

Supporting on the Rights of Persons with Disabilities Act(2020)



Translated by :Fateminejad

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The first chapter-Generalities

Article 1-Defenitions

- A. persons with disabilities :** any person who has been diagnosed with different disabilities as a result of physical, sensory(visual, audio),mental and psychological impairment and/or their combination, which experiences considerable and permanent limitation in activity daily living(ADL) and social participation by the medical commission for determining the type and severity of disability of State welfare organization.
- B. The ministry :** The ministry of cooperative, labor and social welfare
- C. The organization:** State welfare organization of Iran
- D. Interested entities:** the executive entities covered in the Article 5 of the Act on National Services Management passed on September 30, 2007 and its subsequent amendments and supplements, the judiciary, the legislative, Expediency Discernment Council, the Guardian Council and their affiliates, municipalities and any other organization or company whose their inclusion requires mentioning their names or are funded by government, in whole or in parts.
- E. Accessibility:** Measures taken to create barriers- free, and accessible environment for integration of persons with disabilities in every area of life and providing equal opportunities of access to all life amenities like other persons. The accessibility includes the transportations system, the physical environment, information, education, technology, occupation and suitable communication and media resources.

F. National Networks of Persons With Disabilities Non-governmental organizations(NGOs): are country-wide networks composed of associations of NGOs who fall under major divisions of disability(visual, hearing, physical, mental, neurological and psychiatric impairments set up to coordinate and integrate the activities of their member associations and form a united national front.

Chapter Two-enabling, Accessibility, Movement and Mobility

Article 2- Every ministry, state-run institution and organization as well as public and revolutionary entity is obliged to design, build/manufacture and operate all public building, thorough fares and services means in a way that allow for the easy access and use of all persons with disabilities like other persons.

Note- Within their annual budgets, every ministry, state run institution and organization as well as every public and revolutionary entity is obliged to enable their public sports and recreational building and places as well as their through fares and means of services for access and use of persons with disabilities.

Article 3- To oversee and integrate the enabling process and also to oversee the execution pf the Article two of the present Act, an office for coordination and following up the country- wide enabling process shall be formed with the following members:

1. The minister of interior or their relevant deputy(as the chairperson)
2. The president of the organization(Secretary)
3. The relevant deputy of the ministry of roads and urban development
4. The relevant deputy of the ministry of industry, Mines and Trade
5. The relevant deputy of the ministry of science, research and technology
6. The relevant deputy of the ministry of Education
7. The relevant deputy of the budget and planning organization
8. The relevant deputy of IRIB(observer status-no right to vote)
9. The relevant deputy of the foundation of Martyrs and veterans affairs

10. The representatives of NGOs of war disabled individuals (observer status - no rights to vote)
11. The representative country-wide networks of associations of persons with disabilities (observer status – no rights to vote)
12. The chairman of higher provincial councils (observer status - no right to vote)
13. The representative of other state-run departments, upon the request of the chairpersons (case-based)

Note1: this office is obliged to supervise the enabling process of public building and grounds of the entities covered measures taken in this regard.

Note 2: the executive bylaw for this article shall be drafted by the organization in association with the ministry of the interior, the ministry of roads and urban development and the budget and planning organization within the six months of serving this Act. The same shall be ratified by the Board of ministers.

Article 4- Municipalities are required to subject issuing the construction, reconstruction and completion permits of all building and places for public purposes such as residential, commercial, administrative, curative and educational buildings to fulfilling the criteria and standards on enabling the environment for persons with disabilities approved by Iran's higher council for urban development and Architecture.

Article 5 – The ministry of the interior and ministry of roads and urban development as well as municipalities are obliged to work on enablement and accessibility of all terminals and stations, every component of intra and inter-city transportation system and fleets as well as all public transportation systems in line with domestic and international regulations and standards to help the persons with disabilities use land, sea and air fleets. For this, they must hold training courses for their staffs to teach them how to initiate practical and proper cooperation with passengers with disabilities.

Note1. Municipalities are required to launch customized transportation system through a fleet of adjusted vehicles for transportation of persons with disability. The government is obliged to financially support those municipalities with credits deficits.

Note2. Persons with serve disabilities shall be charged half the usual fare should they wish to use public and government –run inter-city railway, air and sea transportation systems and free of charge should they choose to use public and

government-run inter-city railway transportation systems and bus services. Both the ministry and the budget and planning organization are required to remark the required financial credits in the annual budget bills.

Note3. Those who violate this article shall be convicted, in proportion to their act, to a pecuniary punishment (classes 56 to 8 of punishment) as stipulated in Article 19 of Islamic punishment Code passed on April 21, 2013 temporary or permanent dismissal from the services, demotion or being barred from receiving sensitive or managerial positions or dismissal from the related organization or institution.

