



**INDEPENDENT REPORT ON THE IMPLEMENTATION OF  
THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH  
DISABILITIES IN VIET NAM**

**Hanoi 2020**

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## **ACRONYMS AND ABBREVIATIONS**

<b>Acronyms</b>	<b>Full forms</b>
ICT	Information and communication technology
MOET	Ministry of Education and Training
MOLISA	Ministry of Labour - Invalids and Social Affairs
OPD	Organization of Persons with Disabilities
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
VBSP	Social Policy Bank of Vietnam
VFD	Viet Nam Federation on Disability

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*Viet Nam Federation on Disability*

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<sup>1</sup>A list of organizations providing technical assistance is attached in the appendix of the report.

## **Viet Nam Federation on Disability and its member organizations**

1. The Viet Nam Federation on Disability (VFD) is a voluntary social organization of Vietnamese citizens and organizations of persons with disabilities established under the Ministry of Labour, Invalids and Social Affairs in accordance with the provisions of Vietnamese law. VFD gathers, unites, helps, supports, facilitates, and enhances the capacity of people with disabilities to live, study and work towards community integration, for the well-being of persons with disabilities. VFD held the Second-Term Conference in June 2017. In this Tenure II (period 2017 - 2022), the Executive Committee consists of 62 members stretching from North to South, of which 51 members are persons with disabilities, 17 of these being women with disabilities. The Standing Committee has 17 members, of which 14 members are persons with disabilities, six of these being women with disabilities.
2. Approach to the Report: The Independent Monitoring Report on the Implementation of the UNCRPD is a cohesive document which offers consistency across various parts of the Report. This Report reflects a wide range of issues, based on the practices and experiences of persons with disabilities themselves. This Report is developed with reference to official sources from studies and reports of government agencies and actual surveys. In case of discrepancy between figures quoted in this Report and those from other sources, it should be noted that the information is cited objectively, and does not necessarily reflect the view of VFD and its members. In this first edition, VFD and its member organizations focus on supplementing and clarifying issues which are unclear and not sufficiently addressed, and limitations of the Government of Viet Nam's Report on the implementation of the UNCRPD.
3. Member organizations (*the list is updated in the appendix of this Report*): VFD currently has 62 members of the Executive Committee - Tenure II (2017 - 2022) representing 57 organizations/centres of and for persons with disabilities in the country, and some reputable individuals. By the end of 2018, 21 provincial and municipal associations had been established and put into operation [1]. Besides these, there are also other organizations for and of persons with disabilities and self-help groups established and operated.

## **SUMMARY OF RECOMMENDATIONS**

The VFD's Independent Monitoring Report on the Implementation of UNCRPD (hereinafter referred to as the Independent Report) addresses ten (10) major priority issues resulting in 66 recommendations for changes by the Vietnamese Government that VFD

and its member organizations expect to see in the coming years to ensure the necessary conditions for the inclusion and equality of persons with disabilities in Viet Nam. The Report presents 10 priority issues and is linked into groups of rights defined in the UNCRPD, including 1) General policies and independent living policies; 2) Situations of stigma and discrimination against persons with disabilities; 3) Communication on awareness of disability-related issues; 4) Access to transportation, to the physical environment, to justice and to information and communication; 5) Education and Training; 6) Health; 7) Vocational training and employment; 8) Disaster risk reduction; 9) Women with disabilities and rights of children with disabilities; 10) Roles of OPDs in monitoring and implementation of policies involving rights of persons with disabilities.

## **SUMMARY OF THE REPORT DEVELOPMENT PROCESS IN VIET NAM**

VFD's first independent report was developed from March 2016 with the following phases: **Phase 1** (preparation): from March to May 2016, VFD engaged member organizations, experts, other organizations of and for persons with disabilities in the report development process; developed process guidelines and detailed work plans, and formed thematic groups. At this stage, OPDs across the country were trained and instructed to implement the Phase I process. The OPDs also received training to enhance their awareness of the CRPD. **Phase 2** (data collection and research): information was gathered, and secondary data and primary data provided directly by 118 members from 21 OPDs nationwide were analysed. Field data was conducted through qualitative and quantitative surveys and research in 31 provinces nationwide, with 09 provinces participating in in-depth interviews and 22 provinces participating in mass and online surveys accessible for persons with various impairment types. VFD then completed 01 Field Report on the Implementation of the UNCRPD (hereinafter called Field Report); 01 Survey on the exercise of the rights of children with disabilities in Viet Nam (hereinafter referred to as the Report on the Rights of Children with Disabilities); 01 Report on Consultation Results with Children with Disabilities on the UNCRPD Implementation in Viet Nam (referred to as the Consultation Report with Children with Disabilities); 01 Research Report on the Implementation of the UNCRPD for the Group of persons with Intellectual and Psychosocial Disabilities (referred to as the Report on the Group of Persons with Intellectual and Psychosocial Disabilities); and 01 Literature Review on Disability Policy in Viet Nam (referred to as the Policy Report). In **Phase 3** (draft report development) conducted from September 2016 to March 2017, the drafting committee summarized the reports of the thematic groups and developed the first draft report with a focus on finalizing the list of prioritized issues and researching those issues according to the legal framework. In **Phase 4** (consultation and publishing the

list of priority issues) conducted from April to December 2017, VFD consulted national and international experts on the process of developing an independent report (through the International Conference to mark the Viet Nam Day of Persons with Disabilities - April 18, 2017) and a list of priority issues. Also, in this period, several members of the Drafting Committee consulted and provided comments on the draft National Report on the Implementation of the UNCRPD. In November 2017, the first draft of the National Report on the Implementation of the UNCRPD (hereafter referred to as the National Report) was finalized. Representatives of the technical groups assigned by VFD have studied and developed a draft of comments for the National Report. On December 18, 2017, VFD officially made comments for the finalization of the National Report and released the first draft of the Independent Report in Viet Nam. **Phase 5** (report development and finalization): since 2018, the Drafting Committee has sought for consultation and developed the 2nd to 4th drafts of the Report. In 2019, the Drafting Committee also sought comments and obtained consensus from disability communities and OPDs, through direct consultation via questionnaires in disability communities in 2018 and a consultation workshop with leaders representing OPDs in 2019. In 2020, the Independent Report was reviewed, finalized, and translated into English and circulated to relevant organizations.

## PRIORITY ISSUES AND RECOMMENDATIONS

### Priority issue 1: General policies and independent living policies

1. After the signing of UNCRPD on October 22, 2007, the State of Viet Nam has internalized the provisions of UNCRPD into its national legislation. The State has implemented those regulations and the effort has been enhanced over time. Firstly, the promulgation of the Law on Persons with Disabilities (Law No.51/2010/QH12 dated June 17, 2010) replacing the 1998 Ordinance on Disabled Persons marked a change in perceptions about persons with disabilities and has created an important legal foundation for the recognition of the rights of persons with disabilities. Following this Law, relevant documents and guidelines for the exercise of these rights in different areas have been adopted, including the amended 2014 Law on Health Insurance, the 2012 Labour Code, the 2013 Law on Employment, the 2015 Criminal Code and numerous decrees of the Government and circulars of relevant Ministries.<sup>2</sup>These policies have affirmed and ensured the exercise of most of the rights of persons with disabilities stated in the UNCRPD. However, several limitations persist in policies on the rights of persons with disabilities and their implementation practices.
2. ***The definition of persons with disabilities is not inclusive enough:*** The 2010 Law on Persons with Disabilities adopted the spirit of the UNCRPD through the use of the term “persons with disabilities”, replacing the term “disabled persons” used in the 1998 Ordinance on Disabled Persons. This change marks a milestone in the national awareness about persons with disabilities and shows respect for their dignity. However, the definition of persons with disabilities in the 2010 Law on Persons with Disabilities still favours the medical model approach, that is, it considers medical impairments (impairment in one or more body parts or functional decline manifested in the form of disability) the cause of difficulties and barriers for a person with a disability in life. This definition does not yet reflect the core view of the UNCRPD: that social barriers are a major cause and exacerbate a person's disability.
3. ***Lack of some related concepts:*** Vietnamese law underestimates the importance of other forms of communication in other languages such as signed language or non-verbal communication of persons with disabilities. This is reflected by the absence of definitions of ‘communication’ and ‘language’ in line with those defined in the

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<sup>2</sup>Decree 28/2012/ND-CP guiding the Law on Persons with Disabilities, Decree 136/2013/ND-CP regulating social welfare policies, Circular 21/2014/TT-BXD dated December 29, 2014 on National Technical Regulation on Construction for Disabled Access to Buildings and Facilities, Circular 01/2019/TT-BLDTBXH on Disability Degree Determination conducted by the Disability Degree Determination Council.

UNCRPD. Besides, the current Viet Nam law does not provide the definitions of “*reasonable accommodation*” and “*universal design*”, which are an important basis for regulating the law and concretizing the rights of persons with disabilities in different areas as well as promoting the effective exercise of their rights. There is also no statement that the denial of reasonable accommodation would create discrimination on the basis of disability. The 2010 Law on Persons with Disabilities concretizes the concept of stigma and discrimination against persons with disabilities in the form of specific behaviours, however, it fails to generalize that discrimination on the basis of disability is the failure to protect the enjoyment, on an equal basis with others, of all human rights of persons with disabilities.

4. **Some basic principles of the UNCRPD are not clearly expressed in the 2010 Law on Persons with Disabilities.** Viet Nam has gradually internalized 8 principles under Article 3 of the UNCRPD in its legal documents. The principles of “Non-discrimination”, “Equality of opportunity”, “Equality between men and women” for persons with disabilities have been indirectly expressed in documents such as the 2013 Constitution; the 2010 Law on Persons with Disabilities, the 2016 Law on Children, the 2009 Law on Gender Equality, and some related laws. However, some other principles in the UNCRPD have not been clearly expressed in the 2010 Law on Persons with Disabilities or other related legal documents, such as the principle of “Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity”, and “Full and effective participation and inclusion in society”. “*Accessibility*” should be considered as a principle to be applied in all disability-related policies, including, inter alia, access to medical equipment, to education, to transportation, and to public facilities, instead of just being a part of policies on access to transportation and public facilities as currently defined in the 2010 Law on Persons with Disabilities. Also, a principle has not been reflected in the 2010 Law on Persons with Disabilities and other legal documents, which is “[*States Parties*] recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms”.
5. **Independent living** has been clearly defined as the right of persons with disabilities in the 2010 Law on Persons with Disabilities. However, standards to ensure this right are still absent. Personal assistance services to persons with disabilities are not currently identified as a profession or covered under a certain profession, nor are regulations on training, professional scope and standards, and cost norms. Even though social

assistance policies provide monthly financial support for persons with very severe disabilities who need disability care services, there are no detailed regulations on skills required for such services.<sup>3</sup> If personal assistance (for persons with disabilities) is one of the necessary services to support persons with disabilities to live independently, the current Vietnamese law lacks specific regulations on personal assistant as a profession. Meanwhile, this is an internationally recognized profession in accordance with the social development trends.<sup>4</sup>

## **Recommendations**

**Recommendation 1:** That the National Assembly amend and supplement the concept of “Persons with disabilities” in the 2010 Law on Persons with Disabilities to adopt a rights-based and social approach, instead of the current medical approach. At the same time, consistently use the term “persons with disabilities” instead of “disabled persons” in all legal documents, signboards and agency names.

**Recommendation 2:** That the National Assembly add the concepts of “communication”, “language”, “reasonable accommodation”, and “universal design” to the Law on Persons with Disabilities to facilitate the recognition and exercise of the rights of persons with disabilities.

**Recommendation 3:** That the National Assembly add the following principles to the process of development and implementation of disability legislation, including the principles of “full and effective participation and inclusion in society”, “respect for difference and acceptance of persons with disabilities as part of human diversity and humanity”, and “recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms”.

**Recommendation 4:** That the Government of Viet Nam supplement regulations and standards related to independent living. Specifically, the Government should issue documents specifying standards, requirements for practice, and roles and duties of personal assistants to persons with disabilities and develop relevant training programs

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<sup>3</sup>Article 44 of the 2010 Law on Persons with Disabilities

<sup>4</sup>According to the International Standard Classification of Occupations (ISCO) of the International Labor Organization (ILO), the personal care workers belongs to Occupation Major Group 5: Service workers and shop and market sales workers. Accordingly, the personal assistance work does not provide support that exceeds what the client should be able to do on their own if he/she had cognitive or physical abilities. The United States was the first country to develop a personal assistant career, followed by many other countries such as Australia, Japan, etc

on disability care and support. At the same time, the Government should enhance communication campaigns to introduce policies on the right to independent living of persons with disabilities to persons with disabilities, their families and communities to raise awareness about the needs and rights of persons with disabilities to access their homes, residential areas or other community support services. Communication campaigns should emphasize that personal assistance is necessary for persons with disabilities to live independently and integrate into the community.

