons with disabilities in priority in the emergency situations for different risk;
  - (c) coordinate to obtain the right of participation of persons with disabilities themselves in rehabilitation activities including prevention and preparation for different risk;
  - (d) provide training of the modern technologies to the civil services personnel and volunteers carrying out the care of physical, mental, intellectual, language and social, and rehabilitation activities.
34. The Ministry of Health shall perform the care and rehabilitation activities of persons with disabilities in accord with the guidance of the National Committee in coordinating with the relevant Union Ministries, Region or State Governments, non-government organizations, and private benefactors as follows:
- (a) establishing the hospitals, clinics, and training schools which are operated and treated the organ transplant for persons with disabilities;
  - (b) upgrading the capacity of organ transplant surgeons and providing the necessary modern devices.

## **Chapter X**

### **Employment Opportunities for Persons with Disabilities**

35. The National Committee shall:
- (a) lay down, implement and supervise the policies and plans concerning the equal right to work for persons with disabilities as the others, creation of employment opportunities, nondiscrimination in employment process, prevention of forced labour, obtaining wages, salaries and benefits based on working capacity in accord with the existing law, enjoyment of the right to participate in the relevant labour organizations, enjoyment of the right to access the vocational educations, enabling to operate the self-employments, enjoyment the right to work in government departments, government organizations and private enterprises, accessibility in the workplace, taking measure of suitable accommodations or arrangements, and rehabilitation in coordination with relevant Union Ministries;
  - (b) carry out for enabling to conduct the private special vocational training schools with the government departments and government organizations for employment opportunities of persons with disabilities in coordination with relevant Union Ministries;
  - (c) coordinate with the relevant Union Ministries, Region or State Governments to submit for obtaining the following tax exemption, tax relief and right to import in accord with the existing tax law, rules, and procedure:
    - (i) to obtain the tax exemption on cash and in kind donated from abroad for persons with disabilities;
    - (ii) to obtain the right to import and the tax exemption for supportive devices, training materials, communication devices, medicines, medical equipment, and rehabilitation facilities imported to use persons with disabilities without commercial profits;

- (iii) to obtain the tax exemption on products produced by persons with disabilities and association of persons with disabilities to use for them;
- (iv) to obtain tax relief based on extra employed persons with disabilities if the organizations, companies, and private entrepreneurs that employed persons with disabilities employ more than specified quota;
- (v) to obtain tax exemption or tax relief on enterprises established and products produced by the persons with disabilities themselves.

36. The employer shall:

- (a) abide by and implement the policies and plans laid down by the National Committee in respect of obtaining the employment opportunities of persons with disabilities;
- (b) employ persons with disabilities who are able to work based on the type of work in appropriate job as quota specified by the National Committee;
- (c) select and employ persons with disabilities registered at the department and relevant township level labour offices in employing under sub-section (b);
- (d) perform appropriate programmes for persons with disabilities including interviewing and employing based on capacity, enjoying the same wages and salaries and labour rights, promotion, job retention and obtaining the right of accessing free vocational education;
- (e) pay the specified amount as quota to the fund relating to the rights of persons with disabilities when it is unable to employ as quota stipulated under sub-section (b) or when there is no situation or opportunity to employ;
- (f) send the list of employees or staff with disabilities employed under sub-section (b) and the list of vacancies of employment to the department and relevant township level labour offices.

## **Chapter XI**

### **Registration of Persons with Disabilities**

37. The persons with disabilities may apply the registration in accord with the stipulations to recognize them as persons with disabilities with their own consent for enjoying the rights contained in this Law.

38. The Ministry shall:

- (a) assign the Director General of the Department as the Chief Registrar;
- (b) assign social welfare officers according to the Regions or States as a registrar in order to carry out the registration activities under this Law.