Chapter Three-health, Treatment and Rehabilitation services

Article 6- the ministry of health, treatment and medical education is obliged to provide for the health insurance coverage of the persons with disabilities that are covered by the organization in a way to secure both the necessary health and mental and physical rehabilitation services for this population.

Article 7- To support and promote the care of persons with severe or very severe disabilities or persons with multiple disabilities who are in need of help. After providing educational and consulting services, the organization is obliged to pay allowance called “nursing payment” for their care at home or if they take care and rehabilitation services through non-governmental centers(private centers, co-operatives, charities and (NGOs) to the parents, spouse or guardians of such people.

Note1- the amount of payment will be set in proportion to the type and severity of the disabilities, the number of persons with disabilities in a family and conventional care costs of persons with disabilities. This payment shall be indexed to the annual inflation rate. Every year, the payment is determined by collaboration of the higher council of private rehabilitation centers, the ministry and the budget and planning organization according to the actual rates of the provided services and the annual inflation rate. This rate shall be approved by the board of ministers. If the care and rehabilitation services are provided by

non-governmental centers, the payment, should be calculated according to all care expenditures.

Note2 – the above-mentioned services and allowance shall be extended to the elderly with disabilities.

Chapter four- sports, cultural, Artistic and educational services

Article 8- persons with disabilities may use sports centers, places and services of government-run entities, municipalities and village administration offices free of charge.

Article 9 - persons with disabilities of different age ranges who are struggling financially and found eligible for financial assistance could study free of charge at the education units of the ministry of education, the ministry of science ,research and technology , the ministry of health, treatment and medical education, other government–run institutions, Islamic Azad universities and other private education centers through calling upon a contribution made to the annual budgets of such entities.

Note- within three months of being served, an executive bylaw for the implementation of this article shall be drafted by the organization, the ministry of science, research and technology, the ministry of health, treatment and medical education and Islamic Azad university and sent to the board of ministers for enactment.

Chapter five-job creation and employment

Article 10 - The ministry is required, within the credits approved for the organization, to establish a fund for supporting job opportunities for under coverage persons with disabilities and draft and forward the article of associations of the same to the board of ministers for enactment within three months of serving of this Act.

Note- The central bank of Islamic republic of Iran is instructed to produce the necessary permits for the establishment of a fund for supporting job opportunities of persons with disabilities in keeping with the relevant regulations and laws.

Article 11 – The government is required to provide the following facilities for creation of job opportunities for persons with disabilities:

A. paying credit facilities to production, service, construction and guild units as well as protective work places for employing persons with disabilities. The credits are defined in the annual governmental budgeting Act.

B. paying credit facilities to self-employment based on annual governmental budgeting Act.

C. Paying credit facilities for construction of job-creating production and services units to companies and institutions 60% of their shares or capital belongs to the persons with disabilities.

D. Dedication of 30% of phone operator positions of government-run and public departments, institutions and companies to totally blind or partially sighted people or persons with physical disabilities.

E. Dedication of 30% of clerical or type-writing positions of government-run and public department, institutions and companies to persons with physical disabilities.

F. Up to their annual employment caps, all government-run, public and revolutionary ministers, organizations, institutions and companies are permitted to recruit blind and deaf people or people with spinal cord injuries via administering specialized tests of the disabled population.

Article 12- Private employers who employ persons with disabilities in their business may receive a part of their wages as compensation if they observe the following conditions:

- 1.** The contract of the employed persons with disabilities runs at least for one year.
- 2.** The salary of the employed person with disabilities runs at least for one year.
- 3.** Other legal benefits as asserted in the labor Code (workers' welfare benefits) are paid to the persons with disabilities.

Note 1 – Job-seeking persons with disabilities are those who are able to work and have acquired the necessary trainings and skills for their occupation.

Note 2 – This allowance is a maximum of 50% of their monthly based salary, as decided in the directives of higher labor council. It is fixed in proportion to the severity of disability: mild (30% of the salary), moderate (40% of the salary) and profound (50% of the salary). The credits for funding this allowance shall be included by budget and planning and organization in the annual budget of the organization.

Note 3- This allowance is payable for 5 years for those persons with disabilities who are employed by the private sector.

Note 4- The mechanism of payment and allocation of this allowance to private sector and other employers shall be in compliance with a bylaw that is drafted by the ministry in cooperation with the organization and then forwarded to the board of ministers for enactment within three months of serving of this ACT.

Article 13- Employers who employ persons with disabilities in their business in keeping with Article 12 of this Act shall be exempted from paying the employer's quota contribution on social and health insurance for these persons with disabilities. In addition, persons with disabilities who are self-employed are working in household workshops or have acquired a job through job supports centers shall be have acquired a job through support centers exempted from paying the quota. These shall be borne by the government.

