

# Laos – Decree on the Rights of Persons with Disabilities

- Referring to the Law of the Government of the Lao PDR No 02/NA dated 06 May 2003;
- Referring to Labor law No 06 /NA dated 27 December 2006;
- Referring to the Law on Hygiene, Disease Prevention and Health Care No 01/NA dated 10 April 2001;
- Referring to the Law on Health Treatment No 09/NA dated 09 November 2005;
- Referring to the Law on Education No 03/NA dated 08 April 2000
- Based on the proposal of the Minister of Labour and Social Welfare No..... / MLSW dated..... 2007

## Section I

### General Provisions

#### Article 1. Purpose

This decree is issued in order to determine principles, rules and measures in activities taken for the protection of rights and interests of persons with disabilities, to formulate policies on treatment, health rehabilitation, vocational training, employment promotion and other policies aiming at promoting self-development and self-reliance of persons with disabilities, to eliminate all forms of discrimination against persons with disabilities, in order to create conditions for persons with disabilities to participate fully and on equal basis in social activities.

#### Article 2. Persons with Disabilities

Persons with disabilities, irrespective of the cause of disability, are persons who have physical, mental or intellectual anomaly or defects including visual, hearing

and speaking impairments for a long term, which hinder their daily activities and full and effective participation in society on equality basis with others.

### Article 3. Definitions

The terms used in this decree have the following meanings:

“Discrimination on the basis of disability” means any distinction, exclusion or restriction or denial, on the basis of disability which has a purpose or effect on impacting the recognition, acquisition and use of rights and fundamental freedoms of persons with disabilities, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments of environment, programmes and services, not imposing disproportionate expenses or technology and other, to ensure to persons with disabilities the enjoyment of their rights and fundamental freedoms.

“Universal design” means the design of products, facilities, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

“Assistive devices” mean all equipment helping persons with disabilities to use their abilities to conduct daily activities.

“Public places” means places that provide for public use such as temples, historical sites, monuments, parks, recreational places, theaters, sporting places, airports, bus and train stations, harbors, markets, gas stations, roads and other places organizing public activities.

### Article 4. Government Policies for Persons With Disabilities

The State has the policy to promote the legitimate rights of persons with disabilities by creating all conditions for them to receive assistance, care, treatment and health rehabilitation, providing education, vocational training, employment opportunities, access to public places, information, technology, self-development and self-reliance and having equal rights with those who are not disabled persons.

The State shall raise public awareness on disability and on prevention of disability, in order to strengthen solidarity and have the rights and dignity of persons with

disabilities respected.

## Article 5. Social Obligations to Persons With Disabilities

Every individual respond to implement government's policies to persons with disabilities as stated in the law.

Society has the responsibility to contribute funds, knowledge, skills and experience in accordance with possibility and to participate in development and protection activities for persons with disabilities.

Every individual shall respect the rights and dignity of persons with disabilities.

## Article 6. International Cooperation

State shall promote international cooperation in the field of protection and development of persons with disabilities through the exchange and sharing of information, experiences, training programs, assistance and other.

State shall undertake to implement its obligations under international agreements, conventions and treaties to which it is party.

## Article 7. Scope

This decree shall be applicable in the Lao PDR to all kinds of persons with disabilities, irrespective of their sex, age, or causes of disability.

Policy toward war invalids who have fought or rendered service to war for the cause of the country in the past period is specified in regulations.

## **Section II**

### **Equality Rights Of Person With Disabilities**

#### Article 8. Equality Rights of Persons with Disabilities

Persons with disabilities have equal rights in front of the law without any discrimination based on sex, race, ethnic group, language, causes of disability, economic or social status.

The State promotes and creates favorable conditions for persons with disabilities to participate in carrying out activities of State organizations, private individuals and communities, on the basis of equality in political, economic and social-culture aspects.

State shall take all measures necessary to prevent all forms of discrimination and abuses, and physical, moral and dignity violations against persons with disabilities.

#### Article 9. Equal Right to Political Affairs

State shall ensure providing persons with disabilities with political rights such as: right to vote and to be elected, right to participate in different activities, right to consultation and to decide on important issues of the country, right to be nominated in functions of various levels of Party, State organizations, Lao Front for National Construction, mass organizations and local administrations.

#### Article 10. Equal Right to Socio-Cultural Affairs

State shall promote and create conditions for persons with disabilities in carrying out and participating in socio-cultural activities such as: sports, art, literature, culture, education, public health, scientific, technical and technological research.

#### Article 11. Equal Right to Family Affairs

State and society shall promote and protect the equality of persons with disabilities in family. Persons with disabilities shall have equal rights in all aspects of family relationships as stipulated by laws and regulations.