## **Priority issue 2: Situations of stigma and discrimination against persons with disabilities**

6. Legitimate rights and interests, and right to non-discrimination, on an equal basis with persons without disabilities, of persons with disabilities in Viet Nam are protected by law. This is confirmed in Article 16 of the 2013 Constitution: *"All people are equal before the law"* and *"no one is subject to discriminatory treatment in political, civil, economic, cultural or social life."* The 2010 Law on Persons with Disabilities also stipulates that stigma and discrimination against persons with disabilities is one of the prohibited acts. Besides, numerous legal documents including the 2015 Civil Code, the 2012 Labour Code, the 2014 Law on Marriage and Family also recognize the principles of equality and non-discrimination for any reason. In general, Vietnamese legislation consisting of policies and regulations truly aims to ensure the rights to equality and non-discrimination of persons with disabilities, regardless of their impairment type, sex, and age. However, persons with disabilities in Viet Nam are still facing barriers resulting from discrimination in various aspects of life.

### **7. Common prejudices of the society and community towards persons with disabilities, especially persons with psychosocial disabilities**

Common stereotypes about persons with disabilities from the community which lead to discrimination stem from deeply rooted cultural or religious concepts. This is a common problem of the world, including Viet Nam. According to official survey data, a significant proportion of people in Viet Nam view persons with disabilities as special subjects who need to live separately from the community. It is a common perception that a person with a disability needs to stay at home, to be cared for by family members or to live in a social welfare facility. Specifically, up to 45.5 per cent of respondents said that persons with disabilities should be taken care of at social welfare facilities and 35.8 per cent of them said that it depends on the type and degree of impairment [2, p.

[2, p. 23] However, many persons with disabilities are completely able to take care of themselves, have a job and live independently without the help of others.

It is noteworthy that the avoidance, discrimination, and neglect against persons with psychosocial disabilities are common among their own families and the surrounding community. Therefore, mental health impairments are the most common form of disability in facilities taking care of persons with disabilities [2, p. 59]. Unlike persons with other types of impairments, persons with psychosocial disabilities do not usually receive the whole-hearted care and attention from their relatives due to the prejudice that persons with psychosocial disabilities often cause problems and that they should stay in social welfare facilities and be cared for by care workers. It can be said that perceptions and prejudices of a not insignificant portion of families of persons with disabilities and the society are one of the top causes leading to discrimination and restriction of their integration into the community.

#### **8. Discrimination in education**

Children with disabilities and their families are still facing stigma when they start schooling or continue to higher education levels. Only 42.7 per cent of respondents think that children with disabilities should go to school with other children [2, p. 22]. Moreover, although inclusive education for children with disabilities has been confirmed by the Law on People with Disabilities 2010 as the primary and proven effective mode of education, only 42.7 per cent of the respondents believe that children with disabilities should go to school with other children without disabilities, while 28.8 per cent of respondents believe that it is dependent on their disability status and 24.0 per cent of respondents think that children with disabilities should go to special schools [2, p. 22].

Discrimination and stigma against children with disabilities have directly affected the schools where children with disabilities attend. Statistics show that about 3.5 per cent of schools have difficulty in educating children with disabilities because of discrimination from the community [2, p. 167]. Thus, teachers and schools that receive children with disabilities face judgment from parents of children without disabilities who are choosing classes and schools for their kids, as well as from the community, in terms of the quality of teaching and learning environment.

Moreover, the failure to ensure accessibility in most educational facilities can be seen as a significant problem, leading to discrimination in education. Official statistics show

that only 03 out of 100 schools have reasonable designs (2.9 per cent); 08 schools have shared paths for persons with disabilities (8.1 per cent); and 10 schools have accessible toilets (9.9 per cent) [2, p. 19]. In addition to physical barriers, children with intellectual disabilities face great barriers in terms of materials and teaching methods in inclusive schools. 72.3 per cent of schools having difficulty in educating children with disabilities due to lack of qualified, professional and skilful teachers [2, p. 167]. Meanwhile, nearly half (46 per cent) of children with disabilities attending schools are children with intellectual disabilities [2, p. 163]. This leads to the fact that students with intellectual disabilities do not receive adequate attention from teachers and schools, and they are ridiculed and isolated by their classmates.

## **9. Discrimination in labour and employment**

There are considerable challenges in eliminating discrimination on the basis of disability in the recruitment, employment and placement, maintenance, promotion or assurance of working conditions, occupational safety, and health in Viet Nam. Up to 55 per cent of the respondents believe that employers do not want to hire workers with disability [2, p. 22] and as high as 53% of people with disabilities applying for a job are rejected because of their disability. Moreover, persons with disabilities generally have experienced stigma and discrimination at the workplace, inappropriate job positions, inaccessible infrastructure and transportation, working with no labour contract, low salary or no raise, and no promotion opportunities [3, pp. 88, 89]. As a result, about 13 per cent of persons with disabilities from 15 to 59 years of age who have graduated from primary school and above answered that “disability” is the reason for their unemployment [2, p. 95]. This situation in some senses results in persons with disabilities having low self-esteem, inferiority complexes and a reluctance to work in enterprises. Therefore, the status of "disabled" can prevent people looking for work because of discrimination [2, p. 94]. Employment discrimination is further discussed in the section on “Labour and employment issue, Point 4” of Priority issue 7: Vocational training and employment.

## **10. Discrimination in Marriage and family**

Stigma and discrimination are also limiting the rights to marriage and family of persons with disabilities. Most of the respondents said that decisions on marriage depend on disability status and nearly 10 per cent of the respondents think that persons with disabilities should not get married. This social attitude and perception are considered as one of the reasons leading to the great difference in the marital status of the

population aged 15 and over between persons with disabilities and persons without disabilities: The proportion of married people in each groups is 51.9 per cent and 71.5 per cent respectively. 35.2 per cent of persons with disabilities are widowed, divorced or separated; while this figure in the latter group is only 7.6 per cent [2, p. 23].

## **11. Limitations of communication and awareness-raising on anti-discrimination against persons with disabilities**

This is another common factor contributing to stigma and discrimination against Vietnamese persons with disabilities in various areas.

ICT plays a major role in the life of every person, including people with disabilities. ICT offers access to such information as regulations on disability rights and policies on social welfare, legal aid, employment, educational and vocational training, for persons with disabilities. However, the proportion of households with a person with a disability owning media devices is lower than those without a person with a disability, in particular: Television (87.7 per cent compared to 94.4 per cent); internet subscription (16.8 per cent compared to 30.9 per cent); computers (13.7 per cent versus 28.6 per cent) and telephones (84.7 per cent versus 96.2 per cent). The rate of persons without disabilities using the internet is 6.5 times higher than that of persons with disabilities (42.9 per cent versus 6.7 per cent) [2, p. 21].

In addition, communication on the rights of persons with disabilities and related policies are mainly conducted via loudspeakers, television programs, and training sessions. Sign language interpretation or other appropriate accessible channels are not available. The lack of appropriate means of communication for the dissemination of legal knowledge, combined with the limited access to media devices has prevented the vast majority of persons with auditory impairments, poor and near-poor persons with disabilities living in remote and disadvantaged areas from accessing necessary information. Therefore, the rights of these persons with disabilities are violated without their knowing, making them unable to protect their legal rights. Statistics show that violations of the rights of persons with disabilities were found in 97.7 per cent communes and wards, however, on average, only 16.1 persons with disabilities received legal aid in 2016 [2, p. 427]. Besides, only 2.3 per cent of communes and wards nationwide received complaints about violations of the rights of persons with disabilities. For these 24 complaints, only 6 cases have been resolved [2, p. 156]. It can be said that violations of disability rights in communes and wards are common, while only a small number of persons with

disabilities know about regulations responding to complaints and availability of legal aid to help them protect their rights.

## **Recommendations**

**Recommendation 5:** That the Government enhance communication efforts to disseminate legal information on the rights of persons with disabilities and policies applicable to persons with each type of impairment, especially those of poor and near-poor households or living in remote areas. Attention should be paid to the mode of communication to make sure that the content is accessible to persons with auditory impairments.

**Recommendation 6:** That the Government strengthen communication and awareness-raising efforts among families of persons with disabilities, employers, communities and wider society on the rights of persons with disabilities in all fields, with focus on rights to equality, and policies on anti-stigma and anti-discrimination against persons with disabilities. In particular, it is necessary to enhance the role of OPDs and women's unions in the abovementioned communication efforts.

**Recommendation 7:** That MOLISA strengthen capacity building activities and provide training to staff on contacting, consulting, and working with persons with disabilities, in addition to managing the number of persons with disabilities and providing monthly social welfare benefits.

**Recommendation 8:** That MOET amend and supplement teaching materials and methods to suit the learning style and capacity of children with disabilities and improve accessibility to school spaces. That provincial people's committees direct the inspection and review of educational facilities to identify facilities inaccessible to persons with disabilities within their jurisdiction and make plans for timely renovation and upgrade to meet relevant accessibility requirements; and prioritize budget for this activity. It is also recommended that the education sector enhance awareness, capacity, and skills for teachers and staff at all levels to teach children with disabilities.

**Recommendation 9:** That the Government consider imposing more stringent administrative sanctions against discrimination between workers with and without disabilities.<sup>5</sup> It is also recommended that the Government amend and supplement some current decrees on administrative sanctions related to discriminatory acts in the process

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<sup>5</sup>Clause 1, Article 9 of Decree No.144/2013/ND-CP regulates that any person who commits an act of stigmatizing and discriminating against persons with disabilities will be subject to a fine of between VND 3,000,000 and 5,000,000.

of recruitment and employment of workers with disabilities. Particularly, the Government should stipulate an appropriate level of sanctions against agencies, organizations, enterprises and individuals that employ people (collectively referred to as employers) that violate the rights of workers with disabilities in the process of recruitment and employment of workers with disabilities.<sup>6</sup>

**Recommendation 10:** That the State promote the development of groups and clubs of persons with disabilities in order to promote the participation of persons with disabilities and their families in social activities. This should help increase opportunities for social interaction, exchange and sharing among persons with disabilities and their families and improve the ability to identify stigma and provide measures to handle stigma and discrimination against persons with disabilities. *Further information on this recommendation can be found in Priority issue 10.*

### **Priority issue 3: Communication on awareness on disability-related issues**

#### **12. The images of persons with disabilities are mainly depicted as recipients of charity or extraordinary persons**

The VFD's 2016 Field Report shows that 58.2 per cent of the survey respondents said that persons with disabilities are being depicted by the media as role models with extraordinary achievements. On the other hand, they can be portrayed as victims of tragedies so that they always need help or are a burden for their families and communities. For example, if one searches on Google for the phrase “chồng què nuôi vợ” [crippled husband taking care of his wife], about 155,000 results appear within 0.45 seconds. However, persons with disabilities want to be perceived as respectable, independent, and capable as persons without disabilities.

#### **13. Gaps in information access between persons with disabilities and people without disabilities persist.**

According to the 2016 VFD's Report on the Group of Persons with Intellectual and Psychosocial Disabilities, when asked about local communication activities, 28 per cent of respondents said that they have never seen any communication about the rights of persons with disabilities in their localities, 40 per cent reported that they have sometimes seen those communications. The proportion of persons with disabilities

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<sup>6</sup>Specifically, it is necessary to study to amend and supplement relevant sanctions in Decree 144/2013/ND-CP; Decree 95/2013/ND-CP; Decree No. 88/2017/ND-CP.

having access to televisions, computers or internet connections is often lower than that of persons without disabilities [2, p. 134].

