

# Law on Rights and Benefits of Disabled Persons

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## Law of Rights and Privileges of the Disabled Persons

### Chapter One

#### General Provisions

##### Basis

##### Article One:

This Law has been established in accordance with the provisions of Article 53 of the Afghan Constitution to provide economic, social, political, cultural, educational, training, sports and rehabilitation support for the Disabled (men, women and children) for the purpose of their active participation in the society and ensuring their rights.

##### Definitions

##### Article Two:

The following terms shall have the following concepts for the purpose of this Law:

1. **Disabled:** is a person who has lost his wellbeing and capability due to physical, mental and psychological damage to the extent that affects his/her ability in terms of social and economic aspects.
2. **Total Disabled:** a person whose disability has been confirmed by Disability Confirmation Health Commission to be over 60 percent.
3. **Permanent Partial Disabled:** a person whose disability has been confirmed by Disability Confirmation Health Commission to be between 30 and 60 percent.

##### Supporting the Disabled Persons

##### Article Three:

The Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSMD) in cooperation with other relevant agencies provides social and rehabilitation support for the disabled persons to ensure their active social participation in accordance with this Law.

### Chapter Two

#### Rights and Privileges of Disabled Persons

##### Financial Support

**Article Four:**

Persons who have been confirmed disabled by disability confirmation health commission according to the provisions of this Law are eligible to receive financial support one time as follows:

1. Military personnel and employees of governmental, mixed and private agencies are eligible to receive an amount equal to 10 months salary along with other allowances.
2. Persons without grade or without fixed salary are eligible to receive an amount equivalent to a total of 5 months' salary of Grade 8, Step 1 of the civil servants law.

**Disability Confirmation**

**Article Five:**

1. Disability is confirmed by disability confirmation health commission in accordance with the relevant regulation in Form (m11) of Attachment (2).
2. A person who is disabled due to injury is introduced to disability confirmation health commission for disability confirmation after treatment or after recovery and medical examinations.

**Disability Confirmation Health Commission**

**Article Six:**

- (1) Disability Confirmation Health Commission in the capital is composed of:
  - a. Medical specialist from the Ministry of Public Health as head of the commission
  - b. Medical specialist from the Ministry of Defense as member
  - c. Medical specialist from the Ministry of Interior as member
  - d. Medical specialist from the Directorate of National Security as member
  - e. Professional representative of the MoLSAMD as member
- (2) Disability Confirmation Health Commission in the provinces is composed of the authorized representatives of agencies mentioned in paragraph (1) of this Article.

**Article Seven:**

The following persons are eligible to receive the rights and privileges stated in this Law:

- 1- A person who has been disabled during Jihad and war for independence of the country
- 2- A person who has been disabled during the three decades of armed civil conflicts
- 3- A person who has been disabled while on duty in order to protect rule of law and defend the integrity of the country.
- 4- A person who has been disabled due to terroristic and anti-government attacks such as heavy and light gunshots or mistakenly by gunshots of the government military forces.

**Salary of the Disabled**

**Article Eight:**

- (1) Persons coming under Article 7 of this Law who has been confirmed with total disability shall be eligible to receive salaries as set forth below:
  1. Military personnel and employees of governmental and mixed agencies are eligible to receive 35% of their latest salary along with other addendum without taking into account their duty period.

2. Persons not coming under the grading system or who did not have fixed salary or didn't have salary at all are eligible to receive 30% salary of grade 8, step 1 of the Civil Servants Law.
- (2) Persons who have been confirmed with partial disability by Disability Confirmation Health Commission are eligible to receive half of the salary mentioned in paragraph 1 of this Article.
- (3) In case the pension of persons coming under paragraph 2 of this Article is more than half of the salary of persons mentioned in paragraph 1 of this Article, they can ask for their pension.

### **Death of the individual with disability**

#### **Article Nine:**

- (1) If an individual with disability who was a formal employee dies, his salary shall be paid to his dependents without deducting the share of the deceased.
- (2) For the purpose of this Law, the dependents of the deceased person with disability include the following:
  1. Spouse, single daughter, son who is under 18 years old or has a disability, is studying or on compulsory military service.
  2. Father, mother, single sister, brother who is under 18 years old or has a disability, is studying or on compulsory military service provided that their livelihood was provided by the deceased before his/her death.
  3. The child of the deceased born after his death by his pregnant wife.
- (3) Dependents of the deceased are confirmed by the legal document.