#### Article 12. Equal Rights of Women with Disabilities

Men and women with disabilities enjoy legal capacity on an equal basis with others in self development, equal value and opportunity in carrying out activities in political, socio-economic, familial, national defense and security, and foreign affairs spheres as prescribed in the constitution and laws.

State shall undertake to protect rights and interests of women and girls with disabilities, in order they will not be subject to discrimination on the grounds of their disability and that they are women and girls.

State encourages and creates conditions in order for women and girls with disabilities to participate in activities of State organizations, mass organizations and social organizations, and encourages all concerned agencies to provide assistance to the development of women and girls with disabilities.

#### Article 13. Equal Rights of Children with Disabilities

State shall protect the rights and interests of children with disabilities, the same as those who are not disabled as provided for by law.

It is prohibited to abandon children with disabilities or refuse to raise them without reason.

Children with disabilities have the right to express their views freely on all matters affecting them and their views shall be given due weight in accordance with their age and maturity.

#### Article 14. Equal Right to Submit Requests and to Lodge Complaints

Persons with disabilities shall have the right to express their opinions, to submit requests, and to lodge complaints before concerned agencies in order that the latter will consider and resolve them in conformity with laws and regulations, in case individuals or organizations have limited, restrained or violated their rights.

### **Section III**

#### **Prevention, Health Care And Rehabilitation**

##### Article 15. Prevention of Disabilities

The State shall formulate and implement education plans for prevention of disabilities and take necessary measures to restrain and prevent all causes of disability such as:

- Medical care at birth, pre and post-natal care;
- Prevention of disabilities through immunization;
- Sufficient nutrition particularly for children's growth;

-Early treatment and rehabilitation;

-Prevention of accident: road, workplaces, unexploded devices and other.

#### Article 16. Provisions for Medical Care

Persons with disabilities have the right to disease preventative service, medical examination and treatment, health care, and functional rehabilitation in hospitals, health centers and clinics.

Service and treatment fee for persons with disabilities including poor, homeless, and helpless persons with disabilities is stipulated by regulations.

#### Article 17. Provisions for Rehabilitation

Persons with disabilities shall receive physical rehabilitation according to modern medical rules in combination with traditional medicine. In addition, persons with disabilities shall be supplied with orthopedic services, equipment and aids in functional rehabilitation.

Rehabilitation shall be carried out in hospitals or in rehabilitation centers in combination with the participation of communities and assistance from families of persons with disabilities.

Persons with disabilities and their families shall be guided by medical agency in healthcare, functional rehabilitation and the use of orthopedic aids. Persons with disabilities and their families, particularly those living in rural and remote areas shall be supplied with information related to rehabilitation and to places providing instruments and assistive devices.

Service and rehabilitation fees, and costs for instruments and orthopedic aids for persons with disabilities including poor and helpless persons with disabilities are prescribed in regulations.

#### Article 18. Promotion of Research on Medical Care and Rehabilitation

The State shall provide funds for scientific research on persons with disabilities projects dealing with issues such as: causes of disability, orthopedic aids using modern techniques, and training of experts on rehabilitation of persons with

disabilities.

All rehabilitation programmes shall be adapted to the progress attained by development. Concerned agencies shall encourage and promote family members to participate in the development of rehabilitation programmes for persons with disabilities.

#### Article 19. Promotion of Production of Assistive Instruments and Devices

The State shall encourage and promote the production of assistive instruments and devices to assist persons with disabilities in their living, learning and working, particularly the production of assistive instruments and devices using locally produced materials shall be encouraged.

State and private units producing assistive instruments and devices to assist persons with disabilities in their living, learning and working can borrow money for this production at incentive interest rate.

Documents, instruments, equipment and materials donated and imported for assisting the development of persons with disabilities will be exempted from duties and taxes by the State as provided for in laws and regulations.

## **Section IV**

### **Education For Persons With Disabilities**

#### Article 20. Inclusive Education

The State shall promote the development of an inclusive education system and create networks of such systems throughout the country as following:

1. Persons with disabilities shall have the right to education and self-development in State or private educational premises, on equal opportunity with others in society.

2. Schools and educational institutions admitting persons with disabilities shall ensure that reasonable accommodation is provided to them, including:

– Classrooms and educational premises;

– Curriculum appropriate to level of disabilities;

– Teaching and learning materials and other necessary items supporting teaching and learning processes for learners with disabilities.

3. The State shall promote research on curriculum for persons with disabilities and produce instruments for teaching, enhancing the level of teachers of persons with disabilities.

4. Teachers of persons with disabilities shall be trained in rehabilitation and caring for persons with disabilities, including development of teaching techniques for persons with disabilities.

#### Article 21. Special Education

The State shall be responsible for building special schools for learners with mental, visual, hearing and speech disabilities, and for promoting private entities to contribute to this undertaking.