Note- within three months of serving this Act, the executive bylaw of this article shall be drafted by the ministry and the organization in cooperation with budget and planning organization to be forwarded to the board of ministers of enactment.

Article 14- the technical and vocational training organization (TVTO) is obliged to directly or in association with the private sector start to admit trainers with disabilities. This organization is also required to enhance the technical and vocational skills of the persons with disabilities via enabling and developing the current centers of founding new training centers and schools. Moreover, TVTO must pay the allowance to this population and provide the necessary supports and specialized equipment in view of the conditions of the trainers with disabilities, TVTO is required to codify a set of standard and a manual for comprehensive technical-vocational training of persons with disabilities within six months and serve the same to the centers covered in this Article.

Article 15 – The government is obliged to assign at least three percent (3%) of employment quota (permanent, contract-based, labor force) of public and

revolutionary entities including ministers, organizations, companies and other institutions are funded by the public budget to eligible persons with disabilities, except for those items mentioned in notes 4 and 5 of Article 11 of this Act.

Note1- Public and revolutionary ministers, organizations, companies and institutions are obliged to assign at least three percent (3%) of employment quota to eligible persons with disabilities, except for those items mentioned in notes 4 and 5 Article 11 of this Act. The state administrative and recruitment organization is required to take the necessary measures execute this assignment and supervise the process.

Note2 – Highest authorities of executive entities, public and private institutions, municipalities and banks shall exactly fulfill the requirement set in this Article. Those found in violation of this Article would be convicted, in proportion to their Act, to a pecuniary punishment (classes 5 o 8 of punishments) as stipulated in Article 19 of the Islamic punishment ode passed on April 21, 2013, temporary or permanent dismissal from the civil services, demotion or being barred from receiving sensitive or managerial positions or dismissal from related organization of or institution.

Article 16- The heads of provincial state welfare organization are permitted to take part in meetings of provincial planning and development council and their working committee in capacity of a member.

Note- to help the employment process of persons with disabilities and clients, the head of state welfare organization of permitted to take part in meetings of the higher council for employment.

Chapter six-Housing

Article 17 – through provision of inexpensive facilities to property developers including home builders, housing associations and private sector, the ministry of roads and urban development and other afflicted departments are required to make a non-time commitment for dedication of at least ten percent(10%) of affordable, quality, custom-built residential units built by these developers to persons with disabilities with no place of dwelling of their own(pairs with disabilities and families with more than one persons with disabilities shall receive precedence).

Note1 -The central bank of the Islamic Republic of Iran is required to provide long term, affordable credits facilities with preferential interest for persons with disabilities who are under coverage of the organization or for housing associations or charities approved by the same.

Note 2 -The required credit to cover the difference of the instructed interest rate (4%) and the running interest rate of the banking systems shall be included in the annual budget.

Article 18- The national land and housing organization is required to provide the above-mentioned applicants or housing associations or charities approved by the organization with plots of land for building residential units for persons with disabilities in form of a ninety-nine year rent scheme.

Article 19 –Persons with disabilities are exempted from paying the costs of applying for permits of house building land development, reconstruction duties and the utilities (power, gas and sewage treatment).

Chapter seven – promotion of the proper culture and enhancement of public awareness

Article 20- The ministry of Islamic culture and guidance organization of Islamic promotions, IRIB, municipalities and other organizations and institutions in possession of movie theaters are required to allow for the free-of-charge display of instructive teasers on the rights of persons with disabilities and how to engage with this population provided that they have been approved by the organization.

Article 21 – IRIB is required to dedicate, in prime times of the day and free of charge, at least five hours if its weekly broadcasts to the programs of NGOs set up by persons with disabilities to raise the public awareness of the rights, potentials and challenges of this population. For this, IRIB must proceed to subtitle all the movies and programs broadcast on its channels, using signers for the deaf and embedding voiceovers on the movies for the blind.

Chapter Eight-Judicial Assistances and Tax Reliefs

Article 22- Judicial officials are required to consult the organization if persons with disabilities are found to be in need of guardians. In case where there is no eligible person to undertake the guardianship or ejects the same, the court shall proceed to appoint the organization as the guardian.

Article 23- Based on the request of persons with disabilities or their guardians(if any), the organization may represent the person with disabilities in courts in cases where the rights of these people have been violated or such a claim has been put forward and affirmed by the organization in advance.

Article 24 – one hundred percent(100%) of spending made by real and legal persons for construction, outfitting, development and physical adjustment of every rehabilitation, care , occupational training, educational, entrepreneurship and welfare centers as well as building houses dedicated to persons with disabilities shall be exempted from tax subject to the affirmation of the organization.

