

VIET NAM INITIAL STATE REPORT ON THE IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

(in accordance with the guidelines of United Nations Committee on the Rights of Persons with Disabilities)

A. COMMON CORE DOCUMENT

I. Background information of the reporting State

1. General information

1. The Socialist Republic of Viet Nam is a country located in the South East Asia region, covering an area of 331,000 km², with 54 ethnic groups and 92.7 million people (2016). Hanoi is the capital of the Socialist Republic of Viet Nam. Vietnamese is the official language.

2. Currently, Viet Nam has about 7 million persons with disabilities, accounting for about 7% of the population.

2. Political system

3. The 2013 Constitution of the Socialist Republic of Viet Nam affirms that the Socialist Republic of Viet Nam is a socialist state ruled by law and of the people, by the people and for the people, all the State power belongs to the people. In Viet Nam, the state power is unified and delegated to state agencies which coordinate with and control one another in the exercise of the legislative, executive and judicial powers.

4. Agencies in the organizational structure of the Socialist Republic of Viet Nam include:

- The National Assembly is the highest representative body of the people and the highest state power body of the Socialist Republic of Viet Nam. The National Assembly exercises constitutional and legislative powers, decides important issues of the country, and conducts the supreme oversight over the activities of the State. The National Assembly works twice a year and make its decisions by a vote of the majority.

- The President is the Head of State, representing the Socialist Republic of Viet Nam internally and externally. The President has duties and powers in accordance with the Constitution (from Article 88 to Article 91 of the 2013 Constitution).

- The Government, the highest state administrative body of the Socialist Republic of Viet Nam, exercises executive power, and is the executive body of the National Assembly. The Government is composed of the Prime Minister, Deputy Prime Ministers, Ministers, and Heads of ministerial-level agencies. The Government shall work on a collegial basis and make its decisions by a vote of the majority.

5. Judicial bodies include the People's Courts, the People's Procuracies. The People's Courts are the judicial bodies of the Socialist Republic of Viet Nam and exercise judicial power. The People's Procuracies exercise the power to prosecute and supervise judicial activities. The system of People's Courts and the People's Procuracies is organized from central to lower local levels.

6. Local administration levels which are composed of the People's Council and People's Committee shall be organized in a manner appropriate to the characteristics of the rural areas, urban areas, islands or special administrative-economic units as prescribed by the law. The People's Council is the local state power body, representing the will, aspirations and right to mastery of the local people, being elected by the local people, and responsible to the local people and state agencies at higher levels. The People's Committee at a local administration level, elected by the People's Council of the same level, is the executive body of the respective People's Council and the local state administrative body.

3. Socio-economic conditions

7. Viet Nam has shifted rapidly into a market economy, and made tremendous efforts in integrating into the global economy, attracting investments, exploiting domestic and international market opportunities to promote economic growth. Implementing the socio-economic development strategy for 2011-2020, Viet Nam's economy has achieved stable development growth. The annual average GDP growth rate during the last 2 years is above 6%¹. The economic structure is shifting towards industrialization and modernization. The GDP per capita is about 2,200 USD. Viet Nam has transitioned from the low-income to the low middle-income group.

8. In parallel with economic development, Viet Nam has prioritized resources for social development and has achieved encouraging achievements in social development. Employment rate has been increased. From 2011 to 2015, 7.8 million people were employed. The unemployment rate remains at below 2%. Viet Nam has basically achieved universal preschool (for children aged 5 years), primary and lower secondary education.

9. The government of Viet Nam pays special attention to the people's health; the healthcare network continues to be strengthened, preventive health care is promoted; a number of newly emerging diseases are addressed promptly. Viet Nam has been supporting vulnerable groups such as women, children, ethnic minorities, people living with HIV/AIDS, persons with disabilities including Agent Orange victims. The government has specific policies to protect, support and create opportunities for specific groups to develop and integrate into social life.

10. The life of the majority of people has been improved, especially persons with disabilities, women, children, and people living in ethnic minority areas. The average

¹ GDP growth rate is 6.68% in 2015 and 6.21% in 2016, according to 2016 Report on Socio-economic situation, General Statistics Office, Ministry of Planning and Investment.

national percentage of poor households decreased by 2% and Viet Nam is recognized as one of the best-performing countries in hunger alleviation, poverty reduction and Millennium Development Goals (MDGs) achievement. The average life expectancy of Vietnamese people is 75.6². The human development index (HDI) of Viet Nam in 2015 is 0.666.

11. Viet Nam Socio-Economic Development Strategy for 2011-2020 focuses on the development of human resources for national development with a vision for “wealthy people, a strong nation, equal, democratic and civilized society”. By implementing this Strategy, the Vietnamese government also effectively implements its commitments as a state member of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

II. General framework for the protection and promotion of human rights

1. Acceptance of international human rights treaties

12. By the end of the reporting period (February 2017), Viet Nam has become party to a number of human rights treaties including: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Economic, Cultural and Social Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Prevention and Punishment of Crime of Genocide, the Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Vietnam is a State party to four Geneva Conventions on humanitarian matters, including the Geneva Convention (I) on Wounded and Sick in Armed Forces in the Field, the Geneva Convention (II) on Wounded, Sick and Shipwrecked of Armed Forces at Sea, the Geneva Convention (III) on Prisoners of War and the Geneva Convention (IV) on Civilians, and the Protocol Additional to the Geneva Conventions of 12 August 1949.

13. As a member of the International Labor Organization (ILO), to date, Viet Nam has become member of 21 ILO Conventions, including: 5/8 fundamental Conventions (Conventions 29, 100, 111, 138, 182); 3/4 governance treaties (Conventions 81, 122, 144); 13/177 technical Conventions (Conventions 5, 6, 14, 27, 45, 80, 116, 120, 123, 124, 155, 186, 187).

² Viet Nam ranked the 56th in terms of life expectancy out of the 138 nations, according to the World Education Forum.

14. Viet Nam commits to comply with all treaties of which Viet Nam is a party to. At the same time, the application of national legislation must not obstruct the implementation of treaties to which the Socialist Republic of Viet Nam is a member. In cases where national legislation and international treaties of which the Socialist Republic of Viet Nam is a member have different Constitution³. Based on the requirements, content and nature of international treaties, the National Assembly, the President and the Government shall decide to directly apply the whole or part of that treaty to agencies, organizations and individuals in cases where the provisions of such international agreements are clear enough for implementation; or shall decide or propose to amend, supplement or promulgate national legal documents to enforce such international treaties⁴.

2. Legal framework for the protection of human rights in general and the rights of persons with disabilities in particular at the national level

15. Over the last years Viet Nam has been developing the legal framework to protect human rights. Equality and non-discrimination are the fundamental principles of all national legal documents and lay the foundation for the promotion and protection of the rights of all the people, including the rights of persons with disabilities.

16. The 2013 Constitution is the highest legal document that protects human rights in general and the rights of persons with disabilities in particular in Viet Nam. Based on the provisions of the Constitution, the National Assembly of the Socialist Republic of Viet Nam enacted and amended many laws to protect human rights in general and the rights of persons with disabilities, including: The Laws on Persons with Disabilities, the Penal Code, the Civil Code, the Criminal Procedure Code, the Civil Procedure Code, the Labor Code, the Law on Employment, the Law on Social Insurance, the Law on Health Insurance, the Law on Occupational Hygiene and Safety, the Law on Vocational Education, the Children Law etc.

17. The Vietnamese government also promulgated many legal documents to protect the rights of persons with disabilities, including: Decree 28/2012/ND-CP dated April 10th 2012 of the Government guiding the implementation of some articles of the Law on Persons with Disability; Decree 136/2013/ND-CP dated October 21st 2013 of the Government regulating social assistance policies for social protection recipients; Prime Minister Decision No. 1019/QD-TTg dated August 5th 2012 on the approval of the National Action Plan to support persons with disabilities during 2012-2020; Prime Minister Decision No. 1100/QD-TTg dated June 21st 2016 on approval of the National Plan on Implementation of the United Nations Convention on the Rights of Persons with Disabilities. Besides, concerned ministries promulgated Circulars and Inter-Circulars guiding the implementation of the Law on Persons with Disabilities.

³ Clause 5 Article 156 of the Law on Promulgation of Legislative Documents 2015

⁴ Article 6 of the Law on International Treaties 2016

3. Framework within which human rights and the rights of persons with disabilities are promoted at national level

18. Viet Nam is a responsible and active participant in the Human Rights Council, the Commission for Social Affairs, Humanities and Culture of the General Assembly, the Economic and Social Council, the Executive Council of UNESCO and other forums related to human rights of the United Nations. Viet Nam has actively participated in the Conference of State Parties to the Convention on the Rights of Persons with Disabilities. At the 31st Session (March 2016) of the United Nations Human Rights Council, Viet Nam hosted a talk on creating jobs and a favorable working environment for people with disabilities.

19. Viet Nam has actively contributed to discussions on people with disabilities in regional and inter-regional forums. Within ASEAN, Viet Nam proactively involved in the process of regional policy development and implementation in the area of disability rights, including the development and implementation of the ASEAN Charter, Bali Declaration on Enhancing the Role and Participation of Persons with Disabilities, ASEAN Decade Framework of Action for People with Disabilities for 2011-2020.

20. The Vietnamese Government showed strong commitment in protecting and ensuring the rights of persons with disabilities. After becoming a signatory member of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2007, Viet Nam promulgated the Law on Persons with Disabilities in 2010. This is the first law on persons with disabilities that recognize the rights of persons with disabilities to have equal access to services and social inclusion. The enactment of the Law on Persons with Disability was part of the Vietnamese government's efforts to harmonize the national legislation in compliance with the CRPD before Viet Nam ratified this Convention in 2014.

21. In an effort to promote the implementation of the CRPD, the Vietnamese Government established the National Committee for Vietnamese Persons with Disabilities⁵, with 18 members representing ministries and central organizations. On June 21th, 2016, the Prime Minister issued Decision No. 1100/QĐ-TTg approving the National Plan for implementation of the CRPD. In accordance with Decision 1100, many provinces and cities have set up Provincial Committees for Vietnamese persons with disabilities and developed provincial plans for implementation of the CRPD.

22. In addition, the Vietnamese Government developed and implemented a number of national programs and projects to support persons with disabilities, including the National Action Plan to support persons with disabilities for 2012-2020, the National Action Plan on Rehabilitation and related programs. In accordance with the National Action Plan to support persons with disabilities for 2012-2020, most provinces have

⁵ Prime Minister Decision No. 1717/QĐ-TTg dated October 6th 2015 on the establishment of the National Committee for Vietnamese persons with disabilities

developed action plans to support persons with disabilities and allocated budget for the implementation of these plans.

23. On May 10th 2017, the Prime Minister promulgated the National Action Plan for implementation of the Agenda 2030 for Sustainable Development, which includes targets to support persons with disabilities in accessing to basic services and social inclusion.

4. Challenges in CRPD implementation

24. Along with the country's socio-economic development, Viet Nam has made considerable efforts to respect, protect and ensure human rights in general and the rights of persons with disabilities in particular. Viet Nam has developed a relatively comprehensive legal framework to protect the rights of persons with disabilities. The implementation of these laws and policies, however, remains challenging due to a number of reasons. The majority of Vietnamese with disabilities lives in rural areas and has difficulties in accessing basic social services such as healthcare, education, vocational training and employment. In addition, public awareness on the rights of persons with disabilities is still limited, thus has hindered the exercise of rights as prescribed in the CRPD.

25. Due to the disparity in socio-economic development among different regions and population segments, Viet Nam is lacking resources for development, especially resources for implementation of policies supporting vulnerable groups in the society. Climate change, natural disasters and epidemics also pose challenges to Viet Nam as the most affected are vulnerable groups. In addition, modest coverage of the social security system and the shortage of service provision facilities in health, education etc. have affected the enjoyment of rights by persons with disabilities.

5. The process of developing the report and involvement of related stakeholders

26. In preparation for the development of this report, on June 22nd, 2016, MOLISA issued Decision 767/QĐ-LĐTBXH to establish the inter-disciplinary drafting team of Viet Nam's initial state report on CRPD implementation, with the participation of related ministries and agencies.

27. During the drafting process, the drafting team collected related documents, reports and statistical data from ministries, provinces and related national reports. MOLISA took lead in organizing technical meetings and consultative workshops to gather comments from ministries, socio-political organizations, provincial agencies, disabled person's organizations (DPO), persons with disabilities, experts, social workers, professional organizations, and non-governmental organizations (NGOs) regarding the draft report.

28. The draft report was also sent to ministries, Committees on Social Affairs of the National Assembly, central socio-political organizations for official written comments and feedbacks.

B. TREATY SPECIFIC DOCUMENT

I. Implementation of general provisions of CRPD (from Article 1 to Article 4 of the Convention)

29. The Vietnamese legal framework on disability is applicable in the whole country, with no exception. Viet Nam does not reserve any article of the Convention, thus, all the rights of persons with disabilities as specified in the Convention are recognized and protected in Viet Nam after Viet Nam ratified the Convention.

30. Viet Nam promulgated the Law on Persons with Disability in 2010. The Law on Persons with Disability recognized the rights of persons with disabilities in social participation, independent living and enjoyment of rights on an equal basis with others. The Law also regulates the responsibilities of the State, family and the society in ensuring and protecting the rights of persons with disabilities.