**Bảng/Table 12.3: Tỷ lệ dân số sống trong hộ có đài, tivi, máy tính, thuê bao internet và điện thoại/ Percentage of population living in household have radio, television, computers, internet subscribe and telephones by disability**

Đơn vị/ Unit: %

	Người khuyết tật <i>PWD</i>	Người không khuyết tật <i>PWOD</i>
Đài ra-di-ô/ <i>Radio</i>	12,3	10,9
Tivi/ <i>TV</i>	87,7	94,4
Thuê bao Internet/ <i>Internet subscribe</i>	16,2	32,0
Máy vi tính/ <i>Computer</i>	13,7	28,6
Điện thoại di động/ <i>Mobile phone</i>	84,7	96,2
Điện thoại để bàn/ <i>Landline</i>	9,9	10,7

The lack of means and devices for communication will prevent persons with disabilities from accessing social information, including information on their rights. Moreover, there is a possibility that persons with disabilities are isolated or marginalized from the development of society, especially those in poor and near-poor households.

## Recommendations

**Recommendation 11:** Strengthen the depictions of persons with disabilities in the media, focus on adopting a rights-based, equal, and positive approach and recognizing the contribution of persons with disabilities in all fields, including sports, cultural, and socio-economic domains.

**Recommendation 12:** That local authorities direct, engage, and cooperate with organizations of and for persons with disabilities to communicate and raise awareness with the wider community on such issues as: (i) that legal documents related to rights of persons with disabilities should follow the principles of non-discrimination and fair treatment; (ii) Information on available support services or support models for persons with disabilities at all levels; (iii) The challenges and difficulties faced by persons with disabilities and their needs and desires.

**Recommendation 13:** That communication channels be accessible by persons of all types of impairments. Specifically, key news reports on all national television channels should have sign language interpretation and Vietnamese subtitles for people with auditory impairments and the elderly with hearing loss.

## Priority issue 4: Access to transportation, to the physical environment, to justice and to information and communication

### Access to transportation

14. Vietnamese law has witnessed numerous positive changes in access to public transport for persons with disabilities with the adoption of policies, including the enactment of a roadmap on construction and renovation toward accessible transportation facilities and means of transport for persons with disabilities; exemption and reduction of fares and other priorities in transportation; provision of information and support staff; and the application of administrative measures (penalties) on traffic-related violations against persons with disabilities.<sup>7</sup> However, despite the fairly comprehensive regulations, overall, the implementation of policies on accessible transportation is still inadequate, resulting in various barriers faced by persons with disabilities when using public transport.
15. **Road transport:** Public transport vehicles are not always accessible to persons with disabilities. Up to now, accessibility norms and standards issued by the State are only applicable to urban passenger vehicles (buses) but are not yet mandatory to other means of public passenger transport vehicles such as taxis, and fixed-route passenger vehicles. As of December 2019, in Hanoi alone, there were 584 buses designed for wheelchair users, 243 vehicles with wheelchair ramps, 159 buses with a LED destination display board connected to the audio destination alert system and surveillance camera [4]. Although the National Technical Regulation 10:2014 on Construction for Persons with disability to Access to Buildings and Facilities has been issued, so far only a few roads and sidewalks meet the standards while most of the sidewalks do not have paving block paths or tactile pavings, are deteriorated, bumpy or occupied as a place for motorbike parking or trading. Bus stations and bus stops have not been designed in a uniform manner and in accordance with standards, instead, most of them are designed in a way that makes use of the actual topography of each location[5]. Several provinces, including Cao Bang, Bac Kan, Quang Nam, Thua Thien Hue, have not yet guided transport enterprises to implement the policy of exemption and concession of public transport fares for persons with disabilities.

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<sup>7</sup>The 2010 Law on Persons with Disabilities, the 2008 Law on Road Traffic, the Law on Civil Aviation issued on 2006 and amended in 2014, Decision 1019/QĐ-TTg approving the National Scheme for Assistance to Persons with Disability period 2012-2020, Decision 1100/QĐ-TTg approving the National Plan for implementation of the CRPD and other guiding documents.

16. **Rail transport:** As of 2017, the railway industry has 310 locomotives, 5903 coaches (1043 passenger coaches) but there is only 01 coach accessible to persons with disabilities (which is currently not in use and is parked at Hai Phong station). Passenger coaches do not have priority seats for persons with disabilities. Moreover, narrow doors and high steps have made coaches inaccessible for wheelchair users. Most passenger coaches do not have electronic information boards but only audio information systems, creating a challenge for persons with auditory impairments to recognize their destination. Stations are barely accessible to persons with disabilities, due to the lack of ramps leading to the stations' main halls (Hanoi station and Ho Chi Minh City station); the absence of waiting or reception areas designated exclusively for persons with disabilities; no paving block paths for persons with visual impairments, no information boards for persons with auditory impairments; and no equipment to assist persons with disabilities to board the train, apart from the help from staff in the station and on the train [5].

17. **Air transport:** There are 21 civil airports operating nationwide, including 11 international airports and 10 domestic airports. However, only a few major airports such as Noi Bai, Da Nang, Nha Trang, Ho Chi Minh City, Phu Quoc, Can Tho and Nghe An (secondary airport) have wheelchair stairlifts, forklift trucks or a passenger boarding bridge to support persons with disabilities during boarding and disembarkation. Some airports which do not have disability support equipment or services even ask passengers to sign a disclaimer, in which passengers waive their rights to complaint and claims if an accident were to occur. Furthermore, even when passengers use special assistance services, some airlines (including VietJet Air, Jetstar and Pacific Airline) still ask them to sign a disclaimer agreement. The abovementioned requirements have caused difficulties and inequalities for persons with disabilities using aviation services. In terms of airport infrastructure, no airports have tactile pavings to support persons with disabilities, nor high contrast marking lines for persons with low vision. Moreover, even though most of the planes are designed in accordance with international standards, some planes on domestic routes have seats and doors renovated and have become inaccessible to persons with disabilities.[5]

### **Access to buildings and facilities**

18. Viet Nam has issued a technical regulation on construction for disability access to buildings and facilities. However, the number of accessible public facilities is still limited. According to the Field Report, 61.2 per cent of persons with disabilities participating in the study answered that they had difficulty accessing the physical

environment at the workplace; 51.9 per cent had difficulty in accessing public facilities and health facilities and up to 46.8 per cent of the respondents said that they had difficulty in accessing their own living place every day. The statistics in this Field Report also show that in Viet Nam, only 22.6 per cent of medical facilities, 20.8 per cent of educational facilities, 13.2 per cent of exhibitions and galleries, 11.3 per cent of conference centres and office buildings, 5.7 per cent of supermarkets, 3.8 per cent of gymnasiums, post offices, stations, border gates, 7.5 per cent of nursing homes, retirement clubs and 2 per cent of banks are accessible to persons with disabilities. Notably, at the community level, only 16.9 per cent of health stations are designed in accordance with accessibility technical regulations [2, p. 159]. Given the current situations, it seems basically impossible to meet the target stated in the roadmap specified in Article 40 of the 2010 Law on Persons with Disabilities.

### **Access to information and communication**

19. Vietnamese legislation related to the right to information for persons with disabilities has been improved over time. In addition to the provisions in Article 43 of the 2010 Law on Persons with Disabilities, the Law on Legal Popularization and Education, and especially the 2016 Law on Access to Information (effective on July 1, 2018) have quite comprehensively addressed the right to access information for persons with disabilities: *“The State creates favourable conditions for people with disabilities ... to exercise their right to access information”*. However, Decree No. 13/2018/ND-CP stipulates that it must be based on the actual conditions of state agencies. This means that the Decree has loosened the requirement on ensuring access to information for persons with disabilities, which has been regulated in the Law on Access to Information.
20. Viet Nam has a variety of types of media providing written, video and audio content, with 850 licensed print and electronic newspapers.<sup>8</sup> In these public channels, information is mainly provided via television, community loud speakers, and radio, which is usually not accessible to persons with auditory impairments.<sup>9</sup> By the end of 2019, television programmes with sign language interpretation were only available on a few channels, including VTV2 National television channel (only at News programmes replayed at 22:00 in VTV1), HTV9, People's TV channel (“Thấp sáng

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<sup>8</sup> <http://m.antoanthongtin.vn/chinh-tri---xa-hoi/hoi-nghi-bao-chi-toan-quoc-tong-ket-nam-2019-trien-khai-nhiem-vu-nam-2020-105734>

niềm tin” [Lighten up the faith] programme), the “Cuộc sống vẫn tươi đẹp” [Life is still beautiful] programme broadcasted in VTV4 – the Foreign Affairs channel of Viet Nam Television. Among 2 national stations, 64 local stations, 5 TV channels, a total of 87 radio channels and 193 TV channels <sup>10</sup>, only a few programmes have Vietnamese subtitles. Most of the websites of ministries and ministerial-level agencies have not applied software to support people with visual impairments to access information, except for the website of the Ministry of Information and Communication. Therefore, persons with disabilities, especially those with auditory and visual impairments, are facing significant barriers in accessing information, which can directly affect their rights.

## **Recommendations**

**Recommendation 14:** That the State promulgate technical regulations and standards in line with universal design principles to ensure accessibility for persons with disabilities..

**Recommendation 15:** That the Ministry of Construction and the Ministry of Transport review, inspect and evaluate the current situation of improving and upgrading public works, transport infrastructure, means of transport according to national technical regulations on accessibility and use by persons with disabilities; report to the National Committee on People with Disabilities to take measures to accelerate activities to meet the requirements specified in Articles 40, 41, 42 of the 2010 Law on Persons with Disabilities and other relevant regulations.

**Recommendation 16:** That the Government, the Ministry of Finance, provincial people's councils and people's committees allocate annual central and local budgets to renovate and upgrade public works and transportation infrastructure built before 2010 towards universal design, and put this work as a priority.

**Recommendation 17:** That the Government and the Ministry of Transport strengthen training and communication activities to further disseminate accessible construction codes and technical regulations; enhance the communication and dissemination of regulations related to the rights of persons with disabilities, support and preferential treatment regimes for persons with disabilities in the transport sector to transport service enterprises. It is also recommended that local monitoring committees strengthen

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Ibid<sup>10</sup>

their efforts on monitoring accessibility, in which OPDs take the leading role and fully participate in provincial/municipal committees on persons with disabilities.

**Recommendation 18:** That the National Committee on Disability (NCD) set up a hotline to receive feedback related to persons with disabilities, with special priority given to access to construction works, public transport in provinces. The hotline should be accessible to persons with disabilities of all types, and from various localities. .

**Recommendation 19:** That the Government issue regulations on administrative sanctions in cases when agencies, organizations and individuals that manage and operate bus stations, roadside stations, or provide passenger transportation services, fail to or improperly implement the roadmap to renovate and upgrade vehicles, bus stations and roadside stations to ensure accessibility for persons with disabilities. Moreover, it is necessary to raise the sanctions to be more of a deterrent for cases of failed or improper implementation of regulations on support for persons with disabilities and regulations on exemption and reduction of tickets for persons with disabilities using transport services.<sup>11</sup>

**Recommendation 20:** That the National Assembly amend and supplement the provisions of Article 43 of the 2010 Law on Persons with Disabilities to be more in line with the 2016 Law on Access to Information and other relevant laws. In particular, the Law should affirm that: *“People with disabilities have the right to access information directly related to their legal rights and interests and other legitimate information in accordance with the legislation on access to information and other relevant laws.”*

**Recommendation 21:** That the Government abolish the provision stipulated in Decree No. 13/2018/ND-CP, that the form of providing information is suitable with the actual conditions of the agencies. It is also recommended that the Government make it compulsory for agencies to ensure favourable conditions for persons with disabilities to access information, instead of resorting to ‘unfavourable conditions’ for explaining their failure in implementing the rights to access information for persons with disabilities.

**Recommendation 22:** That the State and the Government develop a roadmap or specific strategy to build an online portal accessible to persons with disabilities; strengthen the capacity on suitable communication skills for each type of impairment

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<sup>11</sup> For example: It is recommended to raise the fines stipulated in Point a, Clause 6, Article 31 of Decree No. 46/2016/ND-CP on handling administrative violations in road and rail transport domains (currently, the fine is VND 50,000 to 60,000 for the act of not assisting disability passengers).

for officials who are in charge of information dissemination. Braille-printed materials should be available, as it is the most practical action to increase access to information at the moment, especially when the 2016 Law on Access to Information has come into effect.

**Recommendation 23:** That websites of state agencies consistently apply standards and technologies introduced in Circular No.28/2009/TT-BTTTT and Circular No. 32/2017/TT-BTTTT of the Ministry of Information and Communications to support persons with disabilities in accessing and using ICT.