39. The Chief Registrar, in accord with the guidance of the National Committee and the Ministry, shall:

- (a) supervise compiling statistics, conducting research, and registration activities in order to fully enjoy the rights of all persons with disabilities;
- (b) carry out the registration activities of persons with disabilities in accord with internationally accepted standards and ethics to protect human rights and the fundamental freedoms;
- (c) arrange to facilitate the registration of persons with disabilities and medical check-up by the disability degree classification body;

- (d) arrange free for registration of persons with disabilities, carrying out treatment for medical check-up by the disability degree classification body, medical check-up and issuance of medical certificate.
40. The persons with disabilities shall, to register as a person with disability or re-classify the degree of disability by the registered person with disability with his consent, apply by himself or parents or representative to registration supervisor in accord with the stipulation.
41. The registration supervisor shall:
- (a) carry out to get a medical check-up in the disability degree classification body which to be issued the medical certificate regarding disability after scrutinizing the application under section 40;
  - (b) submit the application to the relevant registrar along with medical certificate issued by the disability degree classification body under sub-section (a).
42. The relevant registrar shall:
- (a) submit the application with the recommendation to the Region or State Committee after scrutinizing the application under sub-section (b) of section 41;
  - (b) cancel the registration as persons with disabilities with the approval of the Region or State Committee when applying to cancel the registration by the registered persons with disabilities and send the list to record to the relevant Region or State Committee;
  - (c) submit to the Region or State Committee with the recommendation of the disability degree classification body when it is found that the application to re-classify the degree of disability for person with disability and not inclusive the criteria of specified disability.
43. The Region or State Committee:
- (a) may allow or refuse the application to register after scrutinizing the application submitted under section 42(a);
  - (b) shall issue the certificate when allowing to register as a person with disability under sub-section(a);
  - (c) may confirm or cancel after scrutinizing the submission of the application to the degree of disability and not inclusive the criteria of specified disability under section 42(c);
  - (d) shall cause to submit the lists to record for issuing or cancelling the registration certificate to persons with disabilities, re-classification the degree of disability, and not inclusive the criteria of specified disability to the Chief Registrar by the Registrar.

## **Chapter XII**

### **Formation and Registration of Associations of Persons with Disabilities**

44. The associations of persons with disabilities and organizations performed for persons with disabilities may, in order to obtain the rights contained in this Law, required technologies, supports, and cooperation, apply the registration in accord with the stipulations in their volition.

45. The Myanmar Federation of Persons with Disabilities shall be formed with representatives from associations of persons with disabilities and the disabled representatives who are not the members of associations of persons with disabilities and its functions and duties shall be determined in coordination with the National Committee.
46. The Chief Registrar shall cooperate and coordinate with the Myanmar Federation of Persons with Disabilities for registering the associations of persons with disabilities in accord with this Law in order to carry out effectively the rights of persons with disabilities.
47. In order to register any relevant association of persons with disabilities according to types of disabilities or combining the types of disabilities, it shall apply to the Myanmar Federation of Persons with Disabilities through the relevant Region or State organization of persons with disabilities in accord with the stipulations.
48. The Myanmar Federation of Persons with Disabilities shall scrutinize the application to register under section 47 and submit to the National Committee with its approval.
49. The National Committee:
- (a) may allow or refuse to register after scrutinizing the submission of the Myanmar Federation of Persons with Disabilities under section 48 by stipulating the registration terms and conditions of the association;
  - (b) shall issue the registration certificate to the association of persons with disabilities which is allowed to register under sub-section (a) after causing to pay the prescribed registration fees.
50. Any organization of persons with disabilities formed at the Associations Supervising Central Committee of the Ministry of Home Affairs under the Law Relating to Forming of Organizations before this Law came into force, shall apply to register the association, in accord with the stipulations, to the Myanmar Federation of Persons with Disabilities through the relevant Region or State associations of persons with disabilities within 180 days after this Law came into force.
51. The Myanmar Federation of Persons with Disabilities shall scrutinize the application under section 50 and submit it to the National Committee with the approval.
52. The National Committee shall scrutinize the submission under section 51 and perform the permission of registration, refusal of registration and issuing the registration certificate in accord with section 49.
53. Any association of persons with disabilities:
- (a) shall apply to the Myanmar Federation of Persons with Disabilities through the relevant Region or State Association of persons with disabilities at least sixty days prior to the expiry of registration if it is desirous to renew its terms;
  - (b) may apply to renew the registration by imposing a prescribed fine after the expiry of terms of registration. Provided that, it shall not impose a prescribed fine if it is the voluntary association.
54. The Myanmar Federation of Persons with Disabilities may allow or refuse the renewal term of registration certificate with the agreement of the National Committee by scrutinizing the application under section 53 and causing to impose renewal fee.