31. According to the Law on Persons with Disabilities, persons with disabilities are defined as "those who have impairment of one or more parts of their body, or functional impairment, which are shown in different forms of disability, and may cause difficulties in work, daily life and learning"⁶. The Law also categorizes 6 types of disability including⁷: mobility, hearing and speaking, vision, mental, intellectual and other types of disability. The Law also regulates three levels of disability: (a) persons with severe disability are those who are unable to support themselves in their daily activities; (b) persons with moderate disability are those who are able to support themselves in some of their daily activities; and (c) persons with minor disabilities are those who do not fall under provisions a and b of this Article.

32. The Viet Nam National Committee on Disability was established in 2015 as a national coordinating agency to promote the implementation of CRPD⁸. The Committee has the mandate to assist the Prime Minister to give directions to and coordinate among related ministries, government agencies, and localities in disability support activities. Minister of Labor, Invalids and Social Affairs is assigned as the Chairperson of the Viet Nam National Committee on Disability. The Committee has 18 members including 12 Vice Ministers of related ministries and representatives of 6 central organizations of or for persons with disabilities.

33. Viet Nam promulgated the National Plan for implementation of the CRPD on June 21st, 2016⁹. This is a comprehensive action plan to promote and ensure the rights of persons with disabilities in healthcare and rehabilitation, education, vocational training and employment, livelihood support, accessibility to public buildings, transportation and Information Communication and Technology (ICT), legal justice etc. The Plan specifies the responsibilities of ministries and agencies, contributing to the fulfillment of obligations of a state party to the Convention. By the time of reporting, 21

⁶ Clause 1 Article 2 of the Law on Persons with Disability 2010

⁷ Clause 1 Article 3 of the Law on Persons with Disability 2010

⁸ Prime Minister Decision 1717/QD-TTg dated October 6th 2015

⁹ Prime Minister Decision 1100/QD-TTg dated June 21st 2016

cities/provinces have established provincial Committee on Disability and 24 cities/provinces have developed and approved their provincial CRPD implementation plans.

34. The Government and related ministries have issued national and sectoral plans, programs and projects to implement disability support policies, including the National Action Plan to support persons with disabilities for 2012-2020, the National Action Plan on Rehabilitation for 2014-2020, the National Plan on development of social work profession for 2010-2020, the National Plan on social assistance and community based rehabilitation for persons with mental disorders for 2011-2020, the National Plan to support orphans, abandoned children, children living with HIV/AIDS, children who are victims of toxic chemicals, children with severe disabilities and children affected by natural disasters during 2013-2020, the Project on community based rehabilitation for persons affected by toxic chemicals used by the US during the war in Viet Nam 2008-2016¹⁰ etc.

35. Disability determination is carried out in accordance with the the Law on Persons with Disability 2010, the Decree guiding the implementation of the Law on Persons with Disability, Inter-Circular 37/2012/TTLT-BLDTBXH-BYT-BTC-BGDDT of Ministry of Labor, Invalids and Social Affairs (MOLISA), Ministry of Health (MOH), Ministry of Finance (MOF) and Ministry of Education and Training (MOET). These documents regulated that the type and degree of disability shall be determined by communal Disability Determination Councils, except in specific cases disability determination is conducted by the Medical Examination Councils. By the end of 2016, all 63 cities and provinces have carried out disability determination services and granted disability certificates for 266,639 persons with severe disability, 634,567 persons with moderate disability and 543,126 persons with minor disability. In terms of disability types there are 349,636 persons with physical disability, 196,362 persons with hearing and speaking disability, 198,254 persons with visual disability, 211,587 persons with mental disability, 201,756 persons with intellectual disability and 154,985 persons with other types of disability having their disability determined and granted disability certificates¹¹.

36. Based on disability determination results, persons with disabilities are granted disability certificates, which indicate the degree and type of disability. The Government provides monthly social allowances for persons with severe disabilities and persons with moderate disabilities living in the community; monthly nursing allowances for caregivers of persons with severe disability, persons with moderate disability, persons with disabilities who are either pregnant or are nursing children under 36 months. To date, 63 provinces and cities have provided a social monthly

¹⁰ Please refer to Appendix 3 – The list of national programs and plans to support persons with disabilities.

¹¹ MOLISA 2016 Report on implementation of social assistance activities.

allowance to 896,644 persons with severe and moderate disability at least as specified in Decree 136/2013/ND-CP and Inter-Circular 29/2014/TTLT-BLĐTBXH-BTC¹².

37. The Law on Persons with Disability prohibits any actions of stigma and discrimination against persons with disabilities. The Law on Persons defines that “discrimination against persons with disabilities includes the act of shunning, refusing, mistreating, defaming, showing prejudice against, or restricting the rights of persons with disabilities because of their disability”; “stigma towards persons with disabilities means an attitude of disregarding or disrespecting persons because of their disability”. Based on these definitions as provisioned in the Law on Persons with Disabilities, related sectoral laws such as the Labor Code, the Law on Medical Examination and Treatment, the Law on Professional Education, the Law on Education etc. also contain provisions of non-discrimination against persons with disabilities in work, employment, social security, education, health, economic and civil activities.

38. Viet Nam’s legal framework has yet to provide the definitions of terminologies such as “communication”, “language”, “reasonable accommodations”, “universal design”. However, Viet Nam has made efforts to include the content of these terms in related policies, such as the national codes and standards on accessibility to public buildings¹³; national codes on accessibility to transportation infrastructures and vehicles¹⁴, the national standards on accessibility to information, communication and technology.

39. Persons with disabilities are consulted on legal documents that directly affect them. According to the Law on Promulgation of Legal Documents 2015, policy drafting agencies shall consult the ideas of direct beneficiaries during the development of a specific policy. For example, during the amendment of the 1992 Constitution, the draft amended Constitution was available for public consultation, persons with disabilities and disabled person’s organizations had opportunity to discuss and provide comments for specific articles of the draft Constitution. During the time the Law on Persons with disability was drafted, the draft Law was available for comments by persons with disabilities and DPOs, via consultative workshops, dialogues and petition letters to policymakers. These comments and inputs were taken into serious consideration by the drafting team.

II. Implementation of specific articles of the CRPD

1. Equality and non-discrimination - Article 5

40. The 2013 Constitution recognizes that no-one is discriminated in political, civil, economic, cultural and social lives¹⁵. The Law on Persons with Disability prohibits

¹² MOLISA 2016 Report on implementation of social assistance activities.

¹³ Circular 21/2014/TT-BXD dated December 29th 2014 by Minister of Construction

¹⁴ Circular 39/2012/TT-BGTVT dated September 24th 2012 by Minister of Transportation.

¹⁵ Clause 2 Article 16 of the Constitution 2013.

actions of stigma and discrimination against persons with disabilities¹⁶ and regulates that persons with disability shall have the rights to equal participation in all social activities, independent living, and inclusion into the community.

41. To ensure that persons with disabilities have equal participation and full enjoyment of rights on equal basis with other members of the society, the Law on Persons with Disability regulates in details the rights of persons with disabilities in healthcare, education, vocational training and employment, participation in cultural, sports, entertainment and tourism, access to public buildings, transportation, information communication technology, social protection.

42. Sector laws also have provisions to ensure non-discrimination against persons with disabilities in important aspects of the social and economic lives. Labor and employment policies prohibit the discrimination against and refusal to recruit employees with disability. The Law on Education, the Law on Higher Education, the Law on Medical Examination and Treatment, and the Law on Health Insurance have provisions to enable persons with disabilities to have equal access to education, health and insurance. Laws and policies on human rights such as the Law on Religious Belief, the Law on Referendum, the Law on Election of National Assembly and People's Council members, the Press Law, the Law on Access to Information recognize that all citizens including persons with disabilities exercise their rights on an equal basis. The Civil Code, the Penal Code, the Civil Procedure Code and the Criminal Procedure Code have provisions to ensure respect for and protection of the rights of persons with disabilities in civil transactions, handling of violations and criminal proceedings.

43. The legal system also regulates favorable conditions to enable persons with disabilities to exercise their rights and participate in the society on an equal basis. For example, the Civil Code, the Children Law regulates the guardian or representative of persons with disabilities in civil transactions. The Criminal Procedure Code stipulates that if the accused has physical or mental impairments that hinder people from defending for themselves, the procedure-conducting agency shall appoint defender for them¹⁷. Other preferential policies include priority in school enrolment for children with disability, transportation fee exemption or reduction for persons with disabilities.

44. The National Plan on CRPD implementation also regulates in details measures as well as responsibilities of related sectors and agencies in CRPD implementation, ensuring persons with disabilities to have equal participation and inclusion in all aspects of social life.

Persons with disabilities are protected from all forms of discrimination. Persons with disabilities, like other citizens in the society, are guaranteed equality in the enjoyment of rights and legitimate interests, in the performance of civic obligations. Cases of inequality and discrimination against persons with disabilities are subject to

¹⁶ Clause 1 Article 14 of the Law on Persons with Disabilities.

¹⁷ Item b Clause 1 Article 76 of the Criminal Procedure Code 2015

administrative sanctions or criminal penalties and, in case of harm to persons with disabilities, compensation will be required. Decree No. 144/2013/ND-CP dated October 29th 2013 of the Government regulates the sanctioning of administrative violations of disability rights including: Violating prohibited behaviors towards persons with disabilities, violating the rights to health care, medical examination and treatment of persons with disabilities; violating the rights to education of persons with disabilities; violating the rights to vocational training of persons with disabilities; violating the rights to employment of persons with disabilities. Accordingly, stigma and discriminatory behaviors towards persons with disabilities may be subject to penalties ranging from VND 3 million to 5 million¹⁸.

45. Vietnamese Government took all measures to ensure that persons with disabilities participate in all activities of social life on an equal basis with others. Persons with disabilities are consulted about policies that directly affect them, via the mass media, consultative workshops, meetings etc. This is to ensure that laws and policies address the needs of persons with disabilities and do not create any inequality for persons with disabilities.

2. Awareness raising - Article 8

46. The Law on Persons with Disability 2010 stipulates information, communication, and education of disability issues with an aim to prevent disability, improve public awareness, change attitudes and behaviors towards persons with disability; avoid stigma and discrimination against persons with disabilities.

47. The National Plan for implementation of CRPD includes measures to raise awareness about CRPD, disability policies, the rights of persons with disabilities for government officials, persons with disabilities, their family members and public; promoting equality and preventing violence and discrimination against persons with disabilities, particularly children, women, elders and ethnic minority persons with disabilities. The National Action Plan to support persons with disabilities for 2012 - 2020¹⁹ considers awareness raising as one of the major components.

48. In Viet Nam, there are diverse activities to improve public awareness about the rights of persons with disabilities, for instance through television, radio broadcasting, newspapers, leaflets, posters etc., or forums, conferences, workshops and events on occasions of the International Disability Day, the Viet Nam Disability Day and other national days. Disability policies in general and information about CRPD in particular are frequently covered in the wide network of Vietnamese press²⁰.

49. On annual basis, MOLISA, in cooperation with the media and organizations of and for persons with disabilities, organized events to disseminate the CRPD, the Law

¹⁸ Article 9 Decree 144/2013/ND-CP dated October 29th 2013 of the Government regulating handlings of administrative violations in social protection, social relief, protection and taking care of children.

¹⁹ Prime Minister Decision 1019/QĐ-TTg dated August 5th 2012

²⁰ Viet Nam currently has over 800 press agencies of different types: newspapers, online newspapers, radio, television, including 67 central and local radio stations and televisions and thousands of online newspapers.

on Persons with Disability on the occasions of the Viet Nam Disability Day (April 18th), the International Disability Day (December 3rd), national holidays etc, organized contests on disability policies and arts performance by persons with disabilities.

50. During 2008 - 2016, publishing houses in Viet Nam published 112 publications with 410,784 copies to improve public awareness about persons with disabilities. The content of these publications focus on: The legal framework on disability; disability policies; human rights including the rights of persons with disabilities; guiding manuals on vocational training for persons with disabilities²¹.

3. Accessibility - Article 9

51. Viet Nam has developed a legal framework to ensure accessibility for persons with disability. The Law on Persons with Disability 2010 asserted that persons with disabilities shall have the rights to accessibility in public construction, public transportation, information technology, cultural services, sports, tourism and other services that are appropriate to the person's type and level of disability²². Healthcare facilities, educational facilities, cultural, physical education, sports and tourism facilities have the responsibilities to restore and upgrade their infrastructures to ensure accessibility for persons with disabilities. The Law on Persons with Disability also defines "accessibility" as "to ensure persons with disabilities have equal access to and use of public works, public transportation, information technology, cultural, sports, tourism and other services in order to fully integrate into social life". Related laws including the Law on Construction, the Law on Road Traffic considers accessibility for persons with disabilities as one of the fundamental requirements in the implementation of activities related to construction and road traffic. The Law on Access to Information 2016 also stipulates that the government will provide favorable conditions for persons with disabilities, persons living in borders, islands, mountainous areas, regions of difficult socio-economic conditions to access information²³.

52. The National Plan on CRPD implementation stipulates necessary measures to ensure the rights of persons with disabilities in access to transportation, construction, communication, information technology. The National Action Plan to support persons with disabilities for 2012-2020 defines the objectives, targets and specific activities to support persons with disabilities to access to and use of public buildings, transportation, information technology and communications, with focus on monitoring and evaluation, development of pilot models, research and application of new technologies.