#### **Article Ten:**

Mujahiddin and other individuals who have been disabled after 7 Sawr of the year 1357 and their disability has not been confirmed by authoritative agencies and have not received disability cards are eligible to receive the rights and privileges of disability effective from the date of enforcement of this Law. Conditions for disability confirmation and payment of their privileges shall be regulated according to a separate procedure that will be developed by the Ministry of Finance and the Ministry of Labor, Social Affairs, Martyrs and Disabled.

### **Cancellation of Salary Payment**

#### **Article Eleven:**

Salary of the person with disability is cancelled in the following conditions:

- 1- Permanently leaving the country
  - 2- Abandonment of nationality
  - 3- Committing a national crime as per the decree of an authorized court
  - 4- When it is found out that the individual with disability comes under the provisions of Article 31 of this Law
  - 5- Having no dependents after death
  - 6- Recovery
  - 7- Other conditions mentioned in legislative documents.
- (2) Upon the death of an individual with disability who was not under the grading system, his/her monthly salary is cancelled and a total of one year salary is paid to the dependents.

### **Cancellation of the benefits and privileges of the dependents**

#### **Article Twelve:**

- (1) Benefits paid to the dependents of the deceased person with disability are cancelled in the following circumstances:
  - 1- Death of the dependent
  - 2- Permanently leaving the country
  - 3- Abandonment of nationality
  - 4- Committing a national crime as per the decree of an authorized court
  - 5- Son or brother, who becomes 18 years old, recovers from disability or completes his education or compulsory military service.
  - 6- Marriage of wife, daughter or sister of the deceased person with disability.
- (2) When the share of any dependent is cancelled as per the provision of paragraph (1) of this Article, it is not added to the share of other dependents.

### **Distribution of pension among dependents**

#### **Article 13:**

- (1) Pension is equally distributed among the dependents of the deceased person with disability without deducting the share of the deceased.
- (2) Dependents who receive the privileges of more than one individual with disability are eligible to receive all the privileges and benefits.

### **Pension**

#### **Article 14:**

An individual who completely loses ability to work will receive disability privileges as pension once his/her disability is confirmed, in accordance with paragraph (1) of Article 8 of this Law.

### **Non-discrimination**

#### **Article 15:**

Individuals with disabilities have the right to participate in social, economical, political, cultural, educational and recreational aspects, without being discriminated against.

### **Rights of the children with disabilities**

#### **Article 16:**

- (1) A child with disabilities has the same rights as other children in regard to the use of rights and other basic freedoms.

- (2) Relevant ministries and government agencies shall establish special and accessible places equipped with the required equipment to ensure the access of the children with disabilities to recreational and sports facilities.

### **Individual with congenital disability**

#### **Article 17:**

Individuals with congenital disabilities are eligible to benefit all the Articles of this Law, except Articles 4 and 8.

### **Reporting the birth of a child with disability**

#### **Article 18:**

The Ministry of Public Health and other private health organizations shall inform in writing the Ministry of Labor, Social Affairs, Martyrs and Disabled of the birth of a child with disability.

### **Primary and Higher Education**

#### **Article 19:**

- (1) The Ministry of Education and the Ministry of Higher Education shall provide opportunities for comprehensive and specialized education for individuals with disabilities.
- (2) The government shall allocate 5% of the scholarships provided by the government and donor agencies to the people with disabilities.
- (3) Private educational institutions shall provide education opportunities for individuals with disabilities with 25% discount.

### **Technical and Vocational Trainings**

#### **Article 20:**

The Ministry of Labor, Social Affairs, Martyrs and Disabled, in cooperation with other relevant agencies, shall provide opportunities for technical and vocational trainings of individuals with disabilities based on their talent and capability.

### **Health Services**

#### **Article 21:**

- 1- The Ministry of Public Health shall take necessary measures to ensure the access of individuals with disabilities to health services, treatment and physical mental and psychological rehabilitation services.
- 2- Sending the individual with disability abroad for treatment in case his/her treatment is not possible inside the country, after the approval of the health commission of the Ministry of Public Health.

### **Right to Employment**

#### **Article 22:**

The state shall ensure recruitment of at least 3% of eligible individuals with disabilities in the ministries and other government agencies as per their request and in accordance with the Labor Law.

### **Establishing Rehabilitation Centers**

#### **Article 23:**

- (1) The Ministry of Labor, Social Affairs, Martyrs and Disabled, in cooperation with the Ministry of Public Health, the Ministry of Urban Development, municipalities and Olympics Directorate, shall establish and equip rehabilitation centers for people with disabilities within the limits of their financial capabilities.
- (2) Provincial governors and other agencies shall cooperate for the achievement of the goal stated in paragraph (1) of this Article.

