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## Libya: Law N°. 3 of 1981 on Disabled Persons

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# **SOCIALIST PEOPLE'S ARAB LIBYAN JAMAHIRYA**

## **PEOPLE'S GENERAL CONGRESS**

### **LAW NO. 3 OF 1981 ON DISABLED PERSONS**

The People's General Congress.

In implementaion of Resolutions adopted by People's Congresses, at their Third Ordinary Session for 89-90 as from Prophet's Death, corresp. to 1 1980 A.D., as formulated at the Plenary meeting of People s Congresses, People's Committees, Trade Unions and Professionals Associations (convened as People's General Congress) at its Sixth Ordinary Session held from 27th Safar to 1st Rabi Awwal 1390 as from Prophet's Death, corresp. to 3rd - 7th January 1981 A.D.

has formulated the following Law:

#### **CHAPTER ONE**

##### **Definition of Disabled Persons and categories thereof**

Art. 1

Disabled Person is whoever is suffering of a permanent impairment precluding him totally or partially, from performing work, behaving normally in the Community or from either such handicaps, regardless of whether due to his mental, psychological, sensorial or physical impairment, and irrespective of whether it be congenital or acquired.

Art. 2

Disabled Persons will be classified - according to their type of handicap - under the following categories:

a) Persons suffering from sensorial impairment, preventing them from behaving normally in the context of the Community, even if any such impairment be not combined with any other apparent disability to perform work;

**they are:**

1 - the blind

2 -the deaf

3 - the dumb

4 - short - sighted persons who are likely to recover their normal sight

5 - Persons suffering from poor hearing and are not likely to recover.

c) Persons suffering from physical impairment preventing them from behaving normally in the Community, though not to the extent of causing apparent disability to perform work, who are:

1) People amputated of one or more limbs

2) the cripple

3) the paralytic

d) Persons suffering from chronic diseases impairing them from performing work, though not to the extent of preventing them from behaving normally in the Community: such diseases shall be defined in a Resolution to be issued by People's General Committee upon submission by People's General Committee for Social Security.,

e) persons suffering from mutilation or permanent invalidity in any part of their bodies, when any such infirmity affects a vital organ reputed indispensable for performing normal activity.

In case of multiple cause of impairment, most serious one shall prevail for the classification of person affected under one of the above categories.

## **CHAPTER TWO**

### **Benefits granted to disabled persons**

Art. 3 Every disabled person, of all categories, shall be entitled to one or more benefits as follows, in conformity with. his condition and degree of impairment:

a) admission to an ad hoe home, institution or establishment

b) to receive care services at home

c) to get prothesis and compensating means and appliances

d) education

e) habilitation, and re-habilitation

f) suitable job, after habilitation or re-habilitation

g) constant follow-up care to working disabled persons

- h) exemption from Income Tax in favour of working disabled persons
- i) facilities in the use of people's public transportation means
- j) exemption from Custom Duties on whatever they are induced to import because of their impairment
- k) facilitations as to their access to public places and resorts.

All above benefits shall be exempted from taxes and fees, and subject to provisions under Art. 43 of Social Security Law.

#### Art. 4

Disability shall be taken into consideration throughout its duration, starting as from its confirmed commencement and up to the time of complete recovery from impairment.

Disabled person shall enjoy one or more benefits granted under preceding Article in accordance with his condition needs.

After recovery, disabled person shall continue to be entitled, to the extent of his needs, to benefits under Paragraph (c) and Paragraphs from (f) to (k) of preceding Article.

#### Art. 5

Entitlement to benefits granted under Art. 3 above, shall be subject to confirmation of impairment in conformity with terms and conditions set out in Regulations to be issued for the implementation of this Law.

#### Art. 6

Disabled persons' accommodation shall be through **their admission** to appropriate homes, architecturally suitable and having the pre-requisites to meet their health and psychological conditions and designed in such a way so as to conform with their handicapped inmates.

#### Art. 7

Admission to above mentioned homes shall include, primarily, full accommodation and food, provision of suitable care and assistance to each inmate. They shall provide as well educational, vocational, habilitation and rehabilitation services inside their precinct, or at outside institutions or centres or both, as the case may be.

#### Art. 8

People's General Committee for Social Security shall issue a special Regulation dealing with organisation of disabled persons homes, institutions and centres mentioned under preceding Article, laying down a working plan for their management, working out details of services they are intended to provide, formulating bases of programmes they are going to carry out, indication of requisites as to recruitment of employees and workers to serve therein and rules and ways as to how grant them incentives for their zeal in performing their work, and finally establishing terms and condition for mission to said homes. institutions and centres.

#### Art. 9

Residence of disable person shall be, as a rule, at home with his family; it can not be replaced by admission to social care establishment unless when necessary.

#### Art. 10

Disabled person not admitted to social care establishment, shall be entitled - in addition to suitable benefits in cash and in kind to which he is, basically, entitled under Social Security Law - to a monthly grant to be assessed in conformity With rules set out in the Regulations to be issued for the implementation of this Law and in accordance with terms and conditions therein established.