53. Accessibility to public buildings was stipulated under the Law on Construction 2014 and the Law on Road Traffic 2008. The Law on Construction 2014 regulates one of the fundamental principles in construction activities is to ensure that persons with disabilities have safe and convenient access to and use of public buildings and high

²¹ Report on CRPD implementation by Ministry of Information Communication dated December 12th 2016

²² Item d Clause 1 Article 4 of the Law on Persons with Disabilities 2010

²³ Clause 6 Article 3 of the Law on Access to Information 2016

buildings. The Law on Road Traffic 2008 stipulates that newly built, upgraded and restored roads must meet the technical and safety accessibility standards. Urban roads must have pavements, roads, tunnels and other transportation facilities that enable persons with disabilities safe and convenient mobility. Viet Nam also enacted the national codes on accessibility to construction works No. 10:2014/BXD and three national standards on accessibility to construction works, including: National standards on accessibility to residential and construction works, national standards on roads and pavements to ensure accessibility to persons with disabilities²⁴.

54. According to the statistics by Ministry of Construction, until now, 22.6% of healthcare facilities; 20.8% of educational facilities; 13.2% of galleries and exhibition centers; 11.3% of convention centers and office buildings; 5.7% of supermarkets; 3.8% of stadiums, post offices, railway stations, border gates; 7.5% of elders nursing homes, retirement clubs and 2% of banks meet the accessibility requirements for persons with disabilities²⁵.

55. Viet Nam adopted preferential policies for persons with disabilities participating in public transportation such as: preference in buying tickets and seat arrangements; transportation or service fee reduction/exemption; provision of assistive devices or staffs to assist passengers with disability to get on/get off means of transportation. In 2016, Viet Nam continued to provide transportation/service fee reduction/exemption ranging from 25% to 100% for 20,016,222 person with disabilities' times participating in public transportation. There were 6,293 persons with disabilities participating in rail transportation enjoying 30% reduction of train tickets²⁶. All persons with severe disabilities and persons with moderate disabilities enjoyed 25% fee reduction when using in-land water transportation.

56. As of December 2015, Viet Nam has 323 buses that incorporate accessibility features to support persons with disabilities, mainly low-floor buses (accounting for 3.5% of the total number of buses nationwide). Until now, 6 out of 63 cities and provinces have regulations on the ratio of vehicles meeting accessibility standards. Viet Nam continues to encourage transportation firms to invest in vehicles that meet the national accessibility technical standards.

57. Regarding transportation infrastructures, to date 30% of the total 457 coach stations in Viet Nam has accessibility features to support persons with disabilities to access and use. Coach stations have been more supportive to persons with visual disabilities and persons with hearing and speaking disability, however they lack tactile paving to support persons with visual disability. Bus stops have been upgraded and become more convenient for persons with disabilities' access and use. Due to budget constraint and the low number of persons with severe disabilities and persons with

²⁴ Viet Nam National Codes on Construction QCVN 10:2014/BXD (enacted under Circular 21/2014/TT-BXD dated December 29th 2014 by Ministry of Construction).

²⁵ 2016 Viet Nam Disability report.

²⁶ 2016 Viet Nam Disability report.

moderate disabilities using trains (only 5,000 passengers with disability out of the total 11 million passengers using trains per year), Vietnam only has one accessible carriage to support persons with disabilities; most large train stations have ticket booths to support persons with disabilities. Sixteen first-grade stations of Vietnam have ramps to the waiting rooms and to the trains. All stations have ramps into the main entrance.

58. Regarding air transportation, all airlines of Viet Nam have specific regulations to support passengers with disabilities. All airplanes used by Vietnamese airlines meet international standards and thus are convenient for all passengers, including passengers with disabilities. Viet Nam has invested in professional equipment such as elevators and wheelchairs to support passengers with disabilities on the ground and on board. Most of the 22 airports have ramps for wheelchair users and accessible toilets, except a few local airports. From now until 2020, Viet Nam has a plan to build accessible toilets in all airports.

59. Regarding information technology and communication, the Law on Persons with Disability and the Law on Information Technology both recognize the rights of persons with disabilities in access to and use of information technology and communication, applying and developing information technology, developing working capacity through IT applications and development, participating in education and training programs on IT.

60. Viet Nam enacted a number of national accessibility standards on information technology and communication, such as: the national standards on public internet access points – technical requirements to support the elders and persons with disabilities (TCVN 8701: 2011); national standards on telecommunication products and services to support persons with disabilities and the elders – Fundamental requirements (TCVN 9247:2012); national standards on telecommunication products and services to support persons with disabilities and the elders – Instructions on design of interactive services using DTMF as input signal (TCVN 9248:2012); national standards on ICT products and services to support persons with disabilities and the elders – Instructions for design (TCVN 9249:2012).

61. To enable persons with disabilities to access websites and portals of government agencies, Ministry of Information and Communication (MIC) enacted a Circular regulating that portals of government agencies must ensure accessibility features for persons with disabilities²⁷ and a Circular regulating the application of accessibility standards and technologies to support persons with disabilities access to and use of ICT²⁸. MIC is the first government agency to develop a website that adopts many accessibility features such as captions, text resize etc. Besides, the website was recorded to HTML code to support JAWS, a text reading software to support persons with visual impairments.

62. Viet Nam has invested in research and development of ICT applications on

²⁷ MIC Circular 26/2009/TT-BTTTT dated July 31st 2009

²⁸ MIC Circular 28/2009/TT-BTTTT dated September 14th 2009

broadband telecommunication infrastructures in line with the socio-economic development, including applications to support persons with disabilities.

63. One of Viet Nam press development policies as stipulated in the Press Law 2016 is to develop press to support persons with hearing disabilities and persons with visual disabilities. Under the Law on Persons with Disability, mass media has the responsibility to reflect the material and spiritual life of persons with disabilities. Viet Nam Television is airing programs with Vietnamese subtitles and sign language interpretation for persons with disabilities in accordance with MIC regulations.

64. Regarding access to books in libraries, persons with visual impairments are eligible to access to books in braille or alternative forms²⁹. The library system in Viet Nam provides support services to persons with disabilities, including 2 libraries specifically designed for persons with disabilities. Some libraries have accessible entrances, toilets, elevators and service rooms for persons with disabilities; shelves, computer tables, reading tables accessible for wheelchair users. Over 100 agencies and organizations have provided library-information services to persons with visual disability in alternative texts. Over 100 libraries, blind associations, schools and centers teaching children with visual disability and children with hearing disability are supported to provide information for children with visual disability and children with hearing disability. Four studios producing digital books have been established³⁰.

65. Viet Nam also has policies on sanctioning administrative violations of accessibility policies. Penalty fees collected shall be submitted to government budget and shall be allocated to social assistance activities on annual basis (including disability support activities).

4. Right to Life - Article 10

66. In Viet Nam, the right to life of persons with disabilities is recognized and protected on an equal basis with others. This is confirmed and stipulated in the 2013 Constitution: "Everyone has the right to life. Human life is protected by the Law. No one shall be illegally deprived of his or her life"³¹ and continues to be specified in other legal documents, especially the Civil Law, the Penal Code, the Criminal Procedure Code, the Law on Persons with Disabilities, the Children Law, the Law on Medical Examination and Treatment ...

67. The Penal Code 2015 prescribes criminal acts that directly violate human life and circumstances that cause great harms to human life. These provisions reaffirm the right to life of people, including persons with disabilities and that any violations of the rights to life shall be strictly punished.

68. The Law on Persons with Disabilities strictly prohibits the abuse of physical body, dignity, honor, properties, legitimate rights and interest of persons with disabilities.

²⁹ Ordinance on Library 2000

³⁰ Report on CRPD implementation by Ministry of Culture, Sports and Tourism dated December 13th 2016

³¹ Article 19 of the Constitution 2013

The law also prohibits persons having the responsibility to nurture and take care of persons with disabilities who fail to fulfill their responsibility (Article 14).

69. Under the Civil Law, individuals have the right to life, the inviolability of life and body, the right to health protection. No one shall be illegally deprived of his or her life. Anesthesia, surgery, removal or transplant of human tissue and organ; application of new examination and treatment techniques and methods on human body; medical, pharmacological, scientific examination or any other forms of testing on human body must have the consent of that person and must be carried out by the competent authority. These regulations are applied to all people, including persons with disabilities.

5. Situations of Risk and Humanitarian Emergencies - Article 11

70. According to the Law on Natural Disaster Prevention and Control, persons with disabilities are considered a vulnerable group and are prioritized in receiving living and working support in case of natural disasters. Persons with disabilities are taken into consideration during natural disasters warning, responses as well as rescuing and relief.

71. Viet Nam established the General Department of Natural Disaster Prevention and Control under the Ministry of Agriculture and Rural Development as the state management agency on natural disasters, and two multi-sector coordination agencies namely the Central Steering Committee on Disaster Prevention and Control and the National Committee on Search and Rescue. These two organizations have the responsibility to assist the Government and the Prime Minister in organizing, directing and monitoring disaster prevention, response and recovery, search and rescue nationwide. Local authorities have set up provincial Steering Committees on Disaster Prevention and Control and provincial Committees for Search and Rescue. These agencies take measures to deal with risk and humanitarian emergencies to minimize potential risks and promptly provide humanitarian assistance to all persons including persons with disabilities.

72. Viet Nam developed and implemented many national programs on natural disaster and risk situation prevention and control, such as the National Targeted Program on responding to climate change³²; the National Plan on Community-Based Disaster Risk Management and public awareness raising until 2020³³ and the National Strategy on Climate Change³⁴. The implementation of these programs has enabled persons with disabilities to learn about disaster risk and their vulnerable situation, to assess their capacity prior to disaster and to take part in disaster risk management planning.

73. In the event of disaster, the government and local authorities take measures to provide affected people with food, clean water, shelter, rescue supports in a timely

³² Prime Minister Decision 1183/QĐ-TTg dated August 30th 2012

³³ Prime Minister Decision 1002/QĐ-TTg dated July 13th 2009

³⁴ Prime Minister Decision 2139/QĐ-TTg dated December 5th 2011

manner; call for and receive donations, humanitarian aid etc. Persons with disabilities in affected areas are considered as a prioritized group of relief and assistance activities. During 2012 - 2015, Viet Nam cooperated with some international organizations to organize activities to support persons with disabilities in disaster risk management, improve their capacity in coping with natural disasters.

6. Equal recognition before the law - Article 12

74. Article 16 of the Constitution 2013 stipulates that everyone is equal before the law. The Law on Persons with Disability 2010 also recognizes that persons with disabilities are ensured the rights to social participation on an equal basis with others.

75. No provision of Vietnamese legislation deprives persons with disabilities of enjoying their legal capacity on the basis of their disability. All individuals have equal civil legal capacity, without discrimination on the basis of disability; all individuals enjoy equal protection of their personal and property rights. Discriminatory acts may, depending on the extent of the matter, be subject to civil, administrative or criminal liability; persons suffering from discrimination have the right to lodge complaints or file lawsuits against violations committed by government agencies, organizations or individuals and are eligible to compensation once they suffer losses.

76. The 2015 Civil Law stipulates that all individuals have equal civil law capacity (Clause 2 of Article 16). At the same time, the Civil Law also provides measures to ensure that persons with mental or physical disabilities who are unable to exercise their rights can do so through their representatives, legal guardians or legal aid organizations.

77. The Penal Code contains provisions on mitigation of criminal liability for persons with disabilities committing crimes and strictly punishes offences against persons with disabilities. The Code also stipulates the offenses against persons with disabilities as aggravation of criminal liability; aggravation of sentences in some crimes.

78. Besides the recognition of persons with disabilities' rights on equal basis with others, Viet Nam promulgated policies to support, encourage and create favorable conditions for persons with disabilities to access to, benefit from and exercise their rights. For example, to enable persons with disabilities to be well-informed of their rights, the Law on Access to Information 2016 requires public authorities to identify information disclosure forms suitable to persons with disabilities' ability (Article 18); in case the information requestor can neither read nor write, the request receiver is responsible to assist him/her to fill in the form (Article 24).

7. Access to Justice - Article 13

79. The Law on Policy Dissemination and Education has specific provisions on policy dissemination and education targeting persons with disabilities to ensure persons with disabilities have access to justice suitable with their conditions and situations. Policy dissemination and education for persons with disabilities shall focus on the rights of persons with disabilities, disability support activities, responsibilities of the

government and the society in supporting persons with disabilities and shall be implemented in appropriate formats, methods, means, materials suitable for each type of disability.

80. Persons with disabilities are provided favorable conditions to access legal information, legal and administrative procedures and to participate in legal proceedings either directly or through their legal representative, interpreter, language supporter with no distinction between children with disabilities and adults with disability.

81. For accused persons with physical or mental impairments that prevent them from defending for themselves, in case their representatives or family members do not invite advocate, competent agencies shall have the responsibility to request the appointment of an advocate for them³⁵.

82. Persons with disabilities with financial difficulties shall be provided legal assistance in the forms of counseling, support to participate in legal proceedings, representation outside legal proceedings and other forms of legal assistance in all fields except trade and commerce³⁶. Until now, Viet Nam has established 63 provincial legal aid centers in all provinces and cities across the country. Since 2014, Viet Nam has issued 172,000 leaflets to disseminate the right to legal aids and other rights and obligations of persons with disabilities; held dialogues and provided training on legal assistance skills targeting persons with disabilities. From 2015 to 2016, legal aid centers in all provinces and cities have provided legal aids for 9,499 persons with disabilities (4,339 in 2015 and 5,176 in 2016), supported 686 person times to participate in legal proceedings, provided legal consultation for 8,691 persons with disabilities times and other support services for 122 persons with disabilities times³⁷.