### **Allocation of Land for House and Dwelling Apartments**

#### **Article 24:**

- (1) When distributing land for houses in the capital and provinces, municipalities shall allocate a separate share for people with disabilities with 50% discount in price.
- (2) When distributing dwelling apartments, the Ministry of Urban Development and other relevant agencies shall allocate apartments for people with disabilities, who do not have shelter, with 20% discount in price.
- (3) People with disabilities, without a shelter to live in, who have formal jobs shall be given priority if they have the same criteria as other employees/workers when allocating lands for houses and apartments.

### **Design of Buildings, Transportation and Technology**

#### **Article 25:**

Ministries, government and other relevant agencies shall consider facilities for people with disabilities while designing buildings, recreational places, playgrounds and public roads, transportation and technology.

### **Recording the Disability**

#### **Article 26:**

Central Statistics Office shall register people with disabilities disaggregated by disability type, during census of the population, and shall report in writing to the Ministry of Labor, Social Affairs, Martyrs and Disabled accordingly.

### **Marketing**

**Article 27:**

The Ministry of Commerce and Industries shall take necessary measures to find market for the products produced by the people with disabilities.

**Exemption from Compulsory Military Service**

**Article 28:**

A person who is responsible to support the person with disability is exempt from compulsory military service.

**Driving License**

**Article 29:**

A person with partial disability who has graduated from driving training course and passes the driving test is eligible to get driving license in accordance with the relevant legislative documents.

**Disability Card**

**Article 30:**

The Ministry of Labor, Social Affairs, Martyrs and Disabled issues disability cards to people with disabilities in accordance with Form No. (1) of the attachment to this Law, to be identified as eligible to receive the disability privileges and benefits.

**Refusal to Accept a Job**

**Article 31:**

- (1) If a person with partial disability refuses to accept a proper job without giving convincing reasons, he/she will be deprived of the rights and privileges stated in this Law.
- (2) If a person with partial disability gets a formal job, he will not be eligible for the rights stated in Article 8 of this Law.

**Transportation**

**Article 32:**

The Ministry of Transport and Civil Aviation, in coordination with governmental and private transportation companies, shall take necessary measures to consider a discount in the price of tickets for people with disabilities for their ground and air trips.



**Article 33:**

- (1) The government of Afghanistan shall allocate 5% of the total allocated shares for pilgrimages who are invited as guests by countries and Islamic organizations.
- (2) Priority shall be given to the people with disabilities who can financially afford to go to Hajj

**Chapter Three**

**Miscellaneous Provisions**

**Disability Confirmation Authorities**

**Article 34:**

Disability is confirmed by the following authorized agencies:

- 1- Disability of military personnel and employees of governmental, mixed and private agencies in the capital by the commissions of relevant ministries and agencies
- 2- Disability of military personnel in provinces is confirmed by the relevant military sections and the disability of employees of governmental, mixed and private agencies by the Chief of Police, officials of National Security and is signed and stamped by the office of governor.
- 3- Disability of employees of governmental, mixed and private agencies in districts is confirmed by the Police Chief and National Security officials and is approved by the district governor and signed and stamped by the Office of provincial Governor.
- 4- Disability of individuals who do not have official jobs is confirmed by the Police Chief and National Security Officials and is signed and stamped by the Office of Provincial Governor.

**Financial Support Payment Agencies**

**Article 35:**

Financial support stated in Article 4 of this Law for military personnel and employees of governmental, mixed and private agencies and for the people who were not in the grading system or did not have a fixed salary shall be paid by a commission assigned by the President for this purpose.

**Pension Payment Agency**

**Article 36:**

Pension and other benefits for the people with disabilities in the capital and provinces are paid by the Ministry of Labor, Social Affairs, Martyrs and Disabled.

### **Disability Awareness**

#### **Article 37:**

The Ministry of Information and Culture and relevant ministries and governmental/non-governmental organizations shall take necessary measures for raising awareness regarding disability and the rights of individuals with disabilities.

### **Salary Increment**

#### **Article 38:**

If there is a general salary increment, the salaries of individuals with disabilities shall also increase accordingly.

### **Setting Procedures**

#### **Article 39:**

The Ministry of Labor, Social Affairs, Martyrs and Disabled can set other separate procedures for the purpose of better implementation of the provision of this Law.

### **Enforcement Date**

#### **Article 40:**

This Law shall enter into force as of the date of endorsement and shall be published in the Official Gazette. Upon its entry into force, the Law of rights and privileges of individuals with injuries, disabilities, those lost and the dependents of martyrs of the Islamic Revolution and other citizens of the Islamic Emirate of Afghanistan published in the Official Gazette no. 786 and any other Laws in contradiction of this Law will be no longer applicable.