

**The Rights of the Persons with Disabilities Law**

**(The Union Parliament Law No. 30/2015)**

**The 4<sup>th</sup> Waning Day of Na Yone, 1377 ME**

**(5<sup>th</sup> June, 2015)**

The Union Parliament Law hereby enacts the following Law:

**Chapter (1)**

**Title and Definition**

1. This Law shall be called the Rights of Person with Disabilities Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - (a) Person with disability means the person who has one or more of the long-term physical, vision, speaking, hearing, mental, intellectual or sensory impairments from birth or not.
  - (b) Disability means being unable to fully participate in society due to the various barriers/hindrances in physical and environment, attitude and perspective and others.
  - (c) Rights of persons with disabilities means any right for the persons with disabilities under this Law.
  - (d) Rehabilitation means training and nurturing the persons with disabilities through medical treatment, education, social, vocational and other processes to regain the capacity to be able to participate in their surroundings and society.
  - (e) Discrimination means discrimination which hinders the recognition and equality in politics, economics, social, education, health, culture, civil and any other fields on an equal basis with others, and exclusion and restriction on the participation in society on the basis of disability.
  - (f) Communication means communicating through languages, display of text, , assistance in reading, tactile communication, Braille, gestures, symbols, electronic system, or any other notes and means to understand one another.
  - (g) Language includes spoken and signed languages and other forms of non spoken languages.
  - (h) Employer means the employer from the government offices, organizations, companies and private business sectors or the administrators assigned by the employer who have responsibility to employ in accordance with the quota for the number of people with disabilities.

- (i) Association of persons with disabilities means an association which is organized by the persons with disabilities themselves based on the types of the disabilities or integration of the different types.
- (j) Federation of persons with disabilities means the federation which is organized with the representatives of the associations of persons with disabilities, and the representative persons with disabilities who are not members of the organizations.
- (k) Organization for the persons with disabilities means a local and foreign association which is organized with the aims for the interest and the rights of the persons with disabilities.
- (l) Private Special Academic School means private voluntary organizations, university, colleges, institutions, or private basic education schools to fulfill the needs in the education of the persons with disabilities.
- (m) Private Special Vocational School means a school or training owned by a private or voluntary organization in order to train and teach the persons with disabilities for vocation.
- (n) Private Rehabilitation Centre means a rehabilitation centre or a school owned by a private or voluntary organization, which gives the services in physical, mental and intellectual treatment, and habilitation and rehabilitation.
- (o) Owner means the person who owns or is assigned by the owner to administer a private special academic school, a private special vocational school, a private rehabilitation centre established by a private organization or a private entity.
- (p) Fund means the funds for the rights of the persons with disabilities established for the interests and rights in order to improve their lives, distribute and disseminate the necessary aids and materials; and access to the education, health, employability and rehabilitation, and other rights.
- (q) Fund Administrative Association means the association organized for maintenance and administration of the funds for the rights of the persons with disabilities.
- (r) Ministry means the Union Ministry of Social Welfare, Rescue and Resettlement.
- (s) National Committee means the National Committee of the Rights of the persons with disabilities established in accordance with this Law.
- (t) State or Regional Committee means the State or Regional Committee of the Rights of the persons with disabilities established by the National Committee.
- (u) Department means the Department of Social Welfare.
- (v) Chief Registration Official means the Director General of the Department of Social Welfare, who has been assigned with the duties of supervising for the registration of associations of persons with disabilities in the relevant State or Region by the Ministry.

- (w) Registration Official means the official who has been assigned with the duties for registration of persons with disabilities in the relevant State or Region by the Ministry.
- (x) Registration Supervisor means the staff from the Department who has been assigned with the duties for registration as a part of the duty or in voluntary, or the government staff or suitable non-government staff assigned by the relevant government departments and organizations.
- (y) Organization for categorizing the disability Level means the organization which is established by the Ministry of Health under this Law to assess the persons with disabilities and categorize the different levels of disabilities so as to enjoy their rights.