**Recommendation 24:** That the State provide incentives to encourage telecommunications corporations and businesses, and relevant agencies, organizations, and individuals to further research, invest, and apply modern and new technologies on communication to better serve persons with disabilities.

**Recommendation 25:** That television channels provide sign language interpretation. It is imperative to have sign language interpretation on VTV1 news channel broadcast at the prime time of 19:00 to enhance access to information for persons with auditory impairments.

#### **Priority issue 5: Education and training for persons with disabilities**

21. Viet Nam has issued numerous policies on education for persons with disabilities, such as the Law on Education, the 2010 Law on Persons with Disabilities and multiple circulars pertaining to education for persons with disabilities. Among those, the Law on Education stipulates that children with disabilities have the right to access all types of education. However, the current legislation does not have specific provisions on the State's obligation to "ensure an inclusive education system at all levels and lifelong learning" as defined by the UNCRPD.
22. Viet Nam identifies inclusive education as the main approach to promote the right to education for children with disabilities, in addition to a specialized education system to ensure the right to education for every person with disabilities. In the survey of persons with disabilities aged 5-24 attending school, 91.6 per cent of them are studying in inclusive schools - where persons with and without disabilities study together [2, p. 221]. Consultations with parents, children and teachers who have been participating in inclusive education show that 91.8 per cent of respondents agreed that inclusive education helps children with disabilities to enjoy equal access to education like all other children [6, p. 53].

23. However, the 2010 Law on Persons with Disabilities still classifies disability according to six types, including five main types and one category. This classification system unintentionally makes a person with a type of impairment that is not directly mentioned in the Law (such as autism) less likely to benefit from supportive policies of the State and the education sector when he/she participates in educational activities.<sup>12</sup>
24. In fact, the literacy rate of persons with disabilities is low (74.4 per cent) compared to the national literacy rate (92.68 per cent) and that of persons without disabilities (94.31 per cent). The literacy rate of women with disabilities (69.8 per cent) is also lower than that of men with disabilities (81.6 per cent) and persons with disabilities in rural areas (72.5 per cent) have a lower literacy rate compared to those living in urban areas (80.2 per cent) [2, p. 217].
25. Educational attainment of persons with disabilities is lower than the national average. People with disabilities accounting for 7.06 per cent of the population aged 2 and over, while persons with disabilities account for 15.37 per cent of those who have not completed primary education. [2, p. 180]. Among persons with disabilities aged 5 years and older, more than half of them have not completed primary school. This number is a clear indication of limited learning opportunities for persons with disabilities. It is worth noting that the difference between the rates of persons with disabilities completing primary, lower secondary and upper secondary school is significant, demonstrating the difficulty for persons with disabilities to access higher education levels [2, p. 227].

	Total	Under primary level	Primary level	Lower secondary level	Upper secondary level	Vocational education, mid-level professional training	College, Higher education and above
The proportion of persons with disabilities aged 5 and above by the highest level of education attained	100%	54.74	23.41	14.82	3.68	1.26	2.09
The proportion of persons without disabilities aged 5 and above by the highest level of education attained	100%	23.79	26.31	25.66	10.62	3.85	9.75

Gender inequality is also reflected in the disparity in educational attainment between men with disabilities and women with disabilities; in particular, the rates of women

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Article 3 the 2010 Law on Persons with Disabilities<sup>12</sup>

with disabilities completing any educational level is always lower than that of men with disabilities, for example, the rate of men with disabilities completing upper secondary level, and college and above are 5.62 per cent and 3.39 per cent; while those rates in women are 2.4 per cent and 1.2 per cent respectively (among the total number of male and female persons with disabilities respectively). [2, pp. 227, 229].

26. Statistics and data on the rates of persons with disabilities attending school by educational level and by type of impairment are not collected consistently among localities, which poses a challenge for management and planning activities. According to the Report of the NCD in 2017, the total number of children with disabilities attending primary school (2016 - 2017) was 56,802; while there was no data on the number of children with disabilities at the corresponding age [7]. While according to the Viet Nam National Survey on People with Disabilities 2016 (VDS2016), the overall primary school enrolment rate for children with disabilities was 88.4 per cent.
27. Data from several local surveys also indicate that many children with disabilities are out of school [8]. For the group of children with intellectual and psychosocial disabilities, only 9 per cent of children in the surveyed area in Da Nang city and Thua Thien Hue province are attending school, and 59 per cent of them have already attended school and are currently dropping out [9]. Among persons with disabilities who have attended school, the Field Report on adults with disabilities shows that 53.7 per cent had dropped out of school, and among those attending school, 64.5 per cent have difficulties related to their disability.
28. Regarding the reasons for dropping out of schools, the 2016 Field Report shows that access to school is considered one of the main reasons (60.7 per cent of schools lack ramps, elevators and accommodating toilets) [10] and school conditions are not suitable for persons with disabilities (29.2 per cent). People with disabilities themselves are not confident (50 per cent); and they have difficulty in acquiring knowledge due to their disability (29.6 per cent). Another reason is that their families cannot afford schooling (52 per cent). In addition, many parents, and families of children with disabilities, especially children with severe disabilities, have not yet had proper awareness of the rights and learning abilities of children with disabilities. At school, children with disabilities are ridiculed, teased, shunned, or disrespected by their friends (38.5 per cent). Some schools tend not to accept children with severe disabilities on the grounds that they do not have a caregiver [8, p. 8]. Some teachers still have behaviours that make children feel discriminated against and affect their desire to go to school [8, p. 9].

29. The lack of data and specific assessment of children with severe disabilities in educational facilities make it difficult to analyse perceptions about this group of children. The 2010 Law on Persons with Disabilities provides for education modalities, including inclusive education, semi-inclusive education, and specialized education. However, while inclusive education is encouraged, other modalities such as semi-inclusive and specialized education have not received adequate investment; neither are other flexible forms of community-based education such as distance education, home education, or community education promoted [10, p. 23] [11, p. 39].
30. Conditions for quality education are still limited due to the lack of teachers with knowledge and methods of teaching children with disabilities in both quantity and quality [12]. Most inclusive education schools do not have teachers or support staff for children with disabilities, especially children with auditory impairments and autistic children, therefore teaching methods applied by classroom teachers are not appropriate for these children. As a result, many children have difficulty learning and drop out of school halfway through, or they go to class without actually being taught by their teachers. Supporting policies and allowances for teachers who directly teach children has only been implemented in a few localities.<sup>13</sup>
31. The system of provincial support centres for inclusive education - a solution to improve the quality of inclusive education - has not been widely developed nationwide. According to a report at the Policy Dialogue Workshop of the Ministry of Education and Training in 2018, there are only 20 support centres for inclusive education nationwide. Teachers or supporting staff at schools have not been trained and appointed as public employees. Although the Ministry of Education and Training has established provincial inclusive education steering committees, the effectiveness of those committees are not yet assessed.
32. Children with disabilities also have difficulty in making school trips, especially for those in rural and mountainous areas, as village roads are often narrow and alongside the paddy fields.
33. Schools' physical access greatly affects the schooling of children with disabilities (accounting for 60 per cent of the reasons for dropping out of school as analysed above). According to UNICEF, one of the main causes of children with disabilities not attending school is lack of access to schools, as well as obstacles in making school trips. According to the School Accessibility Survey Report, 12 schools surveyed in three

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<sup>13</sup>Article 29 of the 2010 Law on Persons with Disabilities and Decree 28/2012/ND-CP

provinces have not had a universal design to ensure access for students with disabilities [13, p. 5]. Even worse, new buildings do not follow the National Technical Regulation on Construction for Access for persons with disability (QCVN 10:2014/BXD).

34. Although classrooms and function rooms are fully equipped in most schools, inclusive schools are lacking access equipment for students with disabilities, especially for those with physical disabilities. Most of the schools in the survey areas are using tables with attached chairs, which do not allow height adjustment. In some schools, even when the furniture is detached and can be arranged for students with disabilities, all tables and chairs are not height-adjustable, thus unusable for students in wheelchairs. [13, p. 5].
35. Specialized learning equipment such as materials in Braille, visual and motor aids, sign language books and videos with sign language for children with auditory impairments have not been managed and monitored in a systematic manner. As there is no mandatory list of required equipment, the provision and management of specialized supportive equipment for children with disabilities remains inadequate, leading to a lack of basic equipment to ensure quality education for children with disabilities.
36. Application of IT in formal education activities is not yet promoted, even when research shows that IT can positively support children with special disabilities and with specific ways of communication. People with vision and auditory impairments need IT support to access learning materials at higher levels of education.

## **Recommendations**

**Recommendation 26:** That the State and the Government enact regulations (and relevant monitoring mechanisms) to ensure that education facilities deliver quality inclusive education at all levels so that persons with disabilities can access education on an equal basis with others; and statistics tracking should not be limited to only the number of children entering school.

**Recommendation 27:** That the State and the Government expand other flexible educational models in the community such as distance education, home education, and community-based education in parallel with existing models, in order to facilitate access to education of children with different types and degrees of impairments, especially those with severe and very severe disabilities.

**Recommendation 28:** That the Government and related ministries develop a uniform statistical system to track the data of school-age persons with disabilities by quantity and impairment type. This work can inform the planning, budgeting, and resource

allocation to support the education of children with disabilities in a more effective and efficient manner.

**Recommendation 29:** That the Government, the Ministry of Finance, and the MOET include an annual budget for education programs for children with disabilities within socio-economic development plans. Funding should be allocated to supporting staff, supporting centres, capacity building programs for teachers and administrators, and activities directly supporting children at school and from home to school. In particular, each year the education sector should allocate a budget to purchase equipment; issue a minimum list of equipment, supplies, educational materials and specialized materials for the education of children with disabilities; and develop reference books and instruction manuals for each type of impairment so that teachers and parents can better support children's learning.

**Recommendation 30:** That the MOET further promote the role of central and local inclusive education steering committees, so that they can act as the focal point between the MOET and other relevant ministries, and handle issues related to education for persons with disabilities at their respective levels.

**Recommendation 31:** That the MOET ensure that teachers are trained with teaching methods appropriate for children with disabilities; and allocate and develop a cohort of qualified teachers and supporting staff for a variety of impairment types, and social workers to support persons with disabilities in educational facilities.

**Recommendation 32:** That the Government, local people's committees, and people's councils further develop support centres for inclusive education at all levels and disability education boards at schools, to promote the quality of education for persons with disabilities and to improve school attendance and reduce drop-out rates of persons with disabilities. It is recommended that local governments ensure that inclusive education supporting systems including centres, schools, and communities are established and operated effectively; and ensure a regular budget for related activities.

**Recommendation 33:** That the MOET conduct an accessibility assessment of the entire system of schools and education facilities according to QCVN 10:2014/BXD. Then the Government and local authorities should ensure that existing buildings are adjusted and renovated, and new buildings are monitored, to ensure standard access for persons with disabilities. It is also recommended that the State allocate a budget for these adjustment activities to ensure accessibility.

**Recommendation 35:** That the Government increase investment in scientific and technical research on the best approaches to support education for persons with disabilities. That the Government provide incentives to businesses manufacturing and trading specialized equipment and materials to support the education of children with disabilities. That the MOET and professional establishments (research institutes, universities, and colleges) strengthen the research and application of IT applications to improve the quality of education for persons with auditory, visual and intellectual impairments.

**Recommendation 36:** That the government organize programs to raise awareness and knowledge of the parents of children with disabilities and other parents at schools about educating children with disabilities. It is also recommended that universities and colleges enhance their awareness to better implement current regulations on supporting students with disabilities (in the process of enrolment, study, study materials, and scientific research support, etc.).