Such grant shall be exempted from all taxes and fees and shall not be subject, under any circumstances, to seizure or attachment.

#### Art. 11

Grant accorded to disabled person shall be payable to him or to person taking care of him - as the case may be - at fixed terms, for the duration of his whole life, when any recovery through habilitation appears to be of no avail.

In case disabled person is responsive to adjustment through vocational and educational training and habilitation, such grant shall be payable in due time, up to the date of his complete recovery and ability to join a suitable job.

#### Art. 12

Disabled person shall be entitled to get prothesis or compensating appliances or means as deemed necessary for acquiring or recovering ability to behave normally in the Community, in conformity with conditions to be laid down in the Regulation to be issued, pursuant to this Law.

Art. 13

Social Care establishments for disabled **persons shall** provide inmates with prothesis and compensating appliances and means and afford necessary services and maintenance thereof, and shall provide as well to re-equip them with any such compensating materials whenever necessary; disabled persons other than inmates shall receive same treatment as indicated here, in the manner shown in the executive Regulations of this Law.

Art. 14

Disabled persons of minor age and consequently are subject to compulsory education, shall have the right - and duty - to obtain such education throughout; similarly illiterate adults from among disabled persons shall be entitled to literacy courses attended by their fellow - able persons, provided that disabling circumstances in both cases above, shall be taken into due consideration in the determination of the syllabus and teaching matters.

Art. 15

Both normally able persons and disabled persons shall be integrated in the same ' class-rooms and schools. Nevertheless -and as a transitional stage - there shall be allowed to organise schooling, for both adult and minor disabled persons, in class-rooms arranged within social care homes and without, at institutions and centers, or in class-rooms reserved to them in normal schools.

Art. 16

Disabled person, who successfully passes compulsory phase of education and expresses his desire to pursue his studies, shall be permitted to do so up to the end of his attitude and ability.

Regulations shall establish conditions as to how such a right has to be exercised, manner and extent of help to be provided to the benefit of disabled person in this connection.

Art. 17

Disabled persons shall be entitled to habilitation and or re-habilitation, as their condition requires and according to his needs for medical, psychological, educational or vocational habilitation, or to more than one of any such kinds of care, both within the Country or abroad.

Art. 18

Habilitation - or re-habilitation - other than vocational training -shall apply to all disabled persons, according to their respective needs and condition.

Vocational habilitation and re-habilitation shall be limited to adult disabled persons and to minors who have passed compulsory stage of education, but do not want to - or could not - exceed any such stage.

In respect of disabled persons of minor age, whose inability to learn up to completion of compulsory schooling stage is proved beyond any doubt, or have shown no progress in pursuing their study, shall be habilitated in a matter they could profitable acquire in a craft or art-as the case may be.

#### Art. 19

Vocational habilitation or re-habilitation shall be compulsory in respect of disabled persons meeting the following two requisites:

- a) that any such disabled persons be in a good physical condition to profit from habilitation, in conformity with opinion expressed by experts in this field;
- b) that they be under forty years of age.

#### Art. 20

Disabled persons who have attained forty years of age or over, and are physically fit, may apply for vocational habilitation or re-habilitation.

#### Art. 21

Disabled person under category of Paragraph (d) in Article 2, whatever be his age, shall not be directed to join any vocational habilitation or re-habilitation.

#### Art. 22

Disabled person having successfully completed his habilitation or re-habilitation, shall be entitled to employment conforming with subject matter of his re-acquired ability to work.

Community shall be bound to employ habilitated disabled persons; they shall be oriented toward activities suitable to their abilities.

#### Art. 23

People's General Committee for Social Security at the relevant Municipality shall follow up activity of habilitated disabled person for the duration of his working life. Such follow-up assistance shall include help extended to disabled person to adjust himself with the job he has been directed to perform, to support him in defending his interests and legitimate rights arising out of his work.



#### Art. 24

Incomes accruing to disabled persons as remuneration for works they perform, shall be exempted from both Income and "Jihad" taxes as well as from other taxes and fees.

Such exemption shall be confined to wages, salaries and such alike revenues that are payable to whomever renders a public service, and shall include as well shares in the Profits due to partners, wages established for workers and incomes accruing to self-employed persons.

#### Art. 25

Persons affected by impairment because of their participation in a war waged in defence of their Country or its interests, shall be exempted from payment of bus charges for their movements inside towns; their travels - by road, air and sea using public means of transportation shall be free of charge, within territory of Socialist People's Arab Libyan Jamahirya, and hence to abroad and vice versa.

#### Art. 26

Disabled persons, other than those mentioned in the preceding Article, whose condition requires assistance of an accompanying person. shall be exempted from payment of travel charges on public buses inside towns.

Fare charges shall be reduced by half rate when using public transportation means-by road, air and sea-within the territory of Socialist People's Arab Libyan Jamahirya, and for trips between the Jamahirya and abroad.

#### Art. 27

Travel charges in respect of person accompanying the disabled person shall be reduced to half rate he is supposed to pay, for his using public transportation means, as shown in the preceding two Articles.

Categories of disabled persons in need of assistant for their trips and movements shall be determined in a Regulation to be issued by People's General Committee for Social Security.