## **Chapter (2)**

### **Aims**

3. The aims of the Law are as follows:

- (a) to take better care of the persons with disabilities in accordance with the National Constitution;
- (b) to implement more effectively the provisions for the rights of persons with disabilities as recognized in the UN Convention;
- (c) to enable the persons with disabilities enjoy the human rights and fundamental freedoms of citizens on an equal basis with others;
- (d) to integrate in the society of different fields such as politics, social, education, health, economic, culture, and public affairs on an equal basis with others;
- (e) to acknowledge the dignity, ability and capacity of the persons with disabilities by the nation and its citizens;
- (f) to develop the living standards and assure the life security;
- (g) to reduce and eliminate the discrimination in all fields in different manners, and to prevent the discrimination under this law;
- (h) to protect the persons with disabilities, especially women and children from being abused and exploited including domestic violence and bullying;
- (i) to give the special care to the persons with disabilities without parents, guardians, and who suffer from more than one type of disabilities depending on its type.

### Chapter (3)

#### The Formation of the National Committee on the Right of Disabled people and its Duties and Responsibilities

4. The Union Government shall

(a) form the National Committee on the Right of Disabled people and Duties and Responsibilities consisting of not more than 60 persons with the following persons in order to carry out the necessary directives, administration, and supervision for the effective and successful implementation of the provisions of this Law:

(1) A Vice-President

Chairperson

(2) Minister, the Ministry of Social Welfare, Relief and Resettlement Vice Chairperson

(1)

(3) Chairperson, the Federation of Persons with Disabilities of Myanmar Vice Chairperson

(2)

(4) Director General, Social Welfare Department Member

(5) Representatives of the relevant Union Ministry, State or Regional Government Members

(6) Representative of the Myanmar National Human Rights Commission Member

(7) Representatives selected in accordance with the different types of disability Members

(8) Representatives selected from the Non-Government Social Organizations Members

(9) Representatives selected from the volunteers Members

(10) Deputy Minister, the Ministry of Social Welfare, Relief and Resettlement Secretary

(11) Secretary, the Federation of Persons with Disabilities of Myanmar Co-

Secretary

(b) reform the National Committee as may be necessary.

(c) determine the tenure of the members of the National Committee apart from the people who are assigned with functions and duties in accordance with the rank/position from the relevant Union Ministry and State or Regional Government Offices.

5. The National Committee shall have the right to carry out the functions and duties with its own name and own badge to carry on with the tasks, to sue, and to be sued.

6. The National Committee members who are not government servants shall have the right to enjoy the awards, and expenses for the working days carrying out the functions and duties of the committee under this law.

7. The responsibilities of the National Committee are as follows:

(a) attaining the approval from the Union Government after developing the National Policy and Directives for the implementation of the provisions for the protection of the rights of the persons with disabilities and for the improvement of their life;

(b) cooperating with the relevant Union Ministries, State and Regional Government, Nay Pyi Taw Council, Municipal Committee and Association, Association of Persons with Disability; and monitoring, supervising of and cooperating with the Non-government organizations, business organizations and entities, associations of persons with disabilities, voluntary organizations which are interested in the disabilities, and Organizations of Transportation, Information, Communication and Technology subject to the provision of Subsector (a);

(c) specifying the responsibilities and establishing the committees at different levels for the rights of persons with disabilities;

(d) making programmes for the protection the persons with disabilities from discrimination, exploitation, violence, bullying, abuse, neglecting of either a person, organizations or business or departments in different means;

(e) negotiating and coordinating with the international and local organizations, Government and Non-government organizations from within and out of the country, persons with disabilities, associations, schools and entities for sharing and gaining the experiences and resources relevant to the rights of persons with disabilities;

(f) collecting data and conducting surveys on the services for persons with disabilities;

(g) undertaking the research and invention of the services, systems, models, technologies, aids, devices, and communication technology;

(h) specifying the use of sign language for the persons with hearing impairment, Braille for the persons with sight impairment;

(i) making arrangements for the support and aid of the assistive devices, interpreters using the sign language and techniques for training and learning opportunities;