8. Liberty and Security of the Person - Article 14

83. The Constitution 2013 affirms that human rights, citizen rights including political, civil, economic, cultural and social rights are acknowledged, respected, protected and guaranteed in accordance with the Constitution and laws. Human rights and citizen rights shall only be restricted in circumstances of national defence, national security, social order and security, social morality, and community health.

84. In Viet Nam, no law allows the deprivation of the freedom of persons with disabilities. Persons with disabilities' rights to freedom of speech, freedom of belief and religion, freedom of movement and residence, freedom to assemble and form associations on an equal basis with others without any discrimination, prohibition or restriction are recognized in the Press Law, the Law on Beliefs and Religion, the Law on Referendum, the Residence Law.

³⁵ Clause 1 Article 76 of the 2015 Criminal Procedure Code

³⁶ The Law on Legal Assistance 2017 and the Law on Persons with Disabilities 2010

³⁷ Report on CRPD implementation by Ministry of Justice dated August 22nd 2017

9. Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment - Article 15

85. As provisioned in the Constitution 2013, everyone has the right to inviolability of his or her body and to the protection by law of his or her health, honor and dignity; no one shall be subjected to torture, violence, coercion, corporal punishment or any form of treatment harming his or her body and health or offending his or her honor and dignity. No one may be arrested without a decision of a People's Court, or a decision or approval of a People's Procuracy, except in case of a flagrant offense. The arrest, holding in custody, or detention, of a person shall be prescribed by a law. Everyone has the right to donate his or her tissues, organs or body in accordance with law. Medical, pharmaceutical and scientific experiments, or any other form of experiments, on the human body must be consented to by the human subject³⁸.

86. In 2014, Viet Nam ratified the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment³⁹, which reflects humanitarian criminal policy and human rights protection efforts of the country. Accordingly, persons with disabilities, like others in the society, will be protected against all acts of torture, punishment or cruel, inhuman or degrading treatment by any agency, organization or individual.

87. Based on the Constitution and in efforts to harmonize national legislation in conformity with the Convention, the above content was recognized and concretized in related laws including the 2010 Law on Persons with Disabilities, the 2009 Law on Medical Examination and Treatment, the 2006 Law on Donation, Removal and Transplantation of Human Tissues and Organs, Donation and Recovery of Cadavers; the 2015 Penal Code and the 2015 Criminal Procedure Code.

88. The Law on Persons with Disabilities strictly prohibits the infringement of physical body, dignity, honor, property or legitimate rights and interests of persons with disabilities (Article 14). The 2015 Penal Code stipulates the use of corporal punishment (Article 373), obtaining testimony by duress (Article 374). The penalties for the above offenses are strict.

89. The 2015 Criminal Procedure Code strictly prohibits torture, coercion, corporal punishment or any other form of treatment that violates the body, life and health of persons. Clause 3 of Article 4 and Clause 1 of Article 8 of the Law on Temporary Detention and Custody 2015 also prohibits torture, coercion, corporal punishment or any other form of treatment that infringes the legitimate rights and interests of the person held in temporary detention or custody.

90. Article 33 of the 2015 Civil Code and Article 11 of the 2006 Law on Donation, Removal and Transplantation of Human Tissues and Organs and Donation and Recovery of Cadavers clearly indicate that anesthesia, surgery, removal, transplant of human tissues and organs; the application of new

³⁸ Article 20 of the Constitution 2013

³⁹ National Assembly Resolution 83/2014/QH13 dated November 28th 2014

examination and treatment methods on human body; medical, pharmaceutical, scientific examination or any other form of testing on human body must have the consent of that person and must be carried out by the competent authority. Those who trade or steal tissues or organs of another person will be sanctioned in accordance with Article 154 of the 2015 Penal Code.

91. Legal documents, measures to prohibit and prevent torture, maltreatment and to protect citizens' rights are disseminated and trained to government officers, or integrated into training programs for law enforcement officers.

10. Freedom from exploitation, violence and abuse - Article 16

92. Viet Nam legislation stipulates that all citizens are free from exploitation, violence and abuse, which applies to all citizens regardless of their disability.

93. The Law on Persons with Disabilities 2010 strictly prohibits the actions of manipulation, inducement or force of persons with disabilities to commit actions which are against the law or social morals; Make use of persons with disabilities, organizations of persons with disabilities, organizations for persons with disabilities; the image, personal information and conditions of persons with disabilities to make personal benefit or carry out illegal actions.

94. The Children Law 2016 stipulates the following prohibited acts against children: Abandon, neglect, trafficking, abduction, fraud, child abuse; Sexual assault, violence, abuse, exploitation of children; Failing to provide information on abused children or children at risk of exploitation or violence to their families, educational establishments, competent agencies or individuals⁴⁰. The Law protects the rights of children against sexual abuse, child labor, violence, abandon, neglect, trafficking and kidnap⁴¹. Since 2004, the Ministry of Labor, Invalids and Social Affairs (MOLISA) has developed a hotline to provide free-of-charge counseling for children and families. This line provides psychological support, referral and connection to relevant authorities, emergency support services for child victims of violence and abuse throughout the country.

95. The Penal Code stipulates the followings as circumstances aggravating criminal liabilities: Torture or maltreatment of a women known to be pregnant; a person with moderate disability, a person with severe disability or a person suffering from a serious illness⁴²; Forced labor towards women known to be pregnant, the elders, persons with moderate disabilities or persons with severe disabilities.

96. The Labor Code 2012 stipulates the followings as prohibited acts in labor: Discrimination on the basis of gender, ethnic, skin color, social strata, marital status, belief, religion, HIV infection, disability or for the reason of establishing or joining trade union activities; Maltreatment of employees and committing sexual

⁴⁰ Clause 2, 3, 7 Article 6 of the Children Law 2016

⁴¹ Article 25, 26, 27, 28 of the Children Law 2016

⁴² Clause 2, Article 185 of the Penal Code

harassment at the workplace; Forced labor; Making use of apprenticeship or on-the-job training for labor exploitation, forcing apprentice or on-the-job trainees to carry out illegal activities etc⁴³. These regulations are also applied to persons with disabilities. The amended Labor Code 2012 stipulates that employers are not allowed to recruit employees with disability who have lost at least 51% of their working capacity to work overtime or at night. The Code also prohibits the use of persons with disabilities for heavy, hazardous, dangerous job or contact with toxic chemicals as specified in the list.

97. Viet Nam has established 34 social work centers nationwide to provide emergency support services for abandoned children, child victims of domestic violence, sexual abuse, human trafficking, forced labor; provide counseling and assistance to social protection recipients; coordinate and refer them to relevant agencies and organizations. Persons with disabilities, children, the elders are among the beneficiaries of social work centers. In addition, organizations of and for persons with disabilities such as the Viet Nam Federation on Disability, the Association in support of Vietnamese Handicapped and Orphans, the Viet Nam Blind Association, the Viet Nam Relief Association for Handicapped Children, the Association for Victims of Agent Orange/Dioxin also have activities to protect the legitimate rights and benefits of persons with disabilities.

11. Protecting the Integrity of the Person - Article 17

98. Vietnamese legislation stipulates the rights of patients (regardless of whether they are persons with disabilities or persons without disabilities) to accept or refuse to participate in biomedical research in medical examination and treatment; to select a representative to perform and protect their rights and obligations in medical examination and treatment⁴⁴; to refuse medical treatment and leave healthcare establishments⁴⁵.

99. The Decree on sanctioning of administrative violations in the health sector⁴⁶ specifies the sanctioning for the acts of forced sterilization to girls, forced abortion to women, regardless of disability. The highest fine is up to VND 30 million, suspension of license for one to three months and taking relevant remedy.

12. Liberty of Movement and Nationality - Article 18

100. The Constitution of Viet Nam stipulates that all citizens are equal before the law, regardless of persons with disabilities or persons without disability. Legislation on citizenship, immigration and emigration, birth registration guarantees the rights of all citizens, including persons with disabilities, on an equal basis with others.

⁴³ Article 8 of the Labor Code 2012

⁴⁴ Clause 10 of the Law on Medical Examination and Treatment 2009

⁴⁵ Clause 12 of the Law on Medical Examination and Treatment 2009

⁴⁶ Article 85 of Decree 176/2013/ND-CP dated November 14th 2013 on sanctioning of administrative violations in health sector.

101. Viet Nam also regulates sanctioning (mainly administrative sanctioning) for violations related to citizenship, birth registration, immigration and emigration, including violations against persons with disabilities.

13. Independence living and social participation - Article 19

102. The Constitution 2013, the Law on Persons with Disabilities 2010 recognize and affirm the rights to independent living and social inclusion of persons with disabilities. In the Law on Persons with Disabilities 2010, persons with disabilities are guaranteed the rights to live independently, integrate into the community and fully participate in social activities on an equal basis with others.

103. For many years, Viet Nam has implemented a social security policy to ensure the minimum income level and the access to basic social services by persons with disabilities. The government provides monthly social allowance in cash to persons with moderate disabilities, persons with severe disabilities, persons with disabilities who are beneficiaries of social policies and caregivers of persons with severe disabilities; provides free health insurance cards for persons with moderate and persons with severe disabilities. Over 5 years, the number of persons with disabilities living in the community receiving social monthly allowance increased by 1.6 times, from 576,000 in 2011 to 896,600 in 2016. Social monthly allowance norm in 2016 was increased 1.5 times compared with that of 2010 to better meet the daily needs of persons with disabilities. In addition, 15 out of 63 provinces and cities have allocated provincial budget to increase the monthly allowance norm by 1.5 - 2 times compared to the national norm⁴⁷.

104. Persons with disabilities who are unable to live on their own or have no caregiver shall be considered to be admitted into social protection centers. Viet Nam currently has 432 social protection centers (182 public and 250 private centers), including 67 specialized centers providing care and support to persons with disabilities. There are estimated 20,000 persons with disabilities currently living in social protection centers. The majority of these are children with severe disabilities, the elders with severe disabilities, persons with mental disabilities and persons with intellectual disabilities.

105. Viet Nam has formed a network of social work centers mandated to provide social work services to marginalized groups in the community, including persons with disabilities. By 2016, Viet Nam has established 34 social centers nationwide to provide emergency services to meet the urgent needs of the targeted population, including shelter, food, clothing, travel expenses, initial medical treatment, psychological counseling and referrals to meet the needs of persons with disabilities.

106. Viet Nam is building a network of local social workers who shall carry out case management, monitor the progress, support, coordinate and refer persons with disabilities living in the community to relevant service providers. In 2015, MOLISA

⁴⁷ The 2016 MOLISA report on the implementation of the Law on Persons with Disabilities

issued a Circular on Case Management for Persons with Disabilities. MOLISA also collaborated with a number of universities to develop curricula on case management for persons with disabilities at undergraduate and graduate levels, as well as short-term training documents on case management for persons with disabilities for staffs working with persons with disabilities. Viet Nam is currently developing the Law on Social Work in order to provide more effective support to those in need, including persons with disabilities.

107. In the field of construction and transportation, Viet Nam also implemented appropriate measures to ensure persons with disabilities have access to public buildings and transportation, thereby enhancing their independence and social participation (Please refer to Article 9).

108. Since 2009, the Independence Living Program has been piloted in Viet Nam with the establishment of the Hanoi Independence Living center. This program provides persons with severe disabilities knowledge and skills for their independence living, peer counseling, provision of personal assistants and training to personal assistants. So far the program has been implemented in 5 provinces and cities of Viet Nam.

109. Viet Nam issued technical standards to ensure that the websites/portals of government agencies provide information and online public services in accessible formats for persons with disabilities' access and use⁴⁸. This enables persons with disabilities to independently and actively perform administrative and legal procedures on issues directly related to their needs.

14. Personal Mobility - Article 20

110. Viet Nam has completed a legal framework on construction to ensure accessibility for persons with disabilities, including the Law on Construction, Decree, Circulars, technical codes and standards etc. to ensure compliance in various stages of project formulation, design, evaluation, approval, implementation, monitoring, and acceptance of both renovated works and newly built works.

111. The national codes and standards on accessible construction include the national Construction Standards TCXDVN 265:2002 on Route and Sidewalk and the national Code QCVN 10:2014/BXD on construction works to ensure persons with disabilities' access and use. The code stipulates that a building or a construction work must have at least one main entrance adopting accessibility features for persons with disabilities. The entrance door must have no threshold and must be equipped with signboards directing persons with disabilities to the elevator. Transportation facilities such as bus stops, electric poles, street lamps, signboards, public telephone stations, mail boxes, automatic teller machines, flower basins, dust bins must not impede persons with disabilities and are warned by floating slabs or marked with contrast colors so that

⁴⁸ The WCAG (Web Content Accessibility Guidelines 2.0) technical standards

persons with disabilities can easily notice. Viet Nam also invested in low-floor buses to enable the access and use by persons with disabilities. All buses are equipped with audio guidance to support persons with visual impairments access and use. As mentioned above, Viet Nam has policy of transportation fee reduction/exemption for persons with disabilities in order to support the mobility of persons with disabilities.