#### **Priority issue 6: Health care for persons with disabilities**

##### ***Overlapping and unequal health insurance system and inadequate protection of rights to special medical services***

37. Health insurance coverage among persons with disabilities is higher than that of people without disabilities (90.1 per cent compared to 80.1 per cent) thanks to the benefits that persons with disabilities receive from several Government programs. This positively demonstrates the Government's efforts in providing health insurance for persons with disabilities [2, p. 260]. However, the number of persons with disabilities who really benefit from health insurance policies is limited. According to the 2009 Law on Health Insurance, the Law on Health Insurance amended and supplemented in 2014, and the 2010 Law on Persons with Disabilities, only persons with severe and very severe disabilities are provided with free health insurance cards and are fully reimbursed for medical examination and treatment expenses. By 2017, there were 912,327 persons with severe disabilities granted with health insurance cards in accordance with the provisions of Decree No. 28/2012/ND-CP and over 170,000 persons with mild disabilities belonging to poor households, near-poor households, and social policy households with health insurance cards (equal to 18.6 per cent of the group of persons with severe disabilities) [7]. It can be seen that a person with a mild disability who is not a social welfare beneficiary, is unlikely to have any priority in terms of health insurance policies. Meanwhile, the low employment rate of persons with disabilities

indicates that only a small portion of persons with mild disabilities can benefit from the mandatory employment-based health insurance, which is partially sponsored by employers. In other words, an unemployed person with mild disabilities who wishes to join a voluntary health insurance scheme (without any support) has to pay around 804,600 VND/year (accounting for 20 per cent of the national average monthly income per capita) [14]). Persons with mild disabilities are also not able to access any monthly social allowance. Meanwhile, the proportion of persons with disabilities who were sick, injured or have used medical services was 91.5 per cent - nearly 20 per cent higher than persons without disabilities [2, p. 239]. Low standard of living, high medical expenses (especially long-term treatment ones) and lack of insurance coverage are the main reasons preventing persons with mild disabilities from enjoying the same access to health care services as others.

38. For persons with severe and very severe disabilities, full reimbursement is only applied to basic services while leaving high-tech services or special equipment for persons with disabilities non-reimbursable.<sup>14</sup> Specifically, rehabilitation orthopaedic appliances such as prosthetic limbs, hearing aids, and mobility aids used in medical examinations and treatment and rehabilitation - which are greatly necessary for persons with disabilities to participate in the society - are on ***the list of non-reimbursable items under the health insurance scheme***<sup>15,16</sup> Psychological intervention services for persons with intellectual and psychosocial disabilities are also not covered by health insurance. For this reason, even though persons with intellectual and mental disabilities are provided with free health insurance cards, they still have to pay for psychological and social support services for a long period, even a lifetime. Moreover, persons with psychosocial disabilities need long-term treatment, but the health insurance scheme only covers hospital expenses if the patient is hospitalized for 24 hours a day, or for inpatient day care if the patient goes to a traditional medicine medical examination and treatment facility. Either way, this regulation requires the patient to stay all day or overnight in hospital, creating a barrier for persons with intellectual and psychosocial disabilities to get the treatment and integrate into the community at the same time. It also reduces the use of psychosocial support services by persons with intellectual and psychosocial disabilities, thus affecting the effectiveness of treatment and rehabilitation.

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<sup>14</sup>Circular 35/2016/TT-BYT, Circular 50/2017/TT-BYT, Circular 37/2018/TT-BYT

<sup>15</sup>Article 23 of the 2009 Law on Health Insurance, amended and supplemented in 2014

<sup>16</sup>According to the 2016 National Disability Survey, nearly 6% of adults have difficulty walking without assistive tools, this figure drops to 1.46% for those with assistive tools.

39. It is worth noting that even when a person with a disability already has a free health insurance card as a benefit provided to persons with disabilities, he/she still has to buy the employment-based insurance when he/she is working. Accordingly, he/she has two health insurance cards as he/she belongs to two different subjects. This overlapping affects the benefits and the right to health care of persons with disabilities, and also makes it difficult to manage the insured.<sup>17</sup>

***Persons with disabilities do not have adequate and appropriate access to health care services, including access to physical environment and to other support services***

40. People with disabilities covered with health insurance can only enjoy its benefits when health facilities are equipped with appropriate equipment, supporting services and well-trained health workers. In fact, only 16.9 per cent of the health stations are designed in accordance with accessibility technical regulations. Of which, only 22.4 per cent of health stations have accommodating sanitary facilities, about 41.7 per cent of medical stations have access paths and ramps for persons with disabilities [2, p. 159]. Persons with visual and auditory impairments still have difficulty hearing or seeing the queuing numbers, while health facilities do not have display boards and loudspeakers to notify persons with disabilities. Other barriers they face are the lack of documents in braille for persons with visual impairments or sign language interpreters for persons with auditory impairments to facilitate communication during medical examination and treatment. Although the number of hospitals with sign language interpretation for persons with auditory impairments in 2017 increased by 10 per cent compared to 2016 [7, p. 17], these hospitals are mainly located in big cities and are still far under demand.

41. The number of health officials and workers trained with knowledge about persons with disabilities is also extremely low, and they lack experience in communicating with persons with cognitive or behavioural difficulties. On average, each health station has less than one health worker trained with rehabilitation services. Nationwide, 12.6 per cent of commune or ward health station workers have been trained on rehabilitation, meaning that only one out of eight health workers in a commune or ward station has been trained in rehabilitation for persons with disabilities [2, p. 160].

***Resources for in-depth rehabilitation programs and techniques and services are inadequate and limited, and are not widely known to persons with disabilities***

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Articles 12, 13 of the 2009 Law on Health Insurance, amended and supplemented in 2014<sup>17</sup>

42. Nationwide, 57.3 per cent of health stations have rehabilitation programs, 90 per cent of health stations provide information on disability care, and 88.3 per cent of health stations have documentation to track the persons with disabilities. However, the number of persons with disabilities using rehabilitation services at health stations is very small. That means that even though 90 per cent of communes, wards and towns have measures to address health problems of persons with disabilities, there are still many persons with disabilities who do not have access to rehabilitation services for mobility improvement. [2, p. 158].
43. Rehabilitation and orthopaedic surgery services are not popular among persons with disabilities. In 2016, the number of persons with disabilities using rehabilitation services only accounted for 2.3 per cent, and those using orthopaedic surgery services only accounted for 1.0 per cent among all persons with disabilities [2, p. 254]. Persons who have a higher standard of living use rehabilitation services and therapies.. This is partly due to the fact that assistive equipment, rehabilitation equipment and orthopaedic devices that are usually not affordable to many persons with disabilities, are not covered by the health insurance scheme. The proportion of persons with disabilities going to rehabilitation facilities is also very limited, only accounting for 1.2 per cent of the total number of people visiting such facilities in 2016. This rate was similar among urban and rural areas as well as across regions.
44. Specialized rehabilitation training is inadequate and underdeveloped. There are four groups of rehabilitation therapies, namely physiotherapy, occupational therapy, speech therapy, and psychotherapy, but currently the MOET's Standard Curriculum Framework for Health Sciences Education at University Level only provide a standard curriculum framework for Physiotherapy. Other specialized therapies such as occupational therapy and speech therapy are just integrated into some lessons in the physiotherapy training programs at some schools such as the Hai Duong Medical Technology University, Da Nang University of Medicine and Pharmacy and Ho Chi Minh City University of Medicine and Pharmacy, among others.<sup>18</sup> This integration is also not continuous but is decided year by year. There is no general training program, nor a professional training system at all levels.<sup>19</sup> This leads to a lack of consistency in training standards and practices, making it difficult to apply for a practice licence,

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<sup>18</sup>Circular 01/2012/TT-BGDĐT Standard Curriculum Framework for Health Sciences Education at University Level, issued by the Minister of Education and Training<sup>18</sup>

<sup>19</sup> <https://kcb.vn/hoi-thao-phat-trien-dao-tao-hoat-dong-tri-lieu-tai-viet-nam.html>

limiting job opportunities and affecting the professional development of these specialized therapies.

45. Human resources for intensive rehabilitation services are limited and not standardized. Rehabilitation and therapy disciplines have been included in bachelor training programs of many higher education institutions; however, these training programs mostly focus on physiotherapy - one of the specialized therapies in the rehabilitation domain. There is no official data on the number of specialized rehabilitation doctors and rehabilitation technicians by groups of therapies. There are 12 universities which offer university-affiliated Master's programs in Physiotherapy (or higher level), while since 2017, there have been only 50 bachelor students trained in occupational therapy, about 2,000 people have received short-term training in speech therapy (4 days, 3 months, or 6 months) and there are about 300 orthopaedic technicians. 66.7 per cent of hospitals and schools stated that they need at least three additional speech therapists to meet current service needs [15].

***Reproductive health services and information for persons with disabilities are not yet accessible to all types of impairments***

46. In 2011, the Government issued the National Strategy on Population and Reproductive Health for the period 2011 - 2020, in which improving reproductive health for specific population groups (including persons with disabilities) is one of the major goals. This Strategy targeted increasing the access to reproductive health care services for specific groups to 50 per cent by 2020. However, data on the rate of access to reproductive health care services for those groups are not available, so there is no baseline to assess this indicator [16].
47. The proportion of persons with disabilities accessing sexual and reproductive health care information and programs is modest. According to the Study on Ending Discrimination - Views and Assessment of People with Disabilities, 78 per cent of persons with disabilities have never been examined or counselled about sexual health and 76 per cent have never been examined or counselled about reproductive health. One of the reasons for this situation is that persons with disabilities cannot access health facilities, mainly due to barriers to access to services as mentioned above.

***Health care for persons with psychosocial disabilities***

48. The Government has made great efforts to issue legal documents to protect the rights of persons with disabilities, including those with intellectual and psychosocial disabilities; however, enforcement has been inadequate. The 2014 Healthcare Sector

Overview Report pointed out challenges in implementing the National Target Program. One of them is the inadequate implementation of Viet Nam's mental health policies and the lack of a long-term vision [17, p. 224]. So far, Viet Nam has not yet adopted a law on mental health in general and legal regulations on mental health of children in particular. The National Mental Health program focuses mainly on schizophrenia, epilepsy and partly on the treatment of depression. As the result, only treatment regimens for these disorders are available, while other common psychiatric disorders are missed out, and special groups such as children, adolescents, pregnant women, mothers, people in prisons, and persons with post-disaster mental disorders have not yet received adequate attention.

49. The Government has improved access to mental health services and allocated budget to develop mental health human resources including psychiatrists, psychiatric nurses, clinical psychologists, and social workers. However, training programs for clinical psychologists and social workers have just started, thus the human resources are inadequate to meet the needs of persons with intellectual and psychosocial disabilities in the community. Most psychiatrists are working in provincial specialized hospitals, limiting the access to services for persons with intellectual and psychosocial disabilities in rural areas [9, p. 21]. Mental health care services for persons with intellectual and psychosocial disabilities (those requiring pharmacotherapy, behavioural intervention, and speech education) are not consistent across localities. Some groups of persons with schizophrenia receive free drugs in the community twice a month under the National Target Program on Mental Health for the period 2016-2025, and this is the only community-based treatment available for persons with psychosocial disabilities. In reality, these drugs are not always available.

### **Issues related to health care for children with disabilities**

50. Medical expertise and equipment for early detection and timely intervention with children with disabilities is inadequate and not available at all district and provincial levels [8]. Early detection and intervention services are mainly available in big cities or in project areas of NGOs' programs. Parents of children with disabilities are not usually provided with timely knowledge of early detection and early intervention, thus many of them have resorted to unproven therapies. This practice can delay early intervention for children with disabilities and limit their chances of early recovery.

51. Lack of standard screening and assessment tools for children with psychosocial disabilities also leads to the use of different tools and resorting to intuition, which negatively affects the determination of an appropriate level of interventions.

## **Recommendations**

**Recommendation 37:** That the Government revise the 2014 Law on Health Insurance and related policies to: (i) expand the beneficiaries of free health insurance cards to include persons with mild disabilities, ensuring that all persons with disabilities have equal access to health insurance; (ii) expand the coverage of the health insurance scheme so that persons with severe and very severe disabilities can be covered when using assistive devices, orthopaedic devices and high-tech services during medical examination and treatment, and rehabilitation; (iii) expand the list of medical supplies and medical equipment covered by the health insurance scheme (health insurance payment is calculated based on either cost proportion or price ceiling) to include orthopaedic aids and rehabilitation equipment such as glasses for persons with visual impairments; hearing aids, cochlear implants for persons with auditory impairments; prosthetics and relevant drugs for persons with psychosocial disabilities,.; (iv) amend regulations so that employees with disabilities who are entitled to free health insurance card under relevant policies are exempted from employment-based insurance premiums.

**Recommendation 38:** That the Government, the Ministry of Health, and other relevant ministries review and issue documents that require health facilities (both public and private) to deliver or have a roadmap to deliver equal and appropriate health care and rehabilitation for persons with disabilities, including the arrangement of personnel to assist persons with disabilities, provision of access to facilities and medical equipment, or measures to ensure that persons with disabilities have access to relevant health information (such as having sign language staff or sign language interpretation services available, etc.).