(j) producing TV and information programmes for the persons with disabilities

- (k) making arrangements for the full services in economic, social, education and health for persons with disabilities;
- (l) making arrangements for persons with disabilities to acquire the rights to take part in politics, economic, social, cultural and public fields;
- (m) making arrangements to effectively protect the persons with disabilities especially women and children;
- (n) implementing and supervising the necessary plans for the job opportunities of persons with disabilities;
- (o) making arrangements of habilitation and rehabilitation activities;
- (p) planning the programmes and activities to raise the public awareness and knowledge about the persons with disabilities;
- (q) supporting and aiding the associations of the persons with disabilities and local and foreign organizations which are carrying out the measures of the rights of the persons with disabilities;
- (r) specifying the responsibilities of the Federation of Persons with Disabilities of Myanmar;
- (s) laying down the necessary directives and offering aids regarding to the establishing of the associations of the persons with disabilities;
- (t) laying down the directives and offering aids regarding to the establishing of the Private Special Schools, Private Vocational Special Schools and Private Rehabilitation Centers;
- (u) setting up, maintaining and administrating the funds;
- (v) presenting to the Union Government through the Ministry by scrutinizing for repealing as may be necessary the laws, bylaws, rules and policies which would imply discrimination, and customs and practices;
- (w) attaining the approval from the Union Government by discussing with the relevant Ministries for providing the discount fees for medical checkup, treatment, for the use of sign language, interpretation, air, sea, train and bus travelling of government and private sectors within the country, and free of charge for carrying the aids and equipments of persons with disabilities;
- (x) establishing the office and assigning the staff to carry out the tasks of the National committee;
- (y) carrying out the functions and duties regarding to the rights of the persons with disabilities occasionally assigned by the Union Government.

#### **Chapter (4)**

### **Human Rights and Equality in Fundamental Freedom**

8. The persons with disabilities shall have the rights from birth, rights to survive, right to be a citizen, to have freedom, justice, security, equality, and dignity.

9. The persons with disabilities shall not be discriminated and belittled due to the disability.

10. The actions and manners which would cause the physical and mental effect on the persons with disabilities are prohibited.

11. The government shall support the persons with disabilities who are not capable to work for the basic needs of food, clothing and shelter as specified due to the level of disability.

12. The persons with disabilities regardless of their race, origin, religion, position, status, culture, gender, living standards, level of disability shall have the rights as follows:

(a) there shall be the equality under the law.

(b) there shall be the equal rights on an equal basis with others.

13. The National Committee shall carry out the measures for the protection of the persons with disabilities who have difficulties in inheritance.

14. The persons with disabilities shall

(a) have the rights to access education, attain and use the information, and receive medical care;

(b) have the human rights and other fundamental freedoms such as freedom of speech, freedom to survive, and to worship on an equal basis with others;

(c) have the rights to own the legal money, properties and housing, buildings, right to inherit, and live in the housing of the public housing projects;

(d) have the right to request for the necessary arrangements for the rights to sue, to be sued, to defend, and to be investigated as a witness at the court;

(e) have the right to exemption from the office tax in suing for the rights and entitlement;

(f) have the right to services and protection from the torture, discrimination, negligence, and bullying in prison due to the disability.

15. The relevant government departments, foreign and local Non-Government Organizations, Business Organizations and entities shall include the programs to protect the rights of the persons with disabilities in planning and carrying out the social development programs.

16. The children with disabilities shall

- (a) have the rights to survive and enjoy the rights of children, the fundamental freedoms such as freedom of speech and religion on an equal basis with other children;
- (b) have the equal right to enjoy all the rights under the Child Law on an equal basis with other children;
- (c) have the right to ask their parents or guardians to represent for make arrangements for their best interest for the intellectually impaired children who are not capable of making their own decisions;
- (d) have the right of protection from the different types of abuse including bullying, domestic violence, exploitation, and discrimination.

17. The women with disabilities shall

- (a) enjoy the human rights and fundamental freedoms for making decisions, developing their social status including health, education and economic on an equal basis with other women;
- (b) take part in programs aimed for the persons with disabilities on an equal basis with men with disabilities;
- (c) take part and enjoy the benefits in every program and activity oriented for women;
- (d) have the right to be protected from the exploitation, discrimination including bullying, domestic violence.

18. The national Committee shall accept the use of sign language or Braille presented from the experts as the evidence in any case or issue specified under this law.

19. Nothing is an offence committed by a person with intellectual impairment who is not aware of their own actions to be right or wrong, and against the law or not.

## **Chapter (5)**

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

20. Every person with disabilities shall

- (a) have the right to access the education on an equal basis with others;
- (b) have the right to access the education at the schools of government, public, private, and organization-owned schools, courses, institutes, colleges and universities, and private academic schools and vocational schools.



21. The National Committee shall make arrangements cooperating with the Ministry of Education for providing curriculum, accommodation, transportation and teaching and learning materials for persons with disabilities to pursue the learning from the Basic Education level to the Higher Education level.