Article 25- fifty percent(50%) of the salary or the benefits of one of the parents of persons with serve or very serve disabilities shall be tax exempt so long as the parent in question is responsible for paying the costs arising from the disabilities. The organization's medical commission for determining the type and severity of disability shall look into each case and issues a certificate in case of affirmation of the application.

Note- The executive bylaw for this article shall be drafted by the ministry in association with the ministry of economy and finance within six months of serving this Act and then submitted to the board of ministers for enactment.

Article 26 – one of the male children of parents with disabilities (one or both parents) or parents with at least two children with disabilities shall be exempted from the compulsory national service.

Note- Male spouse who undertake the guardianship of their disabled wives are exempted the compulsory national service so long as they fulfill the same function.

Chapter Nine- Livelihood and administrative and employment supports

Article 27- The government is required to set a livelihood benefit for persons with severe or very severe disabilities that are unemployed and unsalaried. This benefit shall be at minimum equal to the base salary and is added to the annual budgets of the country.

Female employees with disabled husband or children may benefit from the provisions of the Act on half-time working of the female passed on December 1, 1983 and its amendments and receive the full salary and benefits provided that they do the parenting at their place of residence (affirmed by the organization). Male employees with disabled wife or children and no mother may receive the full salary and benefits by working for $\frac{3}{4}$ of the normal working time provided that they do the parenting at their place of residence (affirmed by the organization).

Article 28 – All entities are required to reduce 10 hours of the working hours of their staff with severe or profound disabilities.

Chapter Ten-planning, supervision and financial resources

Article 29 – statistical center of Iran is required to make arrangements for determining the population of persons with disabilities and types of their disabilities during its launching national censuses.

Article 30- to bring transparency to the financial resources allocated to executing this Act and supporting persons with disabilities, the Budget and planning organization is required to add an exclusive line of credit to the annual budget under the chapter of social welfare and in line with the chapters of the present Act.

Article 31 – To execute this Act and finalize the highest levels of supervision on satisfactory implementation of all laws and Acts concerned with persons with disabilities or affecting their lives, a committee for coordination and supervision of the execution process of this Act shall be set up as subdivision of Higher council for welfare and social security, composed of the following members:

- 1) First vice-president(committee chairman)
- 2) Minister of cooperatives, labor and social welfare(committee secretary)
- 3) Head of the organization
- 4) Minister of roads and urban development
- 5) Minister of education
- 6) Minister of science ,research and technology
- 7) Minister of health, Treatment and medical education
- 8) Minister industries, mines and Trade
- 9) Minister of interior
- 10) Minister of sports and youth
- 11) Head of IRIB
- 12) Head of the budget and planning organization
- 13) Head of administrative and recruitment organization
- 14) Plenipotentiary representative of head of the judiciary
- 15) President of foundation for martyrs and veterans 'affairs
- 16) Chairmen of parliamentary committees on health, treatment and social affairs along other committees 'chairmen (based on the case being discussed-observer status-no right to vote)
- 17) Five individuals representing the population of persons with disabilities (major divisions of disability) from across the country who are selected by national networks of NGOs (observer status- no right to vote)
- 18) Three prominent experts of affairs of persons with disabilities, introduced by minister of cooperative, labor and social welfare (observer status- no right to vote)
- 19) Representative of guild associations of private rehabilitation centers (observer status-no right to vote)

Note1 – Based on the issues as hand, other ministers and officials may be invited to the meetings of the committee.

Note2 – The committee secretariat shall be set up in the organization.

Note3- This organization shall receive the reports of executions of this Act and will forward the reports to the national consultative assembly after perusing and verification of the same in the meeting of the higher council of welfare and social security.

Parliamentary committee on social affairs, health, treatment, judicial issues and legal affairs are required to study and verify the content of the report within one month of its receipt, read a summary of the same in an open session of the assembly and publish the results for public information.

Article 32 –The interested entities shall forward reports the measures taken by them regarding both this Act and the Act of ratifying the convention on the rights of persons with disabilities which took place on December3 ,2008 to committee on coordination and supervision of the execution process of this Act.

Article 33- The comprehensive Act of supporting the rights of persons with disabilities which was passed on May5, 2004 shall be abolished from the day the new Act goes into effect and become binding.

Article 34- excluding items clearly stipulated in this Act, the executive bylaw for this Act shall be drafted by the minister, the organization and other affiliated authorities within six months of serving this Act and then submitted to the board of Ministers for enactment.

Note- The executive by-laws of the Act of supporting the rights of persons with persons with disabilities shall remain in the effect so long as they ate not in violation of this Act and the bylaws of the present Act have not been enacted. This Act, composed of thirty four articles and twenty nine notes was passed in the open session of the National consultative Assembly on Mach 11, 2018 and received the affirmation of the Guardian Council.