**Recommendation 39:** That the Government and the Ministry of Health promote and develop new community-based rehabilitation programs and local rehabilitation services, especially for children with disabilities and groups with intellectual and psychosocial disabilities and persons with very severe disabilities to maximize their ability to live independently.

**Recommendation 40:** That the Government give priority to developing specialized and diverse rehabilitation disciplines through formal training at bachelor's and master's

levels; and conduct scientific research and assessment on implementation of rehabilitation programs in Viet Nam. At the same time, the Government should review and standardize training programmes, in particular through the issuance of (i) regulations on the training process; (ii) practical standards; (iii) regulations on participation in monitoring and practice guidance; (iv) standards on continuing professional development.

**Recommendation 41:** That the Government promote public awareness programs about rehabilitation activities in various forms and channels. This recommendation is in line with Recommendation 5, Recommendation 7, and Recommendation 9 of the World Report on Disability (World Health Organization and World Bank, 2011). These recommendations are also consistent with Goal 3, Goal 4, and Goal 17 of the United Nations Sustainable Development Goals (2015). Programs aimed at raising public awareness about primary health care, and disease prevention, should be accessible through the use of Braille, sign language, and illustrative images to accommodate a variety of disabilities. Public awareness raising can also be done through the mainstreaming of disability content into school-based and village-based health care programs.

### **Priority issue 7: Vocational training and employment**

52. The rights to job protection and vocational training support for persons with disabilities in accordance with Vietnamese law have been fully recognized in the 2012 Labour Code, the 2014 Law on Vocational Education and Training, and the 2010 Law on Persons with Disabilities and its implementing guidelines, and are in compliance with the CRPD. However, difficulties and shortcomings persist in the area of vocational training and job opportunities for persons with disabilities in Viet Nam.

#### **Vocational training**

53. The number of persons with disabilities receiving appropriate vocational training is still modest, specifically: for every 100 persons with disabilities aged 15 and above, only 7 have received vocational training (7.3 per cent), while this figure in persons without disabilities is 22 people (21.9 per cent) [2, p. 19]. The State has also implemented multiple projects to help persons with disabilities in vocational training, however, the outcome is still under expectation. This could be attributed to various reasons:

54. Regarding policies supporting access to vocational training: (i) vocational training policies for persons with disabilities have not been well communicated in some localities; (ii) vocational training curriculum is theoretical and unpractical; (iii) lack of

curriculum, specialized facilities, and vocational teachers for persons with disabilities [18]. As the result, localities face various difficulties in implementing vocational training programs to support persons with disabilities<sup>20</sup>.

55. Regarding occupations for which persons with disabilities are trained: Vocational training choices for persons with disabilities are quite limited depending on their impairment types. The most common work areas within training options are massage therapy, computer maintenance, and handicraft production. Teaching methods and contents are usually out of date and impractical. As a result, many persons with disabilities cannot access vocational training courses suitable to their abilities and aspirations.
56. Vocational counselling for persons with disabilities is also inadequate: Although the majority of vocational training institutions have tried to offer free vocational training to persons with disabilities in various forms, there are still limitations in some localities. A survey shows that only 4 respondents said they had received career counselling before choosing a vocational career. This counselling came from a family member, rather than a qualified officer from a counselling program. Other respondents did not have a choice over which career they would pursue [3]. People with disabilities are provided with limited vocational subjects which ‘default’ to their type of impairment. For example, persons with mobility disabilities shall learn computer-related skills such as software design or photo editing; persons with visual impairments shall learn massage skills, broom or toothpick making; while persons with auditory impairments shall learn tailoring or hairdressing. [3] Poor career counselling has limited choices of vocational training for persons with disabilities and prevents them from choosing the vocation which best fits their abilities and aspirations. This predicament directly affects the vocational training process and employment after training of persons with disabilities.

### **Labour and employment**

57. According to the 2016 Viet Nam National Survey on People with Disabilities, only 32.76 per cent of persons with disabilities are in the labour force, compared to 83.20 per cent of the general population. It can be seen that the employment rate of the former group is relatively low and the gap between the two groups remains large. There are several reasons attributing to the unemployment status or no desire to find a job. One

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<sup>20</sup>See more: <http://kinhthedothei.vn/tim-cach-ho-tro-doanh-nghiep-cua-nguoi-khuyet-tat-314440.html>

of them is disability-based discrimination in recruitment, employment, job placement, maintenance, promotion, and inadequate working conditions, occupational safety and health in Viet Nam.

58. As a result, about 13 per cent of persons with disabilities aged 15 to 59 who have graduated from primary school and above responded that “disability” is the reason for their unemployment [2, p. 95]. In particular, the number of persons with disabilities rejected for a job because of their disability is quite high (53 per cent) [3, p. 85]. In addition, persons with disabilities generally have faced stigma and discrimination at the workplace, inappropriate job placement, inaccessible infrastructure and transportation, no labour contract, ongoing low salary with no raise, and no promotion opportunities [3, pp. 88, 89]. This predicament in some senses makes persons with disabilities less confident in themselves, even leading to an inferiority complex and a reluctance to work in companies.
59. Low educational attainment is another reason that narrows the career choices for persons with disabilities, adding more difficulties for them to find a job and to increase their incomes. Statistics show that 93.4 per cent of persons with disabilities aged 16 and over do not have any professional or technical qualifications, and only 6.5 per cent of them have diplomas and certificates [19, p. 8].
60. Regarding employer incentives for hiring persons with disabilities, despite the adoption of policies on exemption and reduction of corporate income tax for enterprises hiring persons with disabilities, businesses are not really encouraged to do so. According to the regulation, enterprises with the annual average number of employees of more than 20 people, of which at least 30 per cent are persons with disabilities, are eligible for corporate income tax exemption. However, many businesses with 30 percent to 50 percent, even 100 percent, of their employees as persons with disabilities are disqualified from the incentives, as they do not have 20 employees with contracts of one year or more annually.<sup>21</sup> Small businesses are not entitled to this policy even though they hire a higher rate of persons with disabilities than required for the incentives.
61. The number of persons with disabilities who have access to preferential loans from the Social Policy Bank (VBSP) is still very low. According to a MOLISA report, Viet Nam has about 4.8 million persons with disabilities of working age. A VBSP’s report shows that the total number of borrowers who are persons with disabilities is over 11,000 people (accounting for 0.23 per cent of the total number of persons with disabilities of

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<sup>21</sup>Article 4 of the 2008 Law on Corporate Income Tax, amended in 2013.

working age) [20] [21].<sup>22</sup>*The reason is that there is no loan program for persons with disabilities, or there is no credit fund dedicated for persons with disabilities in the National Employment Fund.* In some cases, the VBSP chose to give loans to residential clusters of persons with no disabilities rather than to those of persons with disabilities as they assumed that the former had higher repayment capacity. From 2014 up to now, the National Employment Fund has not received additional funding, so VBSP can only rely on revolving funds and is not able to expand its job creation loans to more policy beneficiaries including persons with disabilities [22]. In addition, the line of credit for job creation is too low to cover investment, therefore people in need are not interested in applying for the loans.

62. Self-employed persons with disabilities and enterprises hiring a large number of persons with disabilities are also facing challenges in finding markets for their products. There are several reasons leading to this situation, including: (i) lack of attention and incentives from local authorities to promote the consumption of products made by persons with disabilities; (ii) ineffective marketing activities and unsophisticated products; (iii) a majority of disability-owned businesses lacking cooperation and proactiveness to create a linkage between production and sales of products. [23]

## **Recommendations**

**Recommendation 42:** That the Government, ministries, sectors, and localities strengthen communication on vocational training policies for persons with disabilities. Vocational training programs should be reviewed and upgraded to increase the practical component; vocational training materials dedicated to persons with disabilities, especially persons with visual impairments, should be developed. Application of IT to develop documents, textbooks in braille, audio books, and learning support tools should be promoted. Sign language should be promoted and sign language interpreters should be available in vocational training classes for students with auditory impairments. Knowledge and skills of vocational teachers for persons with disabilities should be enhanced to meet the demand of vocational teachers for persons with disabilities, in terms of both quality and quantity. Training subjects should be diversified, vocational training counselling should be prioritized to meet the needs, abilities, and conditions of persons with disabilities in vocational training.

**Recommendation 43:** That Provincial People's Committees, especially the Department of Construction and the Department of Labour, War Invalids and Social Affairs,

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<sup>22</sup>The above-mentioned data is synthesized from published data of the Ministry of Labor, Invalids and Social Affairs

strengthen its supervision over vocational training institutions under their management to ensure that these institutions are accessible, in accordance with the National Technical Regulation QCVN 10:2014. Funds should be prioritized to renovate and upgrade works that do not meet accessibility standards.

**Recommendation 44:** That the Government issue a mandatory regulation on the minimum percentage of workers with disabilities in agencies and enterprises. From that, the Government and provincial people's committees can specify rates, taking into account specific labour requirements in each field, each profession and the actual conditions of each locality. It is recommended that the Government adopt measures to handle entities which fail to meet the above regulations.

**Recommendation 45:** That the Government consider imposing more stringent administrative sanctions in cases of discrimination against workers with disabilities.<sup>23</sup> The Government should amend and supplement a number of current decrees on administrative sanctions to handle violations in the process of recruitment and use of workers with disabilities. Particularly, the Government should stipulate an appropriate level of sanctions against agencies, organizations, enterprises and individuals that employ people (collectively referred to as employers) that violate the rights of persons with disabilities in the process of recruitment and employment of workers with disabilities.<sup>24</sup>

**Recommendation 46:** That the Government propose to the National Assembly to amend or abolish the provisions in Clause 3, Article 1 of the 2008 Law on Corporate Income Tax, amended in 2013 on the conditions that enterprises with 30 per cent persons with disabilities in their total workforce must have at least 20 employees having labour contracts in the year to be exempt from corporate income tax. The amendment of this regulation is to be in line with other State policies on incentives applicable to small and medium enterprises under the 2017 Law on Support for Small and Medium Enterprises, and to support businesses hiring workers with disabilities.

**Recommendation 47:** That provincial and municipal people's committees, within their jurisdiction, proactively provide incentives to further promote the trading and consumption of products made by persons with disabilities. That communication and

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<sup>23</sup>Clause 1, Article 9 of Decree No.144/2013/ND-CP regulates that any person who commits an act of stigmatizing and discriminating against persons with disabilities will be subject to a fine of between VND 3,000,000 and 5,000,000.

<sup>24</sup>Specifically, it is necessary to study to amend and supplement relevant sanctions in Decree 144/2013/ND-CP; Decree 95/2013/ND-CP; Decree No. 88/2017/ND-CP.

awareness-raising activities be strengthened to encourage disability-owned household businesses and enterprises to cooperate and find sustainable markets for their products. That the role of OPDs in supporting disability-owned business establishments and enterprises in finding production and sales partners be enhanced

### Priority issue 8: Disaster risk reduction

63. Viet Nam has established a fairly comprehensive legal framework on natural disaster prevention and control.<sup>25</sup> People with disabilities are classified as vulnerable groups and are particularly prioritized to receive support in cases of having forecasts and warnings of natural disaster, and in the process of natural disaster response, search, rescue and relief.<sup>26</sup> However, there are still some limitations in regulations and enforcement of those regulations related to natural disaster prevention and control and disaster risk reduction for persons with disabilities.

64. **Regulations:** The 2013 Law on Natural Disaster Prevention and Control has not clearly defined the languages used for communication, and provision of information and warning for target groups, including specific groups such as persons with auditory and visual impairments, among others. There is no segregated data on persons with disabilities by type of impairment, degree, age, and sex, so it is difficult to assess their situations and identify their backgrounds to develop appropriate support plans for persons with disabilities who are victims of natural disasters. One of the reasons for this lack of data is that besides general guidance, there is no official detailed guidance on collecting statistics on persons with disabilities by specific group criteria.