22. The National Committee shall lay down the directives to the Ministry of Education in order to provide the inclusive education system in which the persons of disabilities can learn in an integrated way, and to include the contents about the rights of persons with disabilities and to learn about the teaching methods based on the different types of disability and the communication techniques at Education Colleges and Universities.

23. Persons with disabilities shall not be rejected from the school enrolment due to the disability except for the requirements in subject matter.

24. Every child with disabilities shall

(a) have the right to education opportunities including the Early Childhood Education and Life Long Learning;

(b) have the right to free and compulsory education offered by the Ministry of Education at the government schools in the neighborhood or the nearest areas on an equal basis with others.

25. The Ministry shall make arrangements for the programs of the Special Education, the Non-Formal Education and Vocational Education specifically for the persons with disabilities who cannot access the Formal Education.

## **Chapter (6)**

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

26. Persons with disabilities have the right to enjoy the health care provided by the government.

27. The Ministry of Health shall carry out the measures in accordance with the directives of National Committee as follows:

(a) providing health care programs to prevent the occurrence of future disabilities;

- (b) establishing the projects to minimize the rate in the occurrence of future disabilities among expecting mothers, infants, children, women and elderly people;
- (c) establishing the organization with the responsible people from relevant ministries, organizations and the experts from the organization of persons with disabilities in order to assess and categorizes the types and levels of disabilities, and assigning the duties and responsibilities;
- (d) providing and arranging the quality and standard of free or affordable health care and services for the persons with disabilities including the rural areas;
- (e) opening the habilitation and rehabilitation centers for physical, mental health-related treatments by negotiating with the relevant Union Ministries, the State and Regional Governments;
- (f) allowing reproduction of the adult women with intellectual impairment in accordance with the health care policy with the consent of the parents or guardian as may be necessary.

## **Chapter (7)**

### **Mobility and Accessibility for Persons with Disabilities**

28. The National Committee shall carry out the negotiation and implementation for easy accessibility and mobility for persons with disabilities by cooperating with the relevant Union Ministries, Municipal Committee and organisations, States and Regional Governments, Non-Government organizations and private organizations and entities which work on disability, as followings:

- (a) laying down the directives on the production and renovation for the easy access to public buildings and environments/surroundings for the persons with disabilities with the physical and mental security;
- (b) drawing models/structures and carry out the construction with the mobility aids and devices for the easy access to the public places without barriers for persons with disabilities;
- (c) arranging the necessary measures for the easy access to the public transportation for the persons with disabilities;
- (d) installing the signs, symbols, sound devices, and other necessary devices at the traffic lights, pedestrian crossing, and roads with curves, ascending and descending points to provide the easy access for the persons with disabilities;
- (e) making arrangements for the persons with disabilities to be able to easily access the physical surroundings such as public housing, hospitals and schools, and communication, information and public communication sectors.

## **Chapter (8)**

## **Rights of the Persons with Disabilities to Participate in Politics and Public Sectors**

29. Every person with disabilities has the right to vote by secret ballot (in elections) for a Parliament.

30. Every citizen with disabilities has the right to be elected at a Parliament in accordance with the existing laws relating to the national constitution and elections.

31. The National Committee shall

(a) discuss with the Union Election Commission and lay down and carry out the necessary measures in accordance with the bylaws and practices of this law so that the Election Commission members can carry out the measures regarding to the relevant regions, and the persons with disabilities can know about how to vote and use the devices with ease and convenience;

(b) carrying out the necessary arrangements and measures for the persons with disabilities to participate in public traditional activities, entertainments programs, practice and participation in sports.

### **Chapter (9)**

#### **Habilitation and rehabilitation of Persons with Disabilities**

32. The Committee shall

(a) lay down the policies, plans, and programs for the persons with disabilities in participating in the society, capability and capacity building for persons with disabilities, and for their physical, mental, intellectual, language-related and social habilitation and rehabilitation;

(b) make arrangements of accommodation and living for the persons with disabilities without parents or guardians;

(c) give support from the funds to the non-government organizations activities, and the organizations of the persons with disabilities in carrying out the habilitation and rehabilitation processes.

33. To effectively implement the policies, plans, and programs subject to the provision of the subsection (a) of the section 32 by the Ministry shall

(a) discuss and cooperate with relevant Union Ministries, State and Regional Governments, organizations of persons with disabilities, Non-government organizations, private donors for habilitation and rehabilitation of persons with disabilities.