55. Any registered association of persons with disabilities under this Law shall:
- (a) not violate any prescribed condition;
  - (b) not fail to implement in accord with the policies and guidelines laid down by the National Committee;
  - (c) not violate any prohibition of rules, notifications, orders and directives issued under this Law.
56. The National Committee may, if it is found that any registered association of persons with disabilities under this Law violates any prohibition contained in section 55, make any of the following administrative decision to such association:
- (a) warning and causing to impose a prescribed fine in the rules issued under this Law;
  - (b) suspending temporarily the registration certificate of any relevant association of persons with disabilities for a limited period stipulated in the rules issued by this Law;
  - (c) canceling the registration certificate of any relevant association of persons with disabilities.

### **Chapter XIII**

#### **Establishing the Special Private Education School, Special Private Vocational Training School and Private Rehabilitation Centres**

57. The person who establishes or desires to establish the special private education school, special private vocational training school and private rehabilitation centre shall apply the permit to the social welfare office of the relevant Region or State in accord with the stipulations.
58. The social welfare office of the relevant Region or State shall scrutinize the application for permit under section 57 and submit the application with the recommendation to the department.
59. The department:
- (a) may allow or refuse for establishment after scrutinizing the application and recommendation under section 58;
  - (b) shall specify terms and conditions of permit and issue the permit after causing to impose the prescribed fees to the owner if it is allowed to establish under sub-section (a).
60. Any owner shall, in order to renew the term of permit for the private special education school, special private vocational training school and private rehabilitation centre, apply to the department through the social welfare office of the relevant Region or State at least sixty days prior to the expiry of the term.
61. The department may allow or refuse to renew the term after scrutinizing the application under section 60.
62. The term shall be renewed after causing to pay the renewal fees if it is allowed under section 61.
63. Any owner shall:
- (a) not violate any prescribed condition;
  - (b) not fail to implement in accord with the policies and guidelines laid down by the National Committee;
  - (c) not violate any duty and prohibition contained in the rules, regulations, bye-laws, notifications, orders and directives issued under this Law.

64. The department may, if it is found that the owner who obtained the permit under this Law violates any prohibition contained in section 63, pass any of the following administrative decision to such owner:
- (a) warning and causing to impose a prescribed fine;
  - (b) suspending temporarily the permit for a limited period;
  - (c) canceling the permit.

## **Chapter XIV**

### **Appeal**

65. The person dissatisfied with the decision of the Region or State Committee under section 43 in respect of refusing the registration of persons with disabilities or applying the re-classification the degree of disability or canceling the registration due to not inclusive the criteria of specified disability may file an appeal to the Chief Registrar, in accord with the stipulations, within sixty days from the date of making such decision.
66. The Chief Registrar may approve, amend or cancel the decision of the Region or State Committee after scrutinizing the filing appeal under section 65.
67. The person dissatisfied with the following decision may file an appeal to the National Committee, in accord with the stipulations, within sixty days from the date of making such decision:
- (a) decision of the appeal by the Chief Registrar under section 66;
  - (b) decision of the department with regard to refusing the application to issue permit under section 59(a) or refusing to renew permit under section 61 for a person who wants to establish any special private education school, special private vocational training school and private rehabilitation centre;
  - (c) administrative decision by the department to any owner under section 64.
68. The National Committee may approve, amend or cancel the decision of the Chief Registrar or the department after scrutinizing an appeal under section 67.

## **Chapter XV**

### **Establishing, Maintaining and Managing the Fund**

69. The National Committee shall, in order to implement effectively the functions contained in this Law, establish the fund with the following income:
- (a) subsidies from the Union Budget allowed by the Union Government;
  - (b) contribution of the organizations and benefactors of the local and international;
  - (c) registration fees, renewal fees and other fees of the association of persons with disabilities;

- (d) fees obtained from issuing and renewing the permit for establishing the special private education schools, special private vocational training schools and private rehabilitation centres;
  - (e) contribution not for employing persons with disabilities who are able to do a suitable work by the private employer according to specified quota.
  - (f) fines imposed under the administrative decision contained in section 56 and section 64.
70. The National Committee shall form the Fund Management Team with suitable persons in order to maintain and manage the fund.
71. The Fund Management Team formed under section 70 shall maintain and manage the fund in accord with the financial rules and regulations, and compile the annual financial statement and budget balance sheet, and send to the National Committee.
72. The lists of fund of the National Committee shall be audited by the Office of the Auditor General of the Union.