112. Circular 12/2017/TT-BGTVT dated April 15th 2017 of Ministry of Transportation for the first time regulates the training, testing and granting of motorcycle driving licenses for persons with disabilities. Persons with disabilities meeting requirements of training and testing as provisioned will be granted driving license on equal basis with persons without disability. Previously, Circular 24/2015/TTLT-BYT-BGTVT dated August 21st 2015 regulates drivers' health conditions, periodical health checks and medical facilities eligible to conduct health check for drivers, diseases/impairments considered not eligible for driving including mental disability, eye, ear - nose - throat, cardiovascular, respiratory, musculoskeletal, endocrine etc. Under the former Circular, persons with disabilities who do not fall under the categories as provisioned are eligible for testing and granting of driving licences.

113. In the special education curriculum for children with visual impairments at primary education⁴⁹, Orientation – Mobility subject is taught from grade 1 to grade 5. Educational facilities teaching blind children are equipped with books and materials on Orientation – Mobility for blind persons in general and blind children in particular. The Rehabilitation Center for the Blind, its provincial and district centers regularly organized classes on Orientation – Mobility skills for their members.

114. Viet Nam enacted legal documents to encourage research, technology application and transfer in production of products supporting persons with disabilities; guide budget allocation for research and technology in disability support products; regulate the responsibilities of related agencies to allocate budget for research and technology in disability; regulate preferential policies for organizations and individuals conducting research and development supporting persons with disabilities; regulate incentives for companies with technology application and transfer in disability⁵⁰.

15. Freedom of expression and opinion, and access to information - Article 21

115. The Constitution 2013 stipulates that citizens have the right to freedom of expression, freedom of the press, access to information, assembly, association and demonstration. Based on the Constitution, sectoral laws such as the Press Law 2015, the Law on Publications 2012, the Law on Information Technology 2006, the Law on Access to Information 2016, the Law on Information Security 2015 stipulate in details the freedom of expression, freedom of access to information.

116. The Press Law 2015 recognizes the right to freedom of expression, the freedom

⁴⁹ Decision 5715/QĐ-BGDĐT dated December 8th 2010 of Ministry of Education and Training

⁵⁰ Inter-Circular 19/2015/TTLT-BKHCN-BLĐTĐXH dated October 30th 2015

of the press of all citizens, and persons with disabilities are not exception to this provision. Law on Information Technology 2006 regulates that organizations and individuals have the rights to freely use digital information for legitimate purposes, in accordance with the law. Competent government agencies shall take measures to ensure the convenient access to and use of digital information.

The Law on Access to Information 2016 affirms that all citizens are equal in the exercise of their rights to access information. The government creates favorable conditions for persons with disabilities, persons living in border areas, islands, mountainous areas, areas of extremely difficult socio-economic conditions to access information. Government agencies shall determine the forms of information disclosure suitable with the information access capacity of persons with disabilities. If the information requestor is a person with disability and can not write the request, the request recipient shall assist that person fill out the Request for Information form.

117. The Law on Persons with Disability 2010 stipulates that mass media agencies are responsible to reflect the physical and mental life of persons with disabilities. Viet Nam Television is responsible for broadcasting programs with Vietnamese subtitles and sign language interpretation to support persons with disabilities. Currently two national television channels namely VTV2 and O2TV are broadcasting programs with subtitles and sign language interpretation. Since 2012, Viet Nam has broadcasted sign language training programs on Viet Nam Television to assist persons with disabilities to learn and use sign language for communication.

118. To ensure access to information, communication and technology by persons with disabilities, Viet Nam has issued a standard list of information technology applications applicable for government agencies to ensure accessibility for persons with disabilities⁵¹. Ministry of Information and Communications (<http://mic.gov.vn>) website is the first ministry website that meets the WCAG (Web Content Accessibility Guidelines) 2.0 standard. Following MIC website, a number of government agency websites/portals also meet versions 1.0 or 2.0 of WCAG accessibility technical standards. Viet Nam has designed and is piloting Viet Nam ICT Accessibility Portal – a portal providing information on the results of ICT component under the National Action Plan to support persons with disabilities, and updates on products and services to support persons with disabilities. It is estimated that over 60% of government agency websites/portals have adopted basic accessibility functions to assist persons with disabilities (such as screen reading or font size change functions etc.).

119. Persons with disabilities are provided with learning support tools and documents; persons with hearing and speaking disabilities can learn sign language; persons with visual disability can learn Braille of national standards⁵² in order to exercise their rights to freedom of expression, freedom of the press, access to information.

⁵¹ Decision 20/2008/DQ-BTTTT dated April 9th 2008 by Minister of Information and Communication

⁵² Clause 3 Article 27 of the Law on Persons with Disabilities

120. Viet Nam has policies on tax exemption and reduction, preferential loans and other support for research, manufacturing, production and provision of services and facilities to support persons with disabilities' access to information technology and communication; assist in the collection, compilation and publication of Braille materials for persons with visual disabilities, reading materials for persons with hearing and speaking disability and persons with intellectual disability⁵³. Enterprises transferring and applying technology to produce products supporting persons with disabilities shall be entitled to preferential treatment⁵⁴.

16. Respect for privacy - Article 22

121. The Constitution 2013 affirms that everyone has the rights to privacy, personal secrets and family secrets; have the rights to have their honor and prestige protected. Information about personal life, personal secrets, family secrets are secured by law (Article 21). The Constitution 2013 also states that everyone has the right to have a place to live. No one is allowed to enter another person's residence without his/her consent. The search of premise is regulated by law (Article 22).

122. These provisions of the Constitution are specified in sectoral laws such as the Civil Code, Internet Information Security Act, Consumer Protection Law, Medical Practitioner Law, Telecommunications Law, E-transaction Law etc. In these laws, regulations on personal information protection apply to all Vietnamese citizens, including persons with disabilities.

123. Article 38 of the Civil Code 2015, Article 12 of the Penal Code 2015 affirm that correspondences, telephones, telegrams, electronic databases and other forms of private communication are secured and kept confidential. The disclosure, control, seizure of correspondence, telephones, telegrams, electronic databases and other forms of private communication of other persons are only allowed in certain circumstances as provisioned by the laws.

124. The Penal Code 2015 regulates the infringement of the confidentiality or safety of correspondence, telephones, telegrams or the exchange of private information of others (Article 159), the use of online information, information of telecommunication networks, including information of agencies, organizations or individuals without permission (Article 288).

125. The Criminal Procedure Code 2015 also stipulates special procedural investigation measures (including secret sound recording, video recording, telephone recording, online database collection), circumstances when special investigation measures are allowed, the authority and timeframe for application of such measures. Information collected through these measures shall be accepted as evidences only if the collection process complies with the law, is used solely for investigation purpose

⁵³ Clause 3 Article 43 of the Law on Persons with Disabilities

⁵⁴ Inter-Circular 19/2015/TTLT-BKHCN-BLĐTĐBXH dated October 30th 2015 encouraging scientific research, technology transfer and application in the production of products supporting persons with disabilities.

and shall not affect citizen's privacy and confidentiality.

126. Viet Nam disability legislation strictly prohibits the abuse of physical body, dignity, honor, properties, legitimate rights and interests of persons with disabilities, the use of image, personal information and conditions of persons with disabilities to make personal benefit or carry out illegal actions.

127. The Telecommunications Law 2009, the Postal Law 2010 specify the protection of privacy and prohibit acts of infringement of privacy rights in postal and telecommunication activities. Decrees on sanctioning administrative violations in the fields of consumer protection, press, publishing, telecommunications, security, social order and safety regulate the acts of administrative violations and the penalties for those violations.

17. Respect for home and the family - Article 23

128. Viet Nam marriage and family legislation guarantees the rights of persons with disabilities to marriage on equal basis with persons without disability. Viet Nam does not allow any discrimination against persons with disabilities in the exercise of the rights to voluntary marriage, to access family planning, reproductive health and adoption on equal basis with others.

129. As provisioned in Viet Nam legislation system, children have the rights to live with and to be protected, cared for and educated by their parents, whether they are children with disabilities or not. Parents have the rights to live with their children, whether they are parents with disabilities or not⁵⁵, except certain circumstances when children are isolated from their father or mother as specified in the law or for the best interests of the child. The acts of depriving persons with disabilities from the rights to custody, or failure to perform the responsibility of nurturing persons with disabilities are subject to administrative sanctioning⁵⁶.

130. The Law on Persons with Disability regulates that family members of persons with disabilities have the responsibilities to protect, nurture and take care of persons with disabilities; create good conditions for persons with disabilities to access to health care services and exercise their rights and obligations; and respect opinions and decisions that directly affect the lives of persons with disabilities and their families.

131. The Children Law 2016 provides regulations to ensure that children in general, including children with disabilities, have access to appropriate substitute care in circumstances when their parents fail to perform child-rearing responsibility. Priorities are given to substitute care by relatives or substitute care in a safe family environment where children can develop both their physical and mental wellbeings.

132. With regard to adoption, the Adoption Law 2014 protects the rights to adoption of all citizens, including persons with disabilities, who meet all the following

⁵⁵Article 22 the Children Law 2016

⁵⁶ Clause 1 Article 9 Decree 144/2013 of the Government dated October 29th 2013 on administrative sanctioning in social protection, social reliefs, protection and caring of children.

eligibility requirements: (i) having full civil capacity; (ii) being more than 20 years of age; (iii) having adequate health, financial and housing conditions for caring, nurturing and educating adopted child; (iv) having good morals. In addition, the Law stipulates that overseas Vietnamese, foreign permanent residents in Viet Nam have the rights to adopt children with disability⁵⁷.

133. To provide incentives to persons directly taking care of persons with disabilities, the Government provides monthly nursing allowance to households or caregivers directly providing care to persons with severe disabilities, persons with moderate disabilities who are either pregnant or are nursing children under 36 months of age.

134. Viet Nam legislation also regulates assistive reproduction measures to be applied for all citizens, with no exception to persons with disabilities. Under these regulations, the government encourages and creates conditions for men and women to conduct health checks prior to marriage registration, genetic testing and genetic counseling for persons at risk of genetic defects or chemical toxins as well as provides physical and mental support for persons with genetic disabilities, persons affected by chemical toxins and persons living with HIV/AIDS.

18. Education - Article 24

135. The Constitution 2013 stipulates that citizens have the rights and obligation to study (Article 39). Young people are supported by the government, family and society to study (Clause 2 of Article 37).

136. The Education Law 2005 states that every citizen, regardless of race, religion, beliefs, gender, family background, social status, financial status, is equal in learning opportunities. (Article 10).

137. The Law on Persons with Disability 2010 regulates that persons with disabilities, their families or their legal guardians shall choose an educational approach that is appropriate for the individual development of persons with disabilities. Families of persons with disabilities shall be responsible to provide favorable conditions and opportunities for persons with disabilities to learn and develop their abilities.

138. The Children Law 2016 stipulates that children have the rights to education and training to develop comprehensively and to the best of their potentials, whether they are children with disabilities or children without disabilities. Children are equal in learning and education opportunities; are supported to develop their talents, creativity and innovations. Children with disabilities fully enjoy the rights of children and the rights of persons with disabilities as provisioned by related legislation; the rights to support, care and special education for rehabilitation, capacity development and social inclusion (Article 35 of the Law on Children 2016). The government guarantees the rights of children to access information, express opinions and aspirations, learning and

⁵⁷ Item d Clause 2 Article 28 of the Adoption Law 2014.

exchange knowledge through appropriate information and communication channels (Article 46 of the Children Law 2016). Parents, teachers, caregivers are responsible to ensure that children exercise their rights to study, to complete their general education program in compliance with the law, and to create conditions for children to attend school at higher grades (Clause 2, Article 99 of the Children Law 2016).

139. Viet Nam has developed the National Action Plan on education for the 2003-2015 period, which includes education for disadvantaged children and children with disabilities. Education for children with disabilities is one of the important components of the National Plan on CRPD implementation and the National Action Plan to support persons with disabilities for 2012-2020.

140. In Viet Nam, there are general educational principles that apply to both boys and girls. In education for children with disabilities, the education objectives, content, methods and forms are adapted based on the differences and the strengths of each individual.

141. Persons with disabilities can start schooling at a later age than the regulated age; are given priority when enrolling in educational establishment; are exempted from subjects or activities for which they are not physically capable; are entitled to exemption from, or reduction of, schooling fee and other contribution; and can start applying for scholarship and support for education tools and materials⁵⁸.

142. Viet Nam has developed policies to ensure the rights to education of persons with disabilities. Persons with disabilities enrolled in inclusive education shall follow the general education curriculum. In circumstances when persons with disabilities are not capable of meeting the requirements of general education, the heads of the educational facilities shall make decisions on modifications, exemption, reduction or substitution of some subjects or learning activities. These are reflected in the individualized education plan.

143. In Viet Nam, inclusive education and specialized education are the two educational approaches to support children with disabilities, while inclusive education remains a major educational approach. Persons with disabilities enrolled in special education at special schools or at special classes within general education establishments shall follow the special education curriculum for each type of disability as regulated by Ministry of Education and Training. In circumstances when persons with disabilities are not capable of meeting the requirements of general education, the heads of the educational facilities shall make decisions on modifications, exemption, reduction or substitution of some subjects or learning activities. These are reflected in the individualized education plan⁵⁹. The government provides supports for special schools. Schools that enrolled children with visual disabilities are provided teaching aids such as paintings, photographs, Braille books, audio-visuals and abacus etc.