- (b) carry out the preparation and preventive measures to find and rescue, protect, and provide safety and security, and rehabilitation services to the persons with disabilities as priorities during the different situations of disaster emergencies;
- (c) discuss and provide the opportunity to persons with disabilities for participation in rehabilitation processes including disaster prevention and preparation;
- (d) provide trainings for government staff and volunteers working in physical, mental, intellectual, language-related and social habilitation and rehabilitation processes.

34. The Ministry of Health shall carry out the habilitation and rehabilitation processes for persons with disabilities, cooperating with the relevant Union Ministries, State and Regional Governments, organizations of the persons with disabilities, Non-government organizations, private donors as follows:

- (a) establishing and opening training schools, clinics and hospitals for transplanting organs for the persons with disabilities,
- (b) building the capacity of the experts in transplanting organs and providing the necessary modern assistive devices and equipments.

## **Chapter (10)**

### **Job Opportunities for Persons with Disabilities**

35. The National Committee shall

- (a) implement and supervise/ monitor the policies and plans by discussing with the relevant ministries for the persons with disabilities in order to have the right to work on an equal basis with others; to create the job opportunities; to prohibit discrimination in job appointment; to prevent and protect from the forced or compulsory labour; to enjoy the salary and benefits based on the working competency/skills in accordance with the existing law; to participate in the relevant labour organizations; to have the right to attend the vocational trainings and education; to set up one's own business; to have the right to work in the government departments, organization and private sectors; to work and commute with ease and convenience at workplace; to provide reasonable accommodation and arrangements, and rehabilitation;

- (b) carry out arrangements for opening the government and private special vocational training schools and government departments for the job opportunity for the persons with disabilities by discussing with the relevant Union Ministries;
- (c) discuss and arrange with the relevant Union Ministries, State and Regional Governments in order to enjoy the right to tax exemption and relief and import goods in accordance with the rules and regulation, practices of the existing Tax law, as follows:
  - (1) to enjoy the right to tax exemption for the donated money and properties for persons with disabilities from abroad;
  - (2) to enjoy the right to tax exemption for the non-profit imports of the aids and equipments, training equipments, communication devices, medicines, medical equipments and rehabilitation equipments for the persons with disabilities;
  - (3) to enjoy the right to tax exemption for the products for the persons with disabilities by the persons with disabilities and the organizations;
  - (4) to enjoy the right to tax relief in accordance with the number of employed persons with disabilities for the organizations, companies and private business people if it exceeds the quota for the number of people with disabilities;
  - (5) to enjoy the right to tax relief or exemption of the products of the business set up by persons with disabilities themselves.

36. The employer shall

- (a) obey and implement the policies and plans set up by the National Committee regarding with the job opportunities of persons with disabilities;
- (b) employ the persons with disabilities with employability for appropriate work depending on the type of employment in accordance with the quota for the number of people with disabilities specified by the National Committee;
- (c) choose and employ the persons with disabilities registered at Employment Exchange Offices in relevant townships and departments in accordance with the subsection (b);
- (d) make appropriate arrangements including interviewing, the equal rights for interviewing salaries and opportunities, promotion, job security, access to the free vocational education and training based on employability of the persons with disabilities;
- (e) pay the amount of money to the funds related to the rights of the persons with disabilities when impossible to employ in accordance with the quota for the number of people with disabilities as specified in the subsection (b);

(f) submit the list of the employed staff or workers with disabilities and the vacant positions to the Department and the Employment Exchange Offices in the relevant township in accordance with the subsection (b).

## **Chapter 11**

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

37. The persons with disabilities can apply for registration in accordance with the specification in order to be recognized as persons with disabilities with their consent to enjoy the rights of this law.

38. The ministry shall

- (a) assign the duties to the Director General of the Department as the Chief Official of Registration;
- (b) assign the duties to the social workers in State and Regions for carrying out the registration process in accordance with the law;

39. In accordance with the directives of the National Committee and the Ministry, the Chief Official of Registration shall

- (a) monitor and carry out the functions and duties of data collection, research and registration processes so that the persons with disabilities can enjoy their rights fully;
- (b) carry out the functions and duties in accordance with the international standards, ethics for protecting the human rights and fundamental freedom;
- (c) carry out the arrangements to facilitate the process of registration of persons with disabilities and medical checkup by the organization which categorize the level of disabilities;
- (d) carry out the free of charge arrangements for the process of registration, medical checkup at the organization which categorize the level of disabilities and granting the medical recommendation letter.