65. **Early warning of natural disasters:** Currently, the 2013 Law on Natural Disaster Prevention and Control and a number of other guiding documents have stipulated regulations on early warning of natural disasters.<sup>27</sup> Accordingly, television stations, radio stations from the central to local levels, people's committees, commune steering committees for natural disaster prevention and control and search and rescue, are

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<sup>25</sup>2013 Law on Natural Disaster Prevention and Control; Decree No.160/2018/ND-CP detailing the implementation of a number of articles of the Law on Natural Disaster Prevention and Control; Decision No. 649/QD-TTg dated May 30, 2019 of the Prime Minister approving the National Disaster Prevention and Control Plan to 2020; Joint Circular No.43/2015/TTLT-BNNPTNT-BKHDT providing detailed forms for statistics and assessment of damage caused by natural disasters; Decision No.1002/QD-TTg in 2009 approving the Scheme on improvement of community awareness and community-based management of natural disaster risks; Program 9656/CTPH-BNNPTNT-BLDTBXH on the collaboration between MARD and MOLISA in implementing the project "Community awareness raising and community-based disaster risk management" for people with disabilities, etc.

<sup>26</sup>Clause 4 Article 3 of the 2013 Law on Natural Disaster Prevention and Control.

<sup>27</sup> For example: The Prime Minister has issued Decision 46/2014/QD-TTg dated August 15, 2014 on natural disaster forecasting warning and communication.

responsible for disseminating information in documents directing and guiding natural disaster responses within their respective jurisdictions. However, most of media channels where information on early warning of natural disasters is communicated are not accessible to persons with auditory impairments; for example, most TV channels do not have sign language interpretation or subtitles, while community loudspeakers and radio channels are not accessible to them.

**66. Safety assurance for persons with disabilities in dangerous and urgent situations:**

According to the Field Report, 30 per cent of respondents said that their localities had experienced emergencies (e.g. dangerous situations, natural disasters). In places where an emergency has occurred, the majority of persons with disabilities (78 per cent) interviewed said they are protected like everyone else. However, 19 per cent said that they did not receive the same warning or interventions as others [10].

**67. Local governments' support for persons with disabilities in natural disasters and emergencies:**

Local authorities at all levels have been aware that support should be provided to vulnerable groups, including persons with disabilities, in cases of natural disasters. However, several limitations still persist, for example: only 20 per cent of the localities provide information on emergencies for persons with disabilities; 18.3 per cent provide information and instructions to move to safe, clear, specific and accessible shelters to persons with disabilities; 14.8 per cent of localities provide transportation means to safe shelters for persons with disabilities; 13.0 per cent of localities have established shelters suitable for persons with disabilities; 12.7 per cent of localities have provided training and skills for persons with disabilities to respond to emergencies and dangerous natural disasters [10].

**68. The involvements of persons with disabilities and OPDs in the planning and implementation of disaster risk reduction and warning activities**

Ministry of Agriculture and Rural Development (MARD) has developed a disaster risk reduction program that takes into account issues related to persons with disabilities. However, OPDs and persons with disabilities have not been fully involved in the planning and implementation of activities related to disaster risk reduction and warning from the central to local levels [10].

Coordination between local authorities and OPDs in implementing activities to ensure the safety of persons with disabilities in emergencies and dangerous situations has not been regularly carried out across the country. According to the Field Report, only about 1/5 of the discussion groups said that their localities have coordinated with OPDs in

relevant activities, while 1/5 reported that there has not been coordination, and the remaining did not know if there has been any coordination [10].

## **Recommendations**

**Recommendation 48:** That the State enhance the legal framework on natural disaster prevention and control and disaster risk reduction, with special attention to issues related to disadvantaged groups, including persons with disabilities. That the National Assembly supplement Clause 1 Article 24 of the 2013 Law on Natural Disaster Prevention and Control as follows: Affirming that appropriate languages shall be used for communication, accordingly, sign language should be used to communicate disaster warnings to persons with auditory impairments. MARD should coordinate with MPI in issuing guiding documents on statistics collection and assessment of the damage caused by natural disasters to persons with disabilities in particular; criteria such as impairment type, degree of impairment, gender, and age should be included. Special attention should be paid on collecting information related to persons with physical or auditory impairments, among others.

**Recommendation 49:** That Ministry of Information and Communications (MoIC) direct relevant agencies to apply various channels of communication, especially at commune level, in order to ensure that information is accessible to persons with disabilities in general and especially those with auditory disabilities. Television stations, should provide sign language interpretation with Vietnamese subtitles (at least for national television channels) to ensure that persons with disabilities can promptly grasp information on natural disaster warnings and response measures. Governments at all levels should strengthen communication and training activities to improve skills on disaster prevention and control, search, rescue and first aid for persons with disabilities and OPDs so that they can take appropriate disaster preparedness measures and understand their rights to safety protection and assistance in case of a disaster.

**Recommendation 50:** That provincial people's committees and steering committees on natural disaster prevention and control and search and rescue (hereinafter referred to as steering committees) at the provincial level direct subordinate units to build capacity for and engage socio-political organizations, social organizations, especially OPDs, at all levels in developing natural disaster preparedness and response plans, and in the assessment and recovery of consequences caused by natural disasters

**Recommendation 51:** That the Government develop and introduce early disaster risk warning toolkits or manuals that are appropriate for the type and degree of impairment

according to the specific disaster situation in each locality. These toolkits and manuals should mainstream contents on inclusion for persons with disabilities.

### **Priority issue 9: Women with disabilities and children with disabilities**

69. Women and children with disabilities are among the disadvantaged groups who are particularly vulnerable to discrimination due to social stereotypes on their disability status. In addition, women and children with disabilities often face several barriers in the fields of health care, education, and access (to transport, public works, information, and the justice system). These issues are mentioned in the previous parts of the report. Therefore, this part focuses on analysing the vulnerabilities and rights specific to women and children with disabilities.

#### **Part 1: Women with disabilities**

70. **Issues related to gender equality:** Women with disabilities are guaranteed basic rights of persons with disabilities in general, including the right to gender equality. The Government of Viet Nam has made great efforts in promoting the legitimate rights of women with disabilities, and in mainstreaming gender equality in legal provisions and enforcement practices. However, the elimination of barriers for women with disabilities still faces various challenges due to gender stereotypes of the family, community and society.<sup>28</sup> Statistics from the Viet Nam National Survey on People with Disabilities indicate a “double” inequality within the household structure by sex: women with disabilities only make up for 8.38 per cent of all female household heads (the remaining 91.62 per cent of female household heads are women without disabilities), while men with disabilities make up for 19.04 per cent of all male household heads (the remaining 80.96 per cent male household heads are men without disabilities) [2, p. 210]. It is noteworthy that some historical communication messages seem to create more gender stereotypes, such as: “Giỏi việc nước, đảm việc nhà” (good at social work, taking care of housework), “Nuôi con khỏe, dạy con ngoan” (raising a healthy kid, teaching a good child), “Rèn luyện phẩm chất đạo đức: tự tin, tự trọng, trung hậu, đảm đang” (practising moral qualities: self-confidence, self-esteem, kindness, and resourcefulness), which may indirectly reinforce barriers for women with disabilities in

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See more:<sup>28</sup> The 2006 Civil Code, the 2012 Labor Code, the 2014 Law on Marriage and Family, and the 2013 Law on Land

exercising their rights to marriage and childbearing.<sup>29</sup><sup>30</sup> Besides, there are barely any officially published statistics on the number of women with disabilities participating in political, economic and social policy development at any levels, given the necessity of statistics in comprehensively evaluating the implementation of the common global goal as well as the implementation of the Viet Nam's 2030 sustainable development agenda.<sup>31</sup>

## **Prevention and control of gender-based violence against women with disabilities**

71. Gender-based violence, including sexual violence, is a burning global issue. The United Nations Population Fund (UNFPA) estimates that "*persons with disabilities are up to three times more likely to be victims of physical and sexual abuse*" [24] because they are subject to "double" discrimination. A survey report on the situation of sexual violence against women and girls with disabilities in two districts also showed an alarming number: for every ten women and girls with disabilities, four persons have experienced at least one form of sexual violence in the past [25].
72. Viet Nam has established a basic legal framework including policies on gender-based violence prevention and control, especially violence against women and girls with disabilities.<sup>32</sup> However, limitations have been revealed in both the legislation and implementation practices, especially those involving women with disabilities.
73. *First, the absence of a definition of gender violence and other related definitions.* Although the 2006 Law on Gender Equality has defined gender-based violence as a prohibited act (Clause 3, Article 10), this Law and a series of other relevant legal documents do not define or specifically describe the nature of acts of gender-based violence at different levels, making it difficult for agencies and individuals to identify and apply regulations on violence prevention force in this area.<sup>33</sup>

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<sup>29</sup>The emulation movements of "Giỏi việc nước, đảm việc nhà" (good at social work, taking care of housework), "Nuôi con khỏe, dạy con ngoan" (raising a healthy kid, teaching a good child) among female employees were launched by the Viet Nam General Confederation of Labour.

<sup>30</sup>The Executive Committee of the Viet Nam Women's Union at the tenth Legislature (Legislature X) selected 4 ethical qualities of Confidence - Self-esteem - Kindness - Resourcefulness as the core for its campaigns and trainings among all women officials and members.

<sup>31</sup>Targets in implementing the National Action Plan for the Implementation of the 2030 Sustainable Development Agenda established under the Prime Minister's Decision No. 622/QĐ-TTg dated May 10, 2017 (Target 5.5).

<sup>32</sup>Policies on prevention of gender violence are established under key legal documents namely The 2013 Constitution; the 2006 Law on Gender Equality; the 2007 Law on Domestic Violence Prevention and Control; the 2011 Law on Human Trafficking Prevention and Combat; the amended 2017 Penal Code and a large number of guiding decrees and circulars.

<sup>33</sup> For example: There are no definitions provided for 'gender violence', 'sexual harassment', 'sexual assault', 'molestation of persons under 16 years of age' in some laws (or guiding documents) such as the the 2006 Law on

74. *Second, the handling of some acts related to gender-based violence is not deterrent enough and there is still a lack of differentiated sanctions corresponding to acts of gender-based violence.* For example, acts of provoking, teasing, violating other's honour and dignity or of coercing someone to perform a sexual act, are subject to a fine of between VND 100,000 and 1,000,000 (USD 5.00 - 45.00)<sup>34</sup>. Moreover, some decrees provide general provisions on sanctions without a clear distinction of sanctions imposed on each act of gender-based violence.<sup>35</sup>
75. *Third, there are no specific regulations on the prevention and control of gender-based violence against women with disabilities,* although women and girls with disabilities are at 'double' risks of sexual violence (due to gender and disability) compared to those without disabilities.<sup>36</sup>
76. *Fourth, there is a lack of appropriate communication methods to educate women with disabilities on violence prevention.* Viet Nam has issued various policies to propagate and disseminate policies on gender-based and domestic violence prevention and control, however, information is communicated via loudspeakers, media channels or household clusters' meetings, [25] which are inaccessible to persons with disabilities.
77. *Fifth, women with disabilities have not received timely support from local authorities when gender-based violence has occurred.* According to data collected from several inspection teams of state agencies, up to two-thirds of women and girls with disabilities who are victims of violence have not received the support from local authorities.<sup>37</sup> On a similar note, a survey on sexual violence against women with disabilities in Ba Vi district, Hanoi and Thanh Khe district, Da Nang, shows that: among those who experienced sexual violence, only 4 people (4.5 per cent) reported receiving support from the locality; 81.8 per cent of them said that there was no intervention in cases of sexual violence [ [25] There are several factors contributing to this situation, such as persons with disabilities not knowing which agency is in charge; the incidents are

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Gender Equality; the 2007 Law on Domestic Violence Prevention and Control, the 2012 Labor Code 2012, and the 2015 Penal Code.

<sup>34</sup>Article 5 and Article 52 of Decree 167/2013/ND-CP

<sup>35</sup> For example: Decree No. 144/2013 / ND-CP (Point a, Clause 2, Article 9) provides that an act of "physical abuse" of a person with disability is subject to a fine of VND 5-10 million, while the act of "physical abuse" of teachers or students are subject to the same amount of fine as prescribed in Decree No. 138/2013/ND-CP (Article 19, Article 2).

<sup>36</sup>The 2006 Law on Gender Equality; the 2014 Law on Marriage and Family; the 2007 Law on Domestic Violence Prevention and Control; the 2011 Law on Human Trafficking Prevention and Combat;

<sup>37</sup>See the answers of Minister of Labor, Invalids and Social Affairs to the National Assembly delegates at a National Assembly's hearing session on August 6, 2019: <https://www.nguoiduatin.vn/nhuc-nhoi-van-de-tro-giup-cho-nguoi-khuyet-tat-phu-nu-tre-em-bi-bao-hanh-a444551.html>

unknown to local authorities; lack of trust among local officials when persons with disabilities report a violent incident, among others.