⁵⁸ Article 27 of the Law on Persons with Disabilities 2010

⁵⁹ Article 3 Inter-Circular 42/2013/TTLT-BGDĐT-BLĐTĐBXH-BTC dated December 31st 2013 by MOET, MOLISA and Ministry of Finance on educational policies for persons with disabilities.

144. Viet Nam has established a system of inclusive education development support centers in 20 provinces and cities; 107 specialized educational facilities and 12 education centers for children with disabilities. Viet Nam has implemented inclusive education at all levels of the general education system. The number of Vietnamese children with disabilities enrolled in education has increased tenfold in the past two decades. In the 2015-2016 academic year, 1,043 children with disabilities enrolled in nursery schools, 7,333 children with disabilities enrolled in kindergartens, 60,659 pupils with disabilities went to primary schools, 16,679 pupils with disabilities attended lower-secondary school, 2,658 students with disabilities attended higher-secondary schools and many students with disabilities enrolled in colleges and universities⁶⁰.

145. Currently, Vietnamese deaf people can study in sign language at specialized schools. The Ministry of Education and Training also incorporates sign language as an optional module within the special education training programs at undergraduate and certificate-based short-term trainings, and encourages the establishment of sign language training clubs at pedagogy universities. Centers and clubs are established to provide Braille training for persons with visual disability and sign language training to persons with hearing disability.

146. Large universities in Viet Nam such as the Hanoi Pedagogy University, the Ho Chi Minh City Pedagogy University, the National Pedagogy College, the National Pedagogy College Ho Chi Minh City have provided formal trainings on special education. Every year, the government provides special education training for managers and teachers at all levels to equip them with knowledge and skills to support children with disabilities. Every year nearly 800 special education bachelors graduated from pedagogy universities and colleges nationwide. Over 10,000 pre-school, elementary and lower-secondary school teachers nationwide obtained short-term trainings on special education⁶¹.

147. To promote lifelong learning for persons with disabilities, in addition to providing learning opportunities for persons with disabilities as mentioned above, Viet Nam ensures that persons with disabilities have access to information via diversified media channels including television, radio, newspapers, internet etc. Libraries equipped with suitable facilities are set up to support persons with disabilities access to information.

148. Early detection and early intervention have been implemented since 1987 in Viet Nam within the community-based rehabilitation programs. In the programs, children are screened for disability identification, then are provided medical or education interventions depending on their disability. Viet Nam has trained the ASQ screening toolkit to key school administrative staffs and teachers across the country to promote early detection and early intervention for children at risk of developmental

⁶⁰ MOET Report on CRPD implementation dated December 27th 2016

⁶¹ MOET Report on CRPD implementation dated December 27th 2016

delay or disability. Viet Nam has developed assessment toolkits for children of different types of disabilities including children with hearing and speaking disabilities, children with visual disabilities, children with intellectual disabilities, children with physical disabilities and children with language disabilities. Trainings on these tools were provided to managers and teachers of nursery schools and kindergartens. Tools for assessment of reading, writing, calculation capacity as well as the language, cognitive and behavioral development of children at school age have been compiled and disseminated to project sites.

149. Provincial Departments of Education and Training coordinate with relevant local agencies to review the number of children with different types of disabilities (visual disabilities, hearing disabilities, reading difficulties, developmental delays etc) to identify the learning needs of these children. Measures are also taken to encourage these children to enroll in inclusive education, improve public awareness on the needs of children with disabilities and mobilize support so that children with disabilities have development opportunities on equal basis with children without disability.

150. Educational facilities shall assign teachers trained on special education to support pupils in need of early intervention; provide relevant equipments and facilities; encourage parents to take their children to early intervention programs; instruct parents on how to support their children; guide caregivers on communication skills relevant to children's development.

151. Viet Nam also has preferential policies and provides subsidies for administrative staffs and teachers supporting children with disabilities at both special education and inclusive education settings.

152. Although the government has developed a legal framework and taken measures to promote education for children with disabilities, the implementation of education targeting this group remains challenging. The majority of children enrolled in education are children with minor disabilities, while a number of children with moderate and severe disabilities living in rural or remote areas have difficulties in access to educational opportunities. The number of teachers and the infrastructure available for education to children with disabilities are still limited.

19. Health - Article 25

153. The Constitution 2013 affirms that everyone has the right to healthcare and protection, has equal access to healthcare services and has the obligation to comply with regulations in disease prevention, medical examination and treatment.

154. The Law on Persons with Disability 2010 stipulates the rights of persons with disabilities to access primary healthcare at their residence, medical examination and treatment on an equal basis with others; are entitled to health insurance policies as regulated in the health insurance legislation. Persons with severe disability, persons with moderate disability, children with disabilities, the elders with disabilities and pregnant women with disabilities are provided preferential treatments in medical

examination and treatment.

155. The Law on Medical Examination and Treatment 2009 regulates the rights of all Vietnamese, with no exception to persons with disabilities, to access to quality medical examination and treatment suitable with the conditions of patients. The law stipulates that patients in Viet Nam in general, including persons with disabilities, have the rights to choose medical examination and treatment, accept or refuse to participate in biomedical research on medical examination and treatment⁶²; to have their honor respected and their health protected in medical examination and treatment. Violations in the field of medical examination and treatment shall be subject to administrative sanctions⁶³.

156. There is no discrimination between persons with disabilities and persons with disabilities in accessing health insurance as prescribed by the law. Persons with disabilities are entitled to preferential policies including the provision of free-of-charge health insurance cards to persons with severe disabilities and persons with moderate disabilities. Besides, persons with severe disabilities, persons with moderate disabilities or persons with minor disabilities who are social protection recipients are entitled to 100% reimbursement of medical examination and treatment expenses when receiving medical examination and treatment services at the proper administrative level as regulated by the government⁶⁴.

157. The National Plan on CRPD implementation specifies measures to ensure persons with disabilities access to healthcare and rehabilitation services at healthcare facilities, including service quality improvement, disability prevention, early detection and early intervention, orthopedic surgeries and provision of assistive devices for persons with disabilities.

158. The Law on Persons with Disability 2010 regulates that healthcare facilities shall provide counseling on early detection and disability prevention, identify innate disabilities in new-borns to take appropriate treatment and rehabilitation measures. Supporting rehabilitation services, early detection and early intervention is also one important element of the National Plan on CRPD implementation and the National Action Plan to support persons with disabilities for 2012-2020. During 2007-2010, antenatal and neonatal centers throughout the country provided prenatal screening for over 50,000 pregnant women, pregnancy termination for approximately 9,000 pregnant women, follow-up and postnatal counseling for approximately 40,000 cases; neonatal screening of over 178,000 cases, referring 3,860 children to pediatric institutions at central and local levels for consultation and treatment. Some provinces and cities such as Ho Chi Minh City and Quang Binh have implemented pilot models

⁶² Article 10 of the Law on Medical Examination and Treatment

⁶³ Decree 176/2013/NĐ-CP dated November 14th 2013 on sanctioning of administrative violations in the health sector.

⁶⁴ Item a Clause 1 Article 22 of the amended Health Insurance Law 2014

on early disability detection⁶⁵.

20. Habilitation and rehabilitation - Article 26

159. The Government of Viet Nam recognizes the important role of rehabilitation in improving the health conditions, thereby enhancing the activities of daily living and the working capacity of persons with disabilities.

160. Viet Nam has established a rehabilitation service delivery system from central to local levels. At central level, these include one central rehabilitation hospital, the rehabilitation center of Bach Mai Hospital and rehabilitation departments of all central general hospitals. At provincial level, these include 38 hospitals/rehabilitation centers under management of provincial Departments of Health, 23 hospitals/rehabilitation centers under management of other ministries, rehabilitation departments of 90% of provincial general hospitals and 50% of provincial specialized hospitals. At district level, 75% of district hospitals have rehabilitation departments/divisions. At commune level, 10,000 out of 11,000 communes have staffs in charge of rehabilitation, about 50% of whom obtained training on rehabilitation and community-based rehabilitation. In addition, 10,668 communes in the country have commune health stations, 65% of which have doctors⁶⁶.

161. With an aim to strengthen the national rehabilitation network, improve rehabilitation service quality, promote disability prevention, early detection and early intervention and improve the quality of life of Vietnamese people, Ministry of Health enacted the National Action Plan on Rehabilitation for 2014-2020. The Plan sets objectives, targets and solutions to promote rehabilitation activities, with focus on rehabilitation policy, implementation of community-based rehabilitation, rehabilitation network development, staff training, rehabilitation facilities. Following the national plan, provinces have developed and implemented provincial rehabilitation development plans.

162. The Prime Minister has approved the Targeted Program on Health-Population for 2016-2020⁶⁷, with a component on rehabilitation as part of the overall program. The Prime Minister also approved the National Plan on social assistance and community-based rehabilitation for persons with mental disability, persons with mental disorders for 2012-2020⁶⁸ and the National Plan to support orphans, abandoned children, children living with HIV/AIDS, children who are victims of toxic chemicals, children with severe disabilities and children affected by natural disasters during 2013-2020⁶⁹. Ministry of Health is allocated government funding for implementation of National Action Plan to support persons with disabilities 2012-2020, focusing on monitoring and evaluation, implementation of the disability health information system,

⁶⁵ Ministry of Health report on CRPD implementation dated December 2nd 2016

⁶⁶ Ministry of Health report on CRPD implementation dated December 2nd 2016

⁶⁷ Prime Minister Decision 1125/QD-TTg dated July 31st 2017 on approval of the Targeted Program on health – population for the 2016-2020 period.

⁶⁸ Prime Minister Decision 1215/QD-TTg dated July 22nd 2011

⁶⁹ Prime Minister Decision 647/QD-TTg dated April 26th 2013

orthopedic surgeries and assistive devices to persons with disabilities.

163. In 2016, the Ministry of Health issued a set of quality assurance indicators for assessment of hospitals nationwide. Indicator on physical accessibility of health facilities has been included as part of this indicator set.

164. With an aim to strengthen the rehabilitation service delivery system nationwide, Ministry of Health issued Circular 46/2013/TT-BYT regulating the functions, responsibilities and organizational structure of rehabilitation facilities nationwide. The Circular specifies rehabilitation professional titles, practitioner licensing and operation licensing for rehabilitation hospitals and rehabilitation clinics.

165. The Government of Viet Nam are implementing measures to improve access to rehabilitation services by persons with disabilities. In 2016, Ministry of Health issued a Circular that expands health insurance coverage for rehabilitation services (from 33 to 248 rehabilitation services)⁷⁰. The policy also regulates the list of 20 additional rehabilitation medical supplies reimbursable by health insurance, mainly braces and orthopedic chairs. In 2015, a circular regulating the price of medical examination and treatment services was enacted to serve as basis for health insurance payment⁷¹. Ministry of Health is in the process of developing technical procedures of all rehabilitation services covered by the health insurance. In 2016, Ministry of Health republished the "Manuals on diagnosis and treatment in rehabilitation" and distributed to local rehabilitation facilities. This is a professional document officially issued in 2014 to be applied nationwide.

166. In 2016, the Ministry of Health coordinated with a number of universities to develop an Occupational Therapy (OT) training textbook to be taught at undergraduate level, as basis for development of an undergraduate-level OT training program in Viet Nam; strengthen OT content in short-term certificate-based rehabilitation training programs for doctors, technicians and commune rehabilitation staffs. The Ministry of Health, Departments of Health and provincial rehabilitation hospitals have organized many short-term continuous medical training courses for rehabilitation staffs at all levels, especially those at the commune level.

167. Currently, Viet Nam has 34 rehabilitation centers for children with disabilities and child victims of chemical toxins. Over 3,000 children with disabilities living in 143 communes of 24 provinces and cities have been involved in rehabilitation therapies with support of rehabilitation technicians and collaborators at inter-commune rehabilitation center network.

168. In Viet Nam, community-based rehabilitation (CBR) is an important component

⁷⁰ MOH Circular 18/TT-BYT dated June 30th 2016 regulating the list of technical rehabilitation services, the list of medical supplies used in rehabilitation and the rehabilitation daycare payment under the Health Insurance Fund.

⁷¹ Inter-Circular 37/2015/TTLT-BYT-BTC dated October 29th 2015 of Ministry of Health, Ministry of Finance regulating medical examination and treatment service fees under health insurance coverage applicable to hospitals nationwide.

of the Targeted Program on Health for the 2012-2015 period⁷². CBR programs for Vietnamese with disabilities are implemented with the coordination of health, education and labor – invalids and social affairs sectors. Ministry of Health and Ministry of Labor, Invalids and Social Affairs play the major role in this program. CBR was introduced in Viet Nam since 1987 and have been piloted in an increasing number of provinces across the country. The number of provinces implementing the CBR programs has expanded from 44 out of 64 provinces in 2006 to 51 out of 63 provinces in 2016. During the 2012-2015 period, an additional 616 communes of 11 provinces implemented the CBR program, bringing the total number communes covered by the program to 5,220 communes. Main activities include screening for need assessment, provision of home-based and institution-based rehabilitation services and development of health records for persons with disabilities⁷³.