40. The persons with disabilities shall apply with own consent for the registration or to change the category of the category of the level of disabilities for oneself or through the parent/guardian or the representative in accordance with the specification.

41. The Chief Supervisor of Registration shall

- (a) carry out the arrangements for the medical checkup at the organization which categorize the level of disabilities by scrutinizing the application subject to the provision of Section 40;

(b) present the application along with the medical recommendation letter issued by the organization which categorize the level of disabilities to the relevant registration official.

42. The relevant official of registration shall

(a) present/submit the application to the State or Region Committee after scrutinizing in accordance with the subsection (b) of the section (40);

(b) submit the list to the State or Region Committee for the record after annulling the registration with the confirmation of the State or Region Committee when the persons with disabilities apply for the annulment of the registration;

(c) submit the report to the State or Region Committee about the application for categorizing the levels of disabilities along with the comments of the organization which categorize the level of disabilities when it is found that the specified features of the disabilities are not met.

43. The State or Region Committee shall

(a) approve or reject the application for registration after the scrutinizing in accordance with the Sub section (a) of Section 42;

(b) issue the certificate to the applicant when it is approved in accordance with the subsection (b);

(c) ) approve or annul the application of registration after scrutinizing in accordance with the subsection (c) of section 42;

(d) report to the Chief Registration Official for the record about the approval or annulment of the registration, the rectification of the level of disabilities and the cases of being unmet with the specified features.

## **Chapter 12**

### **Organizing and Registering of Organization of the Persons with Disabilities**

44. The associations of persons with disabilities and the organizations for persons with disabilities can apply with their own consents for the registration in accordance in order to access to the rights, essential technologies, support and aid, and cooperation under the law.

45. The representatives from the associations of persons with disabilities and the representatives with disabilities who are not the members shall establish the Federation of Persons with Disabilities of Myanmar and specify the functions and duties.

46. In order to implement the rights of persons with disabilities effectively, the Chief Registration Official shall cooperate with the Federation of Persons with Disabilities of Myanmar for the registration of the Associations of the Persons with Disabilities in accordance with the law.

47. In order to apply for the registration of an organization of persons with disabilities through the relevant State and Regional associations of persons with disabilities to the Federation of persons with disabilities according to a particular type or the combination of the different types of disabilities.

48. The Federation of the Persons with Disabilities of Myanmar shall present the applications for registration with the remarks after scrutinizing in accordance with the Section 47.

49. The National Committee shall

(a) approve or reject the application for registration after the scrutinizing the presentation of the Federation of Persons with Disabilities of Myanmar and specifying the registration tenure and regulations under section 48;

(b) issue the registration certificate by asking the approved associations of /an organization of the persons with disabilities for the fees of registration as specified under the subsection (a).

50. An association of the persons with disabilities which has been established at the Ministry of Home Affairs and the Central Supervising Organization for organizing teams shall apply for the registration in accordance with the specification to the Federation of the Persons with Disabilities through the relevant State and Regional associations of the persons with disabilities within 180 days after this law come into force.

51. The Federation of Persons with Disabilities of Myanmar shall present the applications to the National Committee after the scrutinizing in accordance with the Section 50.

52. The National Committee shall approve, reject and issue the registration after scrutinizing the presentation in accordance with the Section 51.

53. Any association of persons with disabilities

(a) shall apply to the Federation of Persons with Disabilities of Myanmar through the relevant State or Regional association of persons with disabilities for extension of the tenure at the maximum of 60 days in advance;



(b) can apply for the extension of the tenure by paying the fine after the expiration of the registration. However, if it is a voluntary team, it is not necessary to pay the fine.

54. The Federation of Persons with Disabilities of Myanmar shall ask for the fine after scrutinizing the application and approve or reject the extension of the registration with the agreement with the National Committee.

55. Under this law, any registered association of persons with disabilities shall not

- (a) violate any specified rule or regulation;
- (b) fail to implement in accordance with the policy, directives specified by the National Committee;
- (c) violate any prohibition specified in the law, rules, orders, and directives.

56. If the National Committee finds out that any association of persons with disabilities has violated the prohibition under Section 55, one of the administrative decisions can be made as follows:

- (a) giving the warning and imposing fine;
- (b) suspending the registration for a certain amount of time;
- (c) annulling the registration.