Curriculum, teaching and learning materials for special education shall be appropriate to the level of disabilities.

#### Article 22. Expenditure on Education for Persons with Disabilities

Students with disabilities shall be considered by State and private schools and educational institutions for reduction or exemption of school fees and other expenses. Students with disabilities with outstanding learning shall be considered as beneficiaries of scholarships in accordance with State regulations.

### **Section V**

#### **Vocational Training For Persons With Disabilities**

##### Article 23. Vocational Training for Persons with Disabilities

Vocational training for persons with disabilities is implemented as follows:

1. The State shall encourage vocational training institutions and skill development centers of State and private entities to admit persons with disabilities in general



vocational training.

2. These institutions and centers shall be equipped with appropriate assistive instruments and devices when admitting persons with disabilities for vocational training.

3. Premises, instruments, curriculum, methods and a teaching-learning timetable of vocational training shall be suitable to the particularities of disabilities.

4. Staff working on vocational training and giving professional guidance to persons with disabilities must be trained and have the level of their knowledge, skills and teaching techniques enhanced.

5. Vocational training centers for persons with disabilities shall satisfy levels and standards prescribed by the State.

6. Vocational training centers shall be assisted in the construction of premises, provided with training means and instruments, by financing; they are entitled to borrow capital at incentive interest rate, shall be considered for tax reduction and exemption; are assigned or leased land by the locality at places convenient for the organization of job training.

## Article 24. Promotion of Vocational Training

Persons with disabilities admitted to vocational training shall enjoy the following advantages:

1. To receive credit for vocational training;
2. To be exempted or reduced from training fees, training instruments, prices and accommodation fees;
3. To receive guidance on the choice of jobs appropriate with their own capacity and the needs of the work market;

## Section VI

### Jobs For Persons With Disabilities

## Article 25. Jobs for Persons with Disabilities

Persons with disabilities, irrespective of the cause of disabilities, shall have the right to work in all State and private sectors according to their capacity and on equal basis with others without any discrimination, such as application for employment, acceptance, salary, rank promotion, compensation, job determination, right to enhancement of skills, and other.

The State shall promote the private sector to employ persons with disabilities more than a certain number specified by the State, by considering tax reduction or exemption.

## Article 26. Self-Employment

Persons with disabilities who provide jobs for themselves are eligible to borrow capital at incentive interest rate, are assisted by the local administration in technology transfer, guided in production techniques and in marketing their products.

The State shall encourage and promote collective organization of persons with disabilities or gathering them for collective work in an allocated place for determined production or services such as handicrafts of persons with disabilities, traditional massage by the blind, and other activities.

## Article 27. **Employment** of Persons with Disabilities

State and society shall promote employment and consider giving priority to persons with disabilities by accepting those meeting the conditions to work in the position, determined every year by the concerned entity. In case it is impossible to take persons with disabilities to work in the concerned sector, the latter shall pay to the Fund for Development of Persons with Disabilities an amount equal to the salary minimum as provided for in Labour Law.

MoLSW and other concerned agencies shall formulate the particular quota schemes for implementation

When persons with disabilities are taken to work, they shall be provided with necessary accommodation.

## **Section VII**

### **Provisions For Information, Public Places And Public Transportation**

#### Article 28. Recognition of Information

The State shall take necessary measures to provide information intended to the general public, to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost.

The State shall encourage research on new techniques and technology to assist persons with disabilities to access information and technologies.

#### Article 29. Public Places

Any public places which are already constructed or going to be constructed should provide reasonable accommodation such as ramps, rail, signs and other.

Ministry of Public Works and Transport shall issue regulations for construction of places for persons with disabilities which are in accordance to international standards and to schedule in the annual plan.

#### Article 30. Public Transportation

The State shall encourage and promote the providing of reasonable accommodation for persons with disabilities in public transport such as: special seats, exception or concession for fees in accordance with the concerned agencies' rules.

## **Section VIII**

### **Social Welfare And Assistance To Persons With Disabilities**

#### Article 31. Social Welfare

State shall enhance living conditions of persons with disabilities by providing them with food, clothing, shelter and a decent environment suitable for their life.

State shall assist particular kinds of persons with disabilities such as the helpless, old, poor, homeless, and the families of persons with disabilities who are poor.

## Article 32. Assistance in Caring for Persons with Disabilities

Administrative authorities at various levels shall cooperate with social organizations to uplift persons with disabilities as stated in article 31 of this decree and to assist them as follows:

1. Monthly allowances determined by Government. In case of death, funeral allowances are provided by the State;
2. In case of necessity, concerned party shall nominate a caretaker .The caretaker is entitled to allowances stated in the social welfare regime.

State encourages individual, entities, social organizations and international organizations to support persons with disabilities as stated in article 31 of this decree.