169. To support disability data management at central and local levels, Ministry of Health designed and implemented a healthcare and rehabilitation disability information system for national use. Until now, this system contains data of 90,000 persons with disabilities in 9 provinces. Ministry of Health plans to expand the system to the remaining provinces.

170. Viet Nam is implementing the second phase (2014-2016) of the "Community Based Rehabilitation for victims of toxic chemicals used by the US during the war in Viet Nam" program, with government funding. The project is implemented in all districts of Thai Binh, Quang Ngai and Dong Nai provinces (starting from the first phase) and several districts of Lao Cai, Quang Nam and Ben Tre provinces (newly added provinces under the 2nd phase).

171. The Ministry of Labor, Invalids and Social Affairs collaborated with Ministry of Health and a number of partners to compile the "Community-Based Rehabilitation Guidelines", which is currently used in rehabilitation for persons with disabilities at social protection facilities under MOLISA management. From 2013, MOLISA piloted a comprehensive, multi-sector CBR model for persons with disabilities in some provinces and are considering model replication to other cities and provinces across Viet Nam.

21. Work and employment - Article 27

172. The Labor Code 2012 strictly prohibits discrimination on the basis of disability⁷⁴. Employers shall ensure equal salary payment for employees performing tasks of the same value⁷⁵.

173. The Labor Code 2012 regulates that employers shall guarantee working conditions, working tools, labor safety and labor hygiene suitable to employees with

⁷² Prime Minister Decision 1208/QĐ-TTg dated September 4th 2012 on enactment of the Targeted Program on health sector 2012–2015

⁷³ Report on CRPD implementation by the Social Protection Department, MOLISA dated February 13th 2017

⁷⁴ Article 8 the Labor Code 2012

⁷⁵ Clause 3 Article 91 the Labor Code 2012

disabilities and regularly take care of their health. Employers must consult with employees with disabilities on issues related to the rights and interests of employees with disabilities⁷⁶.

174. In order to protect the rights of employees with disabilities, the Labor Code 2012 also regulates prohibited acts when employing persons with disabilities, including: requiring employees with disabilities who lose over 51% of their working capacity to work overtime, working at night; requiring persons with disabilities to carry out hard, hazardous, dangerous work or exposure to hazardous substances⁷⁷.

175. Viet Nam legislation on work and employment creates no distinction among different economic sectors. All persons with disabilities have equal access to basic services and social protection. Viet Nam has yet to develop a database on persons with disabilities involved in informal economic sectors.

176. The Labor Code 2012 strictly prohibits the acts of forced labor⁷⁸. Employers committing acts of forced labor, subject to the severity of the acts, shall be liable to administrative sanctioning or criminal sanctioning⁷⁹.

177. The Gender Equality Law stipulates that men and women are equal in terms of age and gender in recruitment, are treated equally in the workplace in employment, wages, bonuses, social security, working conditions and other conditions. Viet Nam law strictly prohibits sexual abuse or harassment towards employees, whether employees have a disability or not⁸⁰. Those violating these regulations shall be subject to administrative sanctions.

178. The employment regulations under the Law on Cadres and Civil Servants and the Laws on Public Employees create no distinction in employment of persons with disabilities and of persons without disability. However, employees need to meet certain health standards to fulfill job obligations⁸¹.

179. By 2016, over 60% of Vietnamese with disabilities are of working age (15-60 years); 30% of whom is capable of working, 75% of whom is engaged in economic activities. Over 70% of economic activities is in agriculture; about 80% economic activities is in the forms of self-employment or household businesses; about 15% are employed workers. It is estimated that less than 10% of persons with disabilities have obtained vocational training. Over 1.2 million persons with disabilities of working age and working capacity need vocational training support⁸².

180. Some employment service centers in Viet Nam held job fairs specifically for

⁷⁶ Article 177 the Labor Code 2012

⁷⁷ Article 178 the Labor Code 2012

⁷⁸ Clause 3 Article 8 the Labor Code 2012

⁷⁹ Article 297 of the Penal Code 2015.

⁸⁰ Clause 2 Article 8 the Labor Code 2012

⁸¹ Item e Clause 1 Article 36 of the Law on Cadres and civil servants; item d clause 1 Article 22 of the Law on Public employees.

⁸² 2016 Report on disability support activities in Viet Nam.

persons with disabilities⁸³. In 2015 - 2016, employment services centers in Viet Nam have provided job counseling and introduction for 5.6 million persons, helping 1.7 million persons find their jobs, many of them are persons with disability.

181. In 2014-2015, the National Targeted Program on employment and vocational training provided funding for employment support to persons with disabilities through the National Employment Fund. Through the Blind Association, each year the program provided employment support for approximately 6,700 persons including the blind, persons with disabilities and their families to approach low-interest loans.

182. From 2012 to 2015, the number of vocational training facilities and the number of teachers involved in vocational training to persons with disabilities increased significantly. In 2012-2015, 120,000 persons with disabilities benefited from vocational training and job creation programs. By the end of 2016, around 17,000 persons with disabilities benefited from this program, bringing the total number of persons with disabilities supported in employment and vocational training within 6 years (from 2011 to 2015) to 140,000 persons.

183. So far, many provinces have set up and allocated funding from the Disability Employment Fund⁸⁴ to support and create jobs for persons with disabilities. At present, more than 15,000 persons with disabilities are working in over 400 businesses owned by persons with disabilities, over 16,000 persons with disabilities are working in enterprises, businesses, household or self-employed businesses.

184. Among persons with disabilities receiving vocational and job creation support, nearly 41% received vocational training counseling, job counseling and job placement; approximately 18% enjoyed vocational training fee reduction/exemption, 20% received vocational training supports (allowances for meals, transportation and accommodation); 21.4% obtained preferential loans for job creation from the National Employment Fund, Poor Household Loan program and other programs funded by organizations of and for persons with disabilities. In general, vocational training and employment support activities benefit a higher percentage of persons with disabilities in urban areas (27% of persons with disabilities) than in rural areas (16.9%). The Labor Market and Employment Development component under the Targeted Program on Vocational Education - Employment and Labor Safety for 2016-2020 has activities to support job creation for persons with disabilities (the program target is to provide job placement for 7,500 persons with disabilities)⁸⁵.

185. Viet Nam encourages organizations and individuals to invest in, sponsor, provide technical and financial support for orthopedics, rehabilitation, care, education, vocational training, job creation and other supporting services to persons with disabilities. Organizations and individuals investing in the construction of orthopedics,

⁸³ Hanoi, Da Nang, Dong Nai, Can Tho, An Giang, Ho Chi Minh City etc

⁸⁴ Quang Ninh over 8 billion dongs, Bac Ninh 2,822 billion dongs, Hai Duong about 600 million, Ha Tinh 300 million dong, Binh Dinh 1 billion, Gia Lai 454 million dongs, Dong Nai about 400 million dongs etc.

⁸⁵ Prime Minister Decision 899/QĐ-TTg dated June 20th 2017

rehabilitation, care, education, vocational training, job creation and other supporting services to persons with disabilities shall be entitled to preferential policies in accordance with legal documents.

186. The Government of Viet Nam protects the rights to work, to create job for themselves of persons with disabilities, and encourages employers to create jobs and recruit employees with disabilities. The Government has policies to provide preferential loans to employers hiring employees with disabilities, from the National Employment Fund⁸⁶. At present, the National Employment Fund provides preferential loans to small and medium enterprises, cooperatives, cooperative groups and household businesses employing a large number of persons with disabilities⁸⁷, with preferences on both loan amount and interest rate.

187. Viet Nam encourages vocational education facilities to admit persons with disabilities into inclusive education; encourages organizations and individuals to establish vocational education facilities for persons with disabilities. Vocational education facilities for persons with disabilities are entitled to financial support to invest in facilities and training equipment; and leased land to set up premises at locations suitable for persons with disabilities⁸⁸.

188. Every year, the government allocates a proportion of state budget to support vocational rehabilitation, vocational training and provide low-interest loan to self-employed persons with disabilities⁸⁹. Policies to support vocational training for persons with disabilities include: providing meal and travel allowance; expanding beneficiaries of the targeted program to cover persons with disabilities in both rural and urban areas⁹⁰.

189. The network of vocational training facilities in Viet Nam has increased in terms of number, size and quality, with increased participation of private sector. Until now, Viet Nam has over 256 vocational training facilities involved in vocational training for persons with disabilities, including 55 specialized vocational training centers, 200 centers involved in vocational training for persons with disabilities and over 400 businesses owned by persons with disabilities.

22. Adequate standard of living and social protection - Article 28

190. The Constitution recognizes the right of citizens to social welfare and stipulates that government shall create equality of opportunities for citizens to enjoy social welfare and develop social welfare system⁹¹.

191. Persons with disabilities are one of the social protection groups. The

⁸⁶ Article 176 the Labor Code 2012

⁸⁷ Decree 165/2015/ND-CP dated July 9th 2015 regulating job creation policies and the National Employment Fund.

⁸⁸ Article 27 of the Law on Vocational Education

⁸⁹ Article 125 of the Labor Code

⁹⁰ 2016 Report on disability support activities.

⁹¹ Clause 2 Article 29 of the Constitution 2013

government provides monthly social allowance and free-of-charge health insurance cards for persons with moderate disabilities and persons with severe disabilities. The elders or children with moderate or severe disabilities are entitled to higher allowance than other persons with disabilities of the same disability level. The government also provides monthly nursing allowance to households of persons with moderate or severe disabilities; persons with moderate or severe disabilities who are pregnant or are nursing children under 36 months of age.

192. Persons with disabilities working under ordinary conditions are entitled to pension when they are 60 years of age for men and 55 for women and have participated in social insurance for at least 20 years. Persons with disabilities whose working capacity decreased by 61% or more shall be entitled to pension when they are 50 for men and 45 for women and have participated in social insurance for at least 20 years.

193. Viet Nam is implementing the National Targeted Program for Sustainable Poverty Reduction and the National Targeted Program for New Rural Development. These programs are implemented in all localities and persons with disabilities living in poor households are beneficiaries of these program. In 2017, Viet Nam enacted a National Action Plan to implement the 2030 Agenda for Sustainable Development. The plan concretizes activities and solutions to enable Viet Nam implement its commitments under the United Nations Sustainable Development Goals, including specific indicators on persons with disabilities.

194. Legislations on housing regulates the exemption or reduction of leasing or purchasing of state-owned houses by persons with disabilities⁹², and identifies persons with disabilities as prioritized beneficiaries of social housing policies⁹³. Based on this policy, persons with disabilities are prioritized in the purchase and rental of social houses under social housing development projects at central and local levels.

195. The National Targeted Program on Rural Water Supply and Sanitation for 2012-2015 has ensured the use of safe water by people in rural areas. Persons with disabilities and families of persons with disabilities living in rural, mountainous, remote, isolated areas also benefit from these programs.

196. Persons with severe disabilities who have no caregivers or are unable to live in the community are entitled to be nursed in social protection facilities.

197. Measures to ensure access by persons with disabilities to services, equipment and other supports, the availability of the programs supporting persons with disabilities in education, health, transportation, science and technology, information are presented in the above sections.

⁹²Article 67 and Article 68 of Decree 99/2015/ND-CP guiding the implementation of the Housing Law.

⁹³ Article 52 of the Housing Law 2014

23. Participation in political and public life - Article 29

198. The Constitution of Viet Nam recognizes all political rights of citizens, whether they are persons with disabilities or persons without disabilities.

199. No legal regulation in Viet Nam restricts the right to vote of persons with disabilities. Persons with disabilities have the right to vote on equal basis with others. To support persons with disabilities to exercise their right to vote, Vietnamese legislation⁹⁴ regulates the set up of voting area at social protection centers. In case voters with disabilities are unable to access voting places, the election team shall bring the ballot boxes to the residence or treatment facilities of voters with disabilities so they can vote on equal basis with others. In case voters with disabilities can not vote for disability reason, they can ask others to vote on their behalf.

200. To ensure that all persons with disabilities can exercise their rights to vote, before the election day, the constituency shall review the list of voters with disabilities to develop a plan to support them at the voting places or to bring ballot boxes to their residences so that they can exercise the right to vote⁹⁵. Prior to elections, Viet Nam's Government always mobilizes persons with disabilities across the country to exercise their right to vote.

24. Participation in cultural life, recreation, leisure and sport - Article 30

201. The Constitution of Viet Nam stipulates that everyone has the right to create literary and artistic works; enjoy and access cultural values, participate in cultural life and use cultural facilities⁹⁶.

202. The Government of Viet Nam supports the organization of cultural, physical education, sports, entertainment and tourism activities that are appropriate for persons with disabilities, and creates favorable conditions for persons with disabilities to enjoy cultural works, physical education, sports, entertainment and tourism. Persons with disabilities shall be ensured the rights to develop their talent and aptitude on sports, cultural and artistic activities; to participate in composing, performing artistic works, practicing and competing in sports activities⁹⁷.

203. Viet Nam joined the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled by the World Intellectual Property Organization (WIPO) since September 30th 2016. Viet Nam has gradually adopted the provisions of the Treaty into the national legal system. The Intellectual Property Law of Viet Nam regulates cases when users can use published works without asking permission or paying remuneration, including the use

⁹⁴ The Law on election of members of the National Assembly and People's Councils 2015

⁹⁵ Article 9, Article 10 of Circular 02/2016/TT-BNV dated February 1st 2016 of the Ministry of Internal Affairs guiding the election of members of the 14th session of the National Assembly and People's Councils during 2016-2021.