### **Chapter 13**

#### **Establishing the Private Special Schools, Private Vocational Special Schools and Private Rehabilitation Centers**

57. The person, who has established and opened or who wishes to establish and open a Private Special School, Private Vocational Special School and Private Rehabilitation Centre, shall apply for the approval from the relevant State and Region Social Service Office in accordance with the specification.

58. The relevant State and Region Social Service Office shall submit the approval application along with the comment/remark to the Department after scrutinizing in accordance with the section 57.

59. The Department shall

- (a) approve or reject the establishment after scrutinizing the application and the comment/remark in accordance with the section 57;

(b) grant the approval by specifying the rules and regulations, and the tenure of the approval after asking for the fees as specified from the owners when it is approved under the subsection (a).

60. The owner shall apply for the extension for the approval of the Private Special School, Private Vocational Special School and Private Rehabilitation Centre to the department through the relevant State and Region Social Welfare Office 60 days in advance.

61. The Department shall approve or reject the the extension after scrutinizing the application in accordance with the Section 60.

62. The tenure shall be extended and the fees shall be paid if approved.

63. No owner shall

- (a) violate any specified rule;
- (b) fail to implement in accordance with the policy, directives specified by the National Committee;
- (c) violate the duty and responsibility, and restriction/prohibition specified by the bylaws, rules and regulations, order; and directives.

64. If the department finds that the owner has violated one of the persons with disabilities in accordance with the Section 63, it may make an administrative decision as follows:

- (a) giving the warning and imposing fine;
- (b) suspending the approval for a certain amount of time;
- (c) annulling the approval.

## **Chapter 14**

### **Appeal**

65. The person who is not satisfied with the decision relating to the rejection of the registration, or the annulment of the registration as it is not met with the features of disability or the changes in disability level in accordance with the Section 43, he or she can appeal at the Chief Registration Office in accordance with the specification within 60 days.

66. The Chief Registration Office shall confirm, amend or reject the decision made by the State and Regional Committee after scrutinizing the appeal in accordance with the Section 65.

67. The person who is not satisfied with the following decisions, he/she can appeal to the National Committee within 60 days after the decision is made:

- (a) the decision made by the Chief Registration Official for the appeal in Section 66;
- (b) the decision made by the department in rejecting the application for approval by the person, who has established and opened or who wishes to establish and open a Private Special School, Private Vocational Special School and Private Rehabilitation Centre in accordance with the Subsection (a) of Section 59, or rejecting the extension in accordance with the Section 61;
- (c) the decision related to the administration made by the department to any owner as in accordance with the Section 63.

68. Either the Chief Registration Official or the Department can confirm, amend or reject after the appeal is scrutinized by the National Committee for persons with disabilities in accordance with the Section 67.

## **Chapter 15**

### **Funding, Maintenance and Management**

69. The National Committee shall set up the funds with the money received by the following means for the effective implementation of the activities under the law:

- (a) the financial support from the Funds of the Union of Finance approved by the Union Government;
- (b) the financial support and aids from the benefactors, and local and international organizations;
- (c) the fees from the registration, extension and other fees of associations of the persons with disabilities;
- (d) the fees for the registration and extension of the establishment from the private special schools, private special vocational schools and private rehabilitation centers;
- (e) the money fined from the employers for not employing the persons with disabilities who have workability as specified in the quota for the number persons with disabilities;
- (f) the fines specified in accordance with the administrative decision under Section 56 and 64.

70. The National Committee shall establish the Organization for administering the Funds with the suitable entities for controlling and administrating of the funds.

71. The Fund Administration Team shall control and administer the funds in accordance with the financial rules and regulations and present the annual report of the statements of accounts and expenses to the National Committee.

72. The National Committee shall undergo the investigation of the Union Office of Auditor on the list of the funds.

## **Chapter 16**

### **Prohibition and Punishment**

73. No owner shall

- (a) establish and open a Private Special School, Private Vocational Special School and Private Rehabilitation Centre without an approval according to the law;
- (b) open a school or a department during the period of the suspension or annulment according to the decision of the administration.

74. No one shall

- (a) reject a person with disabilities who applies the enrollment at such school or department without any sound reason;
- (b) expel a person with disabilities who has been permitted at such school or department without any sound reason.