## **Chapter XVI**

### **Prohibitions and Penalties**

73. No owner shall:
- (a) establish the special private education school, special private vocational training school and private rehabilitation centre without permission under this Law;
  - (b) establish such school or department within the prescribed period of temporary suspension or cancellation of permit under the administrative decision.
74. No one shall:
- (a) refuse the application to admit the school by any person with disability without credible reason by the said school or department;
  - (b) dismiss any person with disability who is admitted the school without valid reason by the said school or department.
75. No employer shall:
- (a) fail to employ the person with disability who is able to do a suitable work according to specified quota;
  - (b) terminate, dismiss, suspend and transfer the person with disability employed under this Law without valid reason.
76. No employer shall:
- (a) fail to send the list of number of appointed employee and staff, and number of remaining vacancies to be employed according to the prescribed quota, qualification of employee and types of employment to the department and office of the relevant township labour and employment.
  - (b) request the expenses from the persons with disabilities and their helpers on interviewing and training for employing according to prescribed quota;
  - (c) prevent, disturb and refuse the investigation on workplace by the department concerning with the rights of persons with disabilities contained in this Law.

77. No one shall:

- (a) discriminate willfully, neglect and oppress the persons with disabilities on the basis of disability knowingly;
- (b) make violence extremely, abuse and forced labor to persons with disabilities;
- (c) exploit the persons with disabilities for personal profit.

78. No member of the association of persons with disabilities who obtained the registration certificate under this Law shall:

- (a) fail to implement in accord with the policies and guidelines laid down by the National Committee;
- (b) violate any duty and prohibition contained in the rules, regulations, bye-laws, notifications, orders and directives issued under this Law.

79. Any owner violates any prohibition contained in section 73 shall, on conviction, be punished with imprisonment for a term not exceeding six months or with a fine not exceeding ten hundred thousand kyats or with both.

80. Whoever violates any prohibition contained in section 74 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding fifteen hundred thousand kyats or with both.

81. Any employer:

- (a) who violates any prohibition contained in section 75 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine from a minimum of five hundred thousand kyats to a maximum of fifteen hundred thousand kyats or with both;
- (b) who violates any prohibition contained in section 76 shall, on conviction, be punished with imprisonment for a term not exceeding six months or with a fine from a minimum of three hundred thousand kyats to a maximum of ten hundred thousand kyats or with both.

82. Whoever violates any prohibition contained in section 77 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding fifteen hundred thousand kyats or with both.

83. Any member of the registered association of persons with disabilities under this Law violates any prohibition contained in section 78 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine not exceeding three hundred thousand kyats or with both.

## **Chapter XVII**

### **Miscellaneous**

84. In order to communicate with International Organizations, Regional Organizations, and foreign countries for more effective implementing and monitoring the provisions contained in the United Nations Convention on the Rights of Persons with Disabilities:

- (a) the Ministry shall perform as the central department for communication;
- (b) the Union Government, if necessary, may assign the relevant Union Ministries besides the Ministry as the central department for communication.

85. The National Committee may recognize the day and weekend of persons with disabilities as the celebration for the rights of persons with disabilities with the approval of the Union Government.
86. When any member of the National Committee who is not a civil services personnel or any member who is assigned under this Law or any person is performing the duties and functions contained in this Law, he shall be presumed as a public servant.
87. Any member of the National Committee who is not civil service personnel or any member who is assigned under this Law or any person who carries out in good faith the duties and functions assigned under this Law shall not be taken action against civil action or criminal action.
88. The offences contained in this Law shall be deemed as cognizable offences.
89. The Ministry shall determine the registration fees, renewal fees for registration, permit fees, renewal fees for permit and other necessary service charges to be paid under this Law or term of registration and permit with the approval of the Union Government.
90. The Ministry shall, for enabling to support the suitable aid from the fund to persons with disabilities based on the degree and type of disabilities, arrange with the approval of the Union Government.
91. The person and organization that contributed for the fund or to voluntary groups for persons with disabilities and associations of persons with disabilities have the rights to exempt and relieve the income tax, in accord with the stipulation, under the existing Tax Law.
92. In implementing the provisions of this Law:
- (a) the Ministry may issue rules, regulations and bye-laws with the approval of the Union Government;
  - (b) the National Committee and the Ministry may issue notifications, orders, directives and procedures, and the department may issue orders and directives.
93. Regarding the rights of persons with disabilities, it shall be complied and carried out in accord with the provisions of this Law.
94. The Employment of Handicapped Act, 1958 (No. 33/58) is hereby repealed.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein  
President  
Republic of the Union of Myanmar