## Section IX

### Management And Monitoring Organizations

#### Article 33. Management and Monitoring Organizations

The State shall uniformly manage and control the implementation of activities for protecting the rights and benefits of persons with disabilities.

The government assigns the duties to relevant sectors at the central and local levels, such as the Ministry of Labor and Social Welfare, National Committee for Persons with Disabilities, Ministry of Public Health, Ministry of Education, Ministry of Public Works and Transportation, Ministry of Culture and Information, Ministry of Foreign Affairs, organizations that represent persons with disabilities, and other organizations to monitor the activities for protecting the rights and benefits of persons with disabilities.

The Ministry of Labor and Social Welfare is the focal point to coordinate with the various sectors to monitor the activities for protecting the rights and benefits of persons with disabilities.

## Article 34. Rights and Responsibilities of Management and Monitoring Organizations

A management and monitoring organization has the following rights and responsibilities:

1. to formulate regulations for the monitoring of the activities for protecting the rights and benefits of persons with disabilities
2. to educate and disseminate policies, and legislative documents concerning activities to protect the rights and benefits of persons with disabilities
3. to build up and train particular staff who work with the activities of protecting the rights and benefits of persons with disabilities
4. to guide, encourage and follow up the implementation of activities to protect the rights and benefits of persons with disabilities
5. to undertake a survey and collect appropriate information, and to establish statistical data nationwide, to enable them to formulate policies and master plans for the protection and development of persons with disabilities
6. to coordinate with other concerned agencies about activities for protecting the rights and benefits of persons with disabilities
7. to cooperate with other countries and international organizations about the activities for protecting the rights and benefits of persons with disabilities
8. to summarize and report to the government about the activities for protecting the rights and benefits of persons with disabilities
9. to follow other rights and responsibilities as stated in the law.

## Section X

### **Self-Help Associations Of Persons With Disabilities, And National Day Of Persons With Disabilities**

#### Article 35. Self-help Associations of Persons with Disabilities

Self-help associations of persons with disabilities are social organizations representing and unifying persons with disabilities to protect legitimate rights and

benefits of persons with disabilities and to render service to them.

The State shall promote establishment of self-help associations of persons with disabilities at central and local levels as provided for in regulations. All members of the association shall have equal rights to express their views and to provide mutual assistance.

#### Article 36. National Day for Persons with Disabilities

The Ministry of Labour and Social Welfare, the National Committee for Persons with Disabilities, and other concerned agencies have the duty to organize the National Day for Persons with Disabilities and the International Day for the Disabled Persons, for promoting public awareness on the rights of persons with disabilities and to encourage persons with disabilities to participate in economical, socio-cultural and other activities.

The National Day for Persons with disabilities shall be the same date as the International Day for Persons with Disabilities, which is on the 3<sup>rd</sup> of December every year. The celebration may be organized before or after this date based on appropriateness.

## **Section XI**

### **Disability Fund**

#### Article 37. Establishment of a Disability Fund

The State shall establish a Disability Fund to ensure rehabilitation and to effectively promote the development of persons with disabilities. The Disability Fund shall come from:

1. State budget;
2. Contributions of mass organizations, social organizations, international organizations;
3. Contributions of individuals and juristic entities;
4. Amounts from work units which could not employ persons with disabilities at the specified rate;
5. Activities organized for providing assistance to persons with disabilities.

## Article 38. Management and Use of Disability Fund

The Disability Fund shall be used for rehabilitation of persons with physical and mental disabilities; for promotion of education, vocational training and skills development; for education and dissemination of laws, rules and technical principles on rehabilitation and skills development of persons with disabilities; for consultancy, emergency assistance, fund management and policies for best performance in rehabilitation, life care, development of persons with disabilities, and other.

All activities of the Disability Fund shall strictly follow the Management Rule of the Disability Fund in accordance with the Law on State Budgets and other related laws.

Organization, management and functioning of the Disability Fund will be prescribed in regulations.

## **Section XII**

### **Awards And Violations**

#### Article 39. Awards

Individuals, entities, social organizations and government agencies with outstanding performance in dealing with persons with disabilities as stipulated in this decree will be awarded and eligible for various policies (??) as suitable.

#### Article 40. Measures regarding Violations

Individuals, entities, government and social organizations having violated this decree, depending on severity of the case, will be re-educated, warned, fined or punished in accordance with laws.

## **Section XV**

### **Final Provisions**

#### Article 41. Implementation

The Ministry of Labour and Social Welfare is assigned to effectively and productively implement this decree. Ministries, agencies equivalent to ministries, local administrations, and social organizations shall acknowledge and strictly implement

this decree.

#### Article 42. Effectiveness

This Decree shall take effect on the date of its signature.

All rules and provisions in contradiction to this decree are hereby repealed.