75. No employer shall

- (a) fail to employ the person with disabilities who has the capability to do the suitable work as specified as the quota for the number of people with disabilities;
- (b) suspend, fire, demote and transfer the disabled employee without any sound reason;

76. No employer shall

- (a) fail to report the list of the employed worker and staff, the number of the available vacancy in accordance with the quota for the number of people with disabilities, ability of workers, and types of work to the Department, and relevant Township Employability and Recruitment Offices;

- (b) ask for the expenses from the people who help and work on for the training and interview for the employment in accordance with the quota for the number of people with disabilities;
- (c) interfere, interrupt, refuse the inspection at the work relating to the right of persons with disabilities from the Department.

77. No one shall

- (a) discriminate, neglect, and belittle the persons with disabilities knowingly;
- (b) abuse, use violence and force the persons with disabilities to work;
- (c) exploit the persons with disabilities to work to gain own profit.

78. No member of any registered association of persons with disabilities shall

- (a) fail to implement in accordance with the policy, directives laid down by the National Committee;
- (b) violate the responsibilities and prohibition in accordance with the bylaws, rules, order and directives subject to the provisions of this law.

79. Any owner violates any of the prohibitions under section 73, shall, on conviction, be punished with imprisonment for a term which may not exceed 6 months or with the fine not exceeding ten hundred thousand kyats, or with both.

80. Whoever violates any of the prohibitions under section 74, shall, on conviction, be punished with imprisonment for a term which may not exceed 1 year or with the fine not exceeding fifteen hundred thousand kyats, or with both.

81. Any employer who

- (a) violates any of the prohibitions under section 75, shall, on conviction, be punished with imprisonment for a term which may not exceed 1 year or with the fine which extend to the maximum of fifteen hundred thousand kyats from the minimum of five hundred thousand kyats, or with both;
- (b) violates any of the prohibitions under section 76, shall, on conviction, be punished with imprisonment for a term which may not exceed 6 months or with fine which extend to the maximum of ten hundred thousand kyats from the minimum of three hundred thousand kyats, or with both.

82. Anyone who violates any of the prohibitions under section 77, shall, on conviction, be punished with imprisonment for a term which may not exceed 1 year or with the fine not exceeding fifteen hundred thousand kyats, or with both.

83. Any member of the registered association of persons with disabilities who violates any of the prohibitions under section 78, shall, on conviction, be punished with imprisonment for a term which may not exceed 3 months or with fine not exceeding three hundred thousand kyats, or with both.

## **Chapter 17**

### **Miscellaneous**

84. In order to communicate and cooperate with the international organizations, regional organizations, foreign countries for effective implementation and monitoring the United Nations Conventions on the Rights of Persons with Disabilities:

- (a) The Ministry shall be the centre of the communication;
- (b) The Union Government shall assign the relevant Union Ministries as the centers of the communication beside the Ministry as may be necessary.

85. The National Committee shall specify Persons with Disabilities Day and Week as a commemoration for the right of persons with disabilities with the approval of the Union Government.

86. The person or the member who has been assigned in accordance with the law or the member of the National Committee who is not the civil servant shall be regarded as the civil servant during the time of the service.

87. No action can be taken against the entity or the member who has been assigned in accordance with the law or the member of the National Committee who is not the civil servant under either the civil law or criminal law.

88. The offences in this law shall be regarded as the police cases.

89. The Ministry shall specify the tenure of the registration and approval, the fees for the registration, for the extension, fees for the approval, extension for the approval and other fees for the necessary services with the approval of the Union Government.

90. The Ministry can make arrangements for suitable support the persons with disabilities from the funds in accordance with the type and level of disabilities with the approval of the Union Government.

91. The entity and the organization which have made contribution and donation to the funds, the voluntary organizations and Organizations of persons with disabilities shall have the right to tax exemption or relief in accordance with the Revenue Law.

92. In order to implement these provisions under this law:

(a) The Ministry can issue the bylaws, rules, and regulations with the approval of the Union Government.

(b) The National Committee and the Ministry can issue the announcement, the order, the directives, and the practices, and the Department can issue the order and the directives.

93. The rights of the persons with disabilities shall be carried out in accordance with the provision under this law.

94. The 1958 Act of the Employability for the persons with disabilities (1958, Act No. 33) is hereby repealed.

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I sign in accordance with the Constitution of the Union of Myanmar.

(Sd) Thein Sein  
The President  
the Union of Myanmar