78. *Sixth, although a policy framework on support models for women and women with disabilities who are victims of gender-based violence has been established, these models are only available in a few big cities.*<sup>38</sup> Specifically, Peace House shelters, developed by the Centre for Women and Development under the Viet Nam Women's Union, have provided relatively comprehensive services, however, there are only three peaceful houses established in Hanoi and Can Tho [26]. Victims, especially women with disabilities, living in places other than those two big cities are unable or find it very difficult to access supportive services provided by this model.

79. **Reproductive health care for women with disabilities:** The current legal framework related to health care for persons with disabilities is generally comprehensive. However, the communication of knowledge on reproductive health care for persons with disabilities remains inadequate and inaccessible.<sup>39</sup> In particular, only 19 per cent of women with disabilities have access to knowledge of reproductive health, most of them are those under 30 years of age [10]. According to the Study on *Ending Discrimination - Views and Assessment of People with Disabilities*, 78 per cent of persons with disabilities have never been examined or counselled about sexual health and as high as 76 per cent of them have never been examined or counselled about reproductive health. One of the reasons for this situation is that persons with disabilities cannot access health facilities due to physical or information barriers. Moreover, information on reproductive health is mainly disseminated through mainstream media such as books, newspapers, Internet, TV, and training classes. Besides, family members of persons with disabilities tend to avoid or do not talk about reproductive health with them.

80. **Rights of women with disabilities in the field of marriage and family:** Vietnamese laws have provisions on principles to protect the rights of persons with disabilities in this area, however, they have not yet been translated into clear regulations [27, p. 10].<sup>40</sup> Due to heavy social stereotypes, a large part of women with disabilities have faced various challenges in marriage and childbearing. Women with disabilities face triple

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<sup>38</sup>The 2007 Law on Domestic Violence Prevention and Control; the 2011 Law on Human Trafficking Prevention and Combat; Decree No.103/2017/ND-CP

<sup>39</sup>Health care for people with disabilities is prescribed in the following important legal documents: the 2010 Law on Persons with Disabilities, the 2009 Law on Medical Examination and Treatment, the 2008 Health Insurance (amended and supplemented in 2014); Decision No.1019/QĐ-TTg.

<sup>40</sup>The 2013 Constitution; the 2014 Law on Marriage and Family; 2010 Law on Persons with Disabilities; the 2007 Law on Domestic Violence Prevention and Control;

difficulty compared to men in getting married due to the perceptions of difficulties in birth delivery facing women with disabilities, the transgenerational inheritance of the impairment, their lack of financial resources for the family and child-raising, among others. Moreover, after marriage, they continue to face barriers from their own families and society when they want to have children. The survey results showed that 13.4 per cent of women with disabilities were discouraged from having children, 7.5 per cent were criticized for wanting to have children and 6 per cent were prohibited from having children. Also, only about 20 per cent of people in the discussion group said that their localities have implemented some productive health counselling activities for persons with disabilities and protected their rights to have children, but these activities are not organized regularly [10, p. 45]. Equality in the ownership and use of marital property and in the division of housework is considered one of the important issues of gender equality in family relations, which has been recognized in Vietnamese law.<sup>41</sup> However, the absence of official statistics on this area makes it impossible to analyse equality on resources and housework division in families of women with disabilities

## **Recommendations**

**Recommendation 52:** That the Government propose to the National Assembly to provide definitions and clarify the nature of acts of gender-based violence currently used in current laws, such as ‘gender violence’, ‘sexual harassment’, ‘sexual assault’, ‘molestation of persons under 16 years of age’.

**Recommendation 53:** That the Government review, amend and supplement administrative sanctions applicable to acts of gender-based violence, in particular, supplement regulations, increase the amount of fines (which is currently too low) and clearly distinguish acts of gender-based violence.

**Recommendation 54:** That the Government incorporate gender-specific policies on prevention and control of gender-based violence against women with disabilities in current legal documents (namely the 2006 Law on Gender Equality; the 2007 Law on Domestic Violence Prevention and Control; the 2011 Law on Human Trafficking Prevention and Combat; the 2014 Law on Marriage and Family, among others)

**Recommendation 55:** That the Government and relevant ministries increase the scale, quality, and accessibility of activities aiming at raising the awareness and disseminating information and legal knowledge on gender and gender-based violence prevention and

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<sup>41</sup>Article 7 and Article 18 of the 2006 Law on Gender Equality.

control for women and girls with disabilities, their families, and relevant organizations and individuals.

**Recommendation 57:** That the Ministry of Labour, Invalids and Social Affairs and relevant agencies strengthen training and retraining activities for employees at social assistance facilities on skills to work and care for persons with disabilities who are victims of gender-based violence (refer to WHO Guidelines on Responding to Gender-based Violence).

**Recommendation 58:** That the Government and relevant ministries review their reporting regimes, statistical reporting regimes, statistical survey programs (at the ministerial or national level); supplement indicators or disaggregate necessary statistics on gender equality and gender-based violence against women and girls with disabilities.

## **Part 2: Rights of children with disabilities**

### **Rights to protection from abuse and discrimination of children with disabilities**

81. The 2016 Law on Children provides the official definitions of child abuse, and child sexual abuse and specifies the right to be protected from sexual abuse, exploitation, violence, abandonment, neglect, trafficking, kidnapping, fraudulent exchange, or appropriation. Children with disabilities are one of the groups entitled to special protection under the provisions of this Law and other relevant guiding documents. Viet Nam's current Penal Code (effective from 2017) also provides a series of provisions with strict sanctions on child abusers, especially those committing crimes of violence and sexual abuse.<sup>42</sup>

82. Despite the existence of fairly comprehensive legal tools, the risk of abuse, especially sexual abuse, for children with disabilities is three or four times higher than that for those without disabilities. The risk of sexual abuse is even higher for children with auditory and intellectual impairments [28]. However, government reports on child protection have not established any statistics on the rate of children with disabilities being sexually abused in the total number of child abuse cases in Viet Nam. In addition, children with disabilities are discriminated against at schools at different levels, from being directly bullied by their peers to the lack of sympathy and sharing from their parents. This may lead to long-term mental damage to children with disabilities. Moreover, they often face other safety risks, such as being seduced, manipulated, controlled and forced into beggary to produce earnings for the perpetrators [6].

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<sup>42</sup>Such as Articles 142, 144, 145, 146 of the Penal Code.

83. Viet Nam has made considerable efforts to develop and enhance supporting services for child victims of violence and sexual violence, such as social assistance facilities and the National Child Protection hotline 111 [11, p. 25]. However, these supporting services usually are not accessible to children with disabilities. Typically, not all social assistance workers know, understand, or use sign language fluently to communicate with children with auditory impairments. The same issue happens with the National Child Protection hotline as it only uses oral communication, not text messages or video calls.

### **Rights to opinion expression of children with disabilities**

84. According to the Law on Children 2016, all children, irrespective of disability, have the right to express their opinions and expectations on issues related to the child. However, the fact has shown that adults are likely to impose their opinions, thoughts and perceptions on children with disabilities, making the child more timid and afraid to express their opinions. Children with disabilities have little, or even no chance, to express their views and opinions regarding their own rights at home, school or in community. It is quite common for parents to violate the right to participation of children with disabilities [6, pp. 56, 58]. These violations can create great barriers for the child during their maturation and social integration.

### **Recommendations**

**Recommendation 59:** That communication on the rights of children with disabilities, especially the right to expression of opinions and expectations, be strengthened so that they understand their rights and that their parents, teachers, officials, and people in the community can properly realize their rights. In activities related to children, communities, localities, and schools should consult with children, encourage them to contribute ideas, and take into account their reasonable opinions.

**Recommendation 60:** That supporting and counselling services and communication activities be accessible to children with each type of impairment. Web-based counselling services and video-supported hotlines should be available to ensure accessibility to children with disabilities, especially to those with auditory impairments. Materials for children should be available in Braille, in a format that is easy to understand. Sign language interpreters should also be added to the list of independent job positions in social assistance facilities, in addition to other essential positions, and

the position should be guaranteed by the quota of personnel in charge of caring and supporting persons with disabilities in social assistance facilities.<sup>43</sup>

**Recommendation 61:** That MOLISA develop a mechanism to collect information on child violence and abuse cases, with data segregated by disability to inform appropriate interventions. In addition, the Government should strengthen activities related to research, documentation, and management of cases of violence against children with disabilities.

### **Priority issue 10: The role of OPDs in monitoring and implementing policies related to the rights of persons with disabilities**

85. Article 9 of the 2010 Law on People with Disabilities defines organizations of persons with disabilities as social organizations set up and operating under the law to represent the legitimate rights and interests of their members being persons with disabilities, to participate in the formulation and supervise the implementation of policies and law on persons with disabilities. Therefore, the right to establish associations of persons with disabilities in Viet Nam is specified in the 2010 Law on People with Disabilities and a number of other legal documents.<sup>44</sup> Basically, Viet Nam has created favourable conditions for the operation of organizations of and for persons with disabilities (including groups and clubs).

86. Regarding the participation in OPDs, 100 per cent of persons with disabilities in five representative provinces agreed that it is very necessary for persons with disabilities to join OPDs [29]. VFD was established in 2011 with the function of participating in monitoring, criticizing and evaluating the implementation of the legal regulations related to persons with disabilities and CRPD.<sup>45</sup> As of December 2019, 21 out of 63 provinces and cities have established OPDs. However, the monitoring mechanism of VFD and provincial OPDs to monitor the implementation of laws and policies related to persons with disabilities is not clearly defined.

87. Viet Nam has established a National Committee on People with Disabilities, but only 30 out of 63 provinces have established a provincial committee on persons with

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<sup>43</sup>Related to provisions in Articles 4 and 5 of Circular No. 33/2017/TT-BLDTBXH on guidelines for organizational structure, quota on personnel, process of and standards for social support at social assistance facilities.

<sup>44</sup>Decree No. 45/2010/ND-CP regulating the organization, operation and management of associations; the 2010 Law on People with Disabilities (which clearly defines the two systems of associations and regulates the functions and activities of associations of people with disabilities and associations for people with disabilities); Decree No. 33/2012/ND-CP amending and supplementing a number of contents of Decree No. 45/2010/ND-CP; and Circular No. 03/2013/TT-BNV detailing the implementation of the two decrees above.

<sup>45</sup>Clause 5, Article 5 of Decision No. 1538 /QD-BNV of the Ministry of Home Affairs approving the Charter of VFD

disabilities. This is because the establishment of a provincial committee on persons with disabilities is not mandatory, but depending on local conditions, and local disability working groups are not operating effectively due to the ineffective cooperation among relevant agencies in allocating operational funding.

88. According to the provisions of Decree No. 45/2010/ND-CP, associations shall find funds for their operations by themselves. In practice, a small number of associations that receive support from the provincial budget have better operating conditions. Associations often actively raise funds through social mobilization or aid projects, which are not sustainable for their operations.

## **Recommendations**

**Recommendation 62:** That the State and local governments facilitate and support the development of provincial OPDs, and establish mechanisms for OPDs to fulfil their roles of monitoring and criticizing the implementation of policies in their localities in accordance with regulations of the 2010 Law on People with Disabilities and the CRPD. The State should support public awareness-raising efforts and ensure that the rights of persons with disabilities are exercised in localities.

**Recommendation 63:** That OPDs expand their membership and incorporate members with various types of impairments, children with disabilities and their parents. OPDs should enhance their capacity, and promote their roles of monitoring and criticizing policies related to the rights of persons with disabilities and their implementation.

**Recommendation 64:** That governments at all levels ensure the participation of persons with disabilities and OPDs in the development and implementation of disability-related policies; budgeting and budget allocation processes for disability-related activities.

**Recommendation 65:** That governments at all levels create favourable conditions for OPDs to raise funds for their operations through disability-related programs and projects and monitoring activities on the exercise of the rights of persons with disabilities locally. Governments at all levels can fund OPDs by assigning OPDs to perform state tasks related to disability issues, as other countries are doing.

**Recommendation 66:** That local authorities support OPDs to promote the development and expansion of local networks of parents of children with disabilities, highlighting their roles to engage them in the decision-making process on matters related to children with disabilities.



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