#### Art. 28

Exemption or reduction of fare charges, as the case may be, for the use of public transportation means for trips between the Jamahirya and abroad, in respect of disabled persons and their companions shall be limited to once in a year.

Right of exemption or reduction, in this connection, shall become null and void in respect of the year during which such right has not been used, at the expiry of fast day of December of any such year.

Art. 29

Prosthesis, appliances and artificial limbs imported for the use of disabled persons shall be exempted from Duties.

Articles to which exemption shall be applicable, shall be determined in a Regulation to be issued by People's General Committee for the Treasury.

Art. 30

Measures, as deemed necessary, shall be taken in order to make easy for disabled persons their walking in streets and their access to public buildings and public resorts and facilities.

Determination of types concerning such facilitations, their requisites and procedures as to how they shall be provided, shall be laid down in a Regulation issued by People's General Committee on recommendation and submission by People's General Committee for Social Security.

Art. 31

In case disabled person refuses to undergo habilitation or re-habilitation the way that suits him, either educationally or vocationally, refuses to submit to pursue his learning or training, declines to join a suitable employment or work, refuses to continue exercising such occupation, without a legitimate excuse, People's General Committee for Social Security at relevant Municipality may decide, through a motivated resolution, to preclude him from enjoying, in full or in part, benefits granted to disabled persons in conformity with this Law.

Art. 32

Scientific or technical Certificates issued or to be issued in the future to disabled persons by schools, institutions or centers reserved to their education or technical formation, shall be recognized and admitted as equivalent to normal public Certificates.

Rules and procedures relating to such equivalence shall be set forth in a Regulation to be issued by People's General Committee for Education in coordination with People's General Committee for Social Security.

### **CHAPTER THREE**

#### **National Committee for Assistance and Care to disabled persons**

**Art. 33**

A National Committee for Assistance and Care to disabled, persons shall be set up under supervision and dependency of People's General Committee for Social Security.

**Art. 34** National Committee for Care to disabled persons shall, be composed of:

a) Secretary of People's General Committee for Social Security-Chairman

b) One representative of each of the following Departments:

- Secretariat for Social Security
- Secretariat for Health
- Secretariat for Education
- Secretariat Public Services
- People's Committee of People's Foreign Liason Office
- Secretariat of Sports for the Masses
- Arab Libyan Armed Forces

c) Five members selected from among people concerned with disabled persons' affairs.

Nomination of the members shall be determined by a decision to be issued by the committee 's chairman, with common accord of departments concerned with selected members.

**Art. 35**

National Committee for Care to Disabled Persons shall endeavour to arrange living conditions for disabled persons similar to conditions afforded to all other persons and aimed at the integration of disabled persons in the Community life and their full participation in the development of society and in contributing to its productive energy and progress.

Moreover, the Committee shall promote initiatives designed to serve and assist disabled persons, through support to associations dealing with this matter, and helping in setting up new associations for this purpose.

Committee shall also sensitize healthy people with problems concerning disablement, acquaint them with its causes and necessary measures for prevention.

Art. 36

National Committee for Care to Disabled Persons shall have power to provide planning relating to disabled persons affairs, to promote enactment of legislations concerning them, to contact Arab and International Bodies and Organisations on matters concerning disabled persons and / or their conditions.

Art. 37

National Committee for Care to Disabled Persons shall have an internal Regulation dealing with its procedure in conception with its activity, to be issued in a Decision emanating from its own Chairman.

Art. 38

National Committee shall have its own secretariat including a reporter and several experts in different fields such as legal, social and psychological sanity who shall carry out researches, studies etc as may be required by activity of said Committee, and shall include as well a sufficient staff to deal with administrative clerical matters.

## CHAPTER FOUR

### General Provisions

Art. 39

Benefits granted to disabled persons in conformity provisions hereunder shall be considered as Social Security Benefits.

People's General Committee for Social Security and People's Committees for Social Security at the Municipalities shall, within their respective power, put into effect provision under this Law.

Benefits to be granted to disabled persons in conformity with this Law and Regulations issued for its implementation, with exception of benefits provided for in Social Security Law No. 13 of 1980, shall be at the cost of Public Treasury and necessary allocations shall be appropriated in the administrative General Budget and in the Development Budget.

**Art. 40**

**Regulations, as deemed necessary for the implementation of this Law, shall be issued in Resolutions to be adopted by People's General Committee on submission by People's General Committee for Social Security, unless provisions of Law require otherwise.**

**Art. 41**

**Regulations and Resolutions issued for the implementation of provisions under present Law shall determine dates at which scheme for each benefit under this Law shall be operative.**

**Art. 42**

**Any provision of law inconsistent with provisions hereunder is hereby repealed.**

**Art 43**

**Secretary to People's General Committee for Social Security and remnant Secretaries to People's General Committees shall implement, within their respective power, this Law which shall come into force and apply w.e.f. its formulation and publication in the Official Gazette.**

**PEOPLE'S GENERAL CONGRESS Issued on 21st Rabi' Awwal 1390 P.D. corresponding to 27th January 1981 A.D.**