⁹⁶ Article 40, Article 41 of the Constitution 2013.

⁹⁷ Article 36 of the Law on Persons with Disabilities 2010

of works converted to Braille or other languages for persons with visual disability⁹⁸. Measures have been taken to ensure that the Intellectual Property Law is not a barrier for persons with disabilities to access cultural materials and participate in international activities. Some libraries have accessible doors, restrooms, elevators designed for persons with disabilities to access and use; bookshelves, computer desks and reading tables accessible by wheelchair users. The model of mobile libraries equipped with books accessible for persons with disabilities is available and is being expanded not only in cities but also in remote areas.

204. The Government provides supports (such as programming, performing and costumes) and grants permission for arts performance by artists with disabilities. Each year, localities organize various activities for persons with disabilities such as drawing classes for children with disabilities, singing classes for the Blind Association, guiding disabled persons organizations to organize art shows at different levels.

205. Viet Nam also promotes the cultural identity of the deaf through organizing art performances in schools of deaf people in each locality. Sign language interpretation is provided in arts performances attended by the deaf. The Center for Research and Promoting Deaf Culture at Dong Nai University has been established to organize research and promotion of cultural identity of the deaf.

206. Viet Nam government regulates ticket fee exemption or reduction for persons with disabilities visiting museums, historical - cultural relics, including fee exemption for persons with severe disabilities, 50% fee reduction for persons with moderate disabilities, fee reduction for person with disabilities at all tourism sites. Many cultural facilities provide suitable accommodation, wheelchairs, elevators, separate pathways and restrooms for persons with disabilities and arrange staffs to support persons with disabilities.

207. Every year, about 600 mobile cinema crews, mobile information teams at provincial and district levels across the country organize film projection and propaganda programs to serve the population, including persons with disabilities. 130 professional art troupes at central and local levels organize free arts performances to serve social protection beneficiaries, including persons with disabilities living in urban, rural, remote island and border areas⁹⁹.

208. Ensuring accessibility feature is one rating criteria for specific types of tourism facilities. Tourism areas, routes and destinations have set up restroom standards to ensure accessibility to persons with disabilities. Some tourism facilities are beginning to develop tourism products targeting persons with disabilities such as opening tours for persons with disabilities, opening souvenir shops owned by persons with disabilities, opening recreational services in the resorts.

209. In physical education and sports, Viet Nam has organized 8 sports for persons

⁹⁸ Item i clause 1 Article 25 of the Intellectual Property Rights 2005

⁹⁹ Report on CRPD implementation by Ministry of Culture, Sports and Tourism dated December 13th 2016

with disabilities, including children with disabilities. Many localities have developed new sports for persons with disabilities. National sports tournaments for athletes with disabilities are held every year, with the participation of more than 800 athletes with disabilities. These tournaments neither discriminate against nor provide priority to athletes with disabilities.

210. Best performers with disabilities in national tournaments shall be selected for training and competition in regional, continental or world sports tournaments. In the 2016 Paralympic Rio in Brazil, the Vietnamese team of 11 athletes with disabilities competing in 3 sports including weightlifting, gymnasium and swimming has won many medals. Athletes and coaches with disabilities winning domestic or international medals shall be rewarded on equal basis with their peers without disability.

211. Across the country 27 provinces have organized sports activities for persons with disabilities¹⁰⁰. At present, about 613/713 districts (accounting for 86%) have cultural houses or cultural and sport centers, 141 districts have fitness – sports centers; 5,996/10,230 communes (accounting for 58.5%) have cultural houses or cultural and sport centers, 66,513/109,727 villages have cultural houses, sports facilities to support people to participate in cultural, arts, physical training and sports, including persons with disabilities¹⁰¹.

212. Specialized schools for persons with disabilities are equipped with sports and recreation equipment to support children with disabilities to participate into social life. However, inclusive schools lack sports and recreational facilities suitable with children with disabilities. Children with disabilities can only access and use equipment that are suitable with their types of disabilities.

III. Women and children with disabilities

1. Women with disability – Article 6

213. According to MOLISA statistics, there are an estimated 3.8 million women with disabilities, account for 54% of the total number of persons with disabilities.

214. Clause 1 Article 26 of the Constitution 2013 regulates that: “Male and female citizens are equal in all aspects. The government has policies to guarantee equal rights and opportunities of both male and female”. Under this principle, men with disabilities and women with disabilities are equal in all aspects of social life and shall not be subject to gender-based discrimination. Also under this principle, women with disabilities are equal with women without disabilities and shall not be discriminated on disability basis.

215. Viet Nam became a member of CEDAW 1979 - United Nations Convention on the Elimination of All Forms of Discrimination Against Women. The Law on Gender

¹⁰⁰ Many provinces have organized provincial sports tournaments for athletes with disabilities such as Ha Noi, Quang Tri, Ha Giang, Ho Chi Minh city, Da Nang, Hai Phong.

¹⁰¹ Report on CRPD implementation by Ministry of Culture, Sports and Tourism dated December 13th 2016.

Equality 2010 has adopted CEDAW Convention principles and measures to ensure gender equality in general, including both men and women with disabilities. Measures to promote gender equality are not considered gender-based discrimination. Mother protection and support policies are not considered as gender-based discrimination.

216. The Children Law also recognizes the principle of non-discrimination between boys and girls, including children with disabilities and between girls with disabilities and girls without disabilities.

217. Viet Nam has implemented a number of programs to assist women in general and women with disabilities in particular to promote the equal rights of women to men. Viet Nam has a specialized agency on gender equality - the Gender Equality Department under the Ministry of Labor, Invalids and Social Affairs and has set up a number of socio-political organizations to promote gender equality such as the National Committee for the Advancement of Women, the Viet Nam Women Union and many programs on gender equality. In addition, Viet Nam has formed a number of socio-political organizations and social organizations to support women victims of violence, including women with disabilities, such as social work centers, the Women Unions at all levels and the community reconciliation teams...

2. Children with disabilities - Article 7

218. According to MOLISA statistics, there are an estimated 1.9 million children with disabilities in Viet Nam, accounting for 27% of the total number of persons with disabilities.

219. Viet Nam legislation regulates that the benefits of a children need to be protected in any decision related to them¹⁰², with no distinction between children with disabilities and children without disability. Parents, caretakers and the children must be informed and consulted in any decisions regarding child intervention and protection¹⁰³.

220. In accordance with Vietnamese law, children have the rights to express their views and concerns on matters relating to them; hold meetings suitable to their age, maturity and development; share their ideas, aspirations and feedbacks to educational institutions, families, and individuals.

221. Vietnamese legislation has no separate regulations governing boys and girls with disabilities. In practice, the Vietnamese government has been implementing programs to support girls with disabilities under the national program on gender equality (as mentioned in the reply to Article 6).

222. In Viet Nam, children with disabilities enjoy the rights of children and the rights of persons with disabilities in accordance with the laws; have the rights to be supported, cared for and obtain special education, rehabilitation, development and

¹⁰² Clause 3 Article 5 Children Law 2016

¹⁰³ Clause 5 Article 47 Children Law 2016

social inclusion¹⁰⁴. According to the Law on Persons with Disabilities 2010, children with disabilities are prioritized in the implementation of social protection policies, medical examination and treatment etc.

223. Viet Nam has issued a number of programs to support children with disabilities, such as the Plan to support orphans, abandoned children, children living with HIV/AIDS, children who are victims of toxic chemicals, children with severe disabilities and children affected by natural disasters during 2013-2020¹⁰⁵. In addition, Viet Nam has established a hotline to receive feedbacks and support child abuse cases and has established a Steering Committee on Education of Children with Disabilities and Disadvantaged Children etc.

IV. Implementation of the duties by state member

1. Statistics and data collection – Article 31

224. Currently the number of Vietnamese with disability that is recognized and officially used by MOLISA is the data collected from the National Population and Housing Census conducted by the General Statistics Office in 2009, at the time when Viet Nam population was 78.5 million. Prior to that survey, the General Statistics Office (GSO) organized a disability survey within the framework of the 2006 Viet Nam Household Living Standard Survey. Both surveys used the Washington Group Short set of disability questions to identify the difficulties in performing a number of functions under the World Health Organization International Classification of Functioning, Disability and Health (ICF).

225. In 2016, the General Statistics Office (GSO) coordinated with a number of organizations to organize the first National Survey on Persons with Disabilities in Viet Nam. The survey was conducted with a sample of 1,074 communes, including a sample survey of persons with disabilities living in the community and all persons with disabilities residing in social protection facilities. The survey aims to gather information on persons with disabilities, including the type and severity of disability, age group, urban/rural distribution etc. This is the first disability survey designed to collect data for policy development, program design and resource allocation. It is expected that the survey findings shall be announced at the end of 2017.

226. Also in 2017, the National Committee on Disability, after a period of piloting at provincial level, officially issued the national disability monitoring and reporting indicators from central to local levels. This set of indicators include quantitative indicators by sector, enabling the National Committee on Disability, ministries and localities to regularly monitor and report on the implementation progress of disability support policies. The National Committee on Disability disseminated the indicator set to ministries and provinces in 2017.

227. In Viet Nam all statistical data on persons with disabilities are disseminated

¹⁰⁴ Article 35 Children Law 2016

¹⁰⁵ Prime Minister Decision 647/QĐ/TTg dated April 26th 2013

through the annual monitoring reports of the National Assembly and publicized in the media. Persons with disabilities, disabled persons' organizations and the public can easily access these data.

228. Persons with disabilities have the opportunities to participate in data collection and research on disability. Persons with disabilities and disabled persons' organizations are invited to provide comments to the draft disability report.

2. International cooperation - Article 32

229. Article 12 of the Law on Persons with Disability stipulates the contents of international cooperation on persons with disabilities, including development and implementation of international cooperation programs and projects on persons with disabilities; joining international organizations; signing, joining and implementing international treaties related to persons with disabilities; exchanging information and experience on issues related to people with disabilities.

230. The national plan on CRPD implementation specifies the international cooperation activities on persons with disabilities including: Strengthening international cooperation, mobilizing support from international organizations, foreign investors in supporting people with disabilities; implementing Viet Nam's obligations under the CRPD; expanding cooperation with other state members to the Convention, learning experiences on rights-based support to persons with disabilities; attending seminars, conferences, forums, international and regional conferences.

231. The Government of Viet Nam ensures state management of foreign non-governmental aids on the basis of transparency, delegation of responsibilities, regulating the rights and responsibilities of related agencies, ensuring close coordination among related agencies and promoting the autonomy of related agencies, implementation organizations at central and local levels¹⁰⁶.

232. Foreign non-governmental aids must comply with Vietnamese legislations and as committed to the donor. In cases when donor regulations do not comply with Vietnamese legislation, the Vietnamese legislation shall be applied¹⁰⁷.

233. Vietnamese with disabilities have the rights to participate and contribute their ideas in the design, implementation and evaluation of disability support programs and projects, including foreign assistance projects. All disability support programs and projects in Viet Nam involve the participation of persons with disabilities.

234. Many international organizations and NGOs have been working with ministries and local authorities to promote the implementation of the rights of Vietnamese with disabilities. Organizations such as the United States Agency for International Development (USAID), the United Nations Children's Fund (UNICEF), Viet Nam

¹⁰⁶ Decree 93/2009/ND-CP dated October 22nd 2009 on the management and utilization of foreign non-governmental aids.

¹⁰⁷ Article 2 of Decree 93/2009/ND-CP dated October 22nd 2009 on the management and utilization of foreign non-governmental aids.

Assistance for the Handicapped (VNAH), HI, IC, Caritas Germany, Rehabilitation Association of South Korea, CRS, MCNV, CBM etc. have worked effectively to support persons with disabilities in Viet Nam. Support activities range from technical supports to policy development, capacity building for local partners, and direct assistance to persons with disabilities. Many projects also support the establishment and capacity building for disabled persons organizations (DPOs) in the localities. The United States is currently the largest donor in the field of disability. In the 2015-2020 period, the United States Agency for International Development (USAID) supports Viet Nam to implement the "Promoting the rights of Vietnamese with disabilities" project with funding of USD 21 million. The project, which targets six provinces, comprised of three main components including direct assistance to persons with disabilities, strengthening rehabilitation provision capacity, and policy advocacy. The project has been having positive impacts to improve the quality of life of persons with disabilities.

3. National implementation and monitoring - Article 33

235. As prescribed in Article 33 of the CRPD, Viet Nam in 2015 established the Viet Nam National Committee on Disability¹⁰⁸, a national agency responsible for the coordination, enforcement and monitoring of the CRPD. The Committee is mandated to assist the Prime Minister in directing and coordinating among ministries, organizations and localities in disability support activities. The Minister of Labor, Invalids and Social Affairs is appointed as the Chairperson of the National Committee on Disability. The Committee has 18 members, including 12 vice ministers and 6 representatives of national organizations of and for persons with disabilities.

236. The National Committee on Disability coordinated with ministries and localities to develop a National Plan on implementation of the United Nations Convention on the Rights of Persons with Disabilities, enacted by the Prime Minister on June 21st 2016. The plan is a national framework plan of action to promote the rights of persons with disabilities in healthcare and rehabilitation, education, vocational training and employment, livelihoods, access to transportation and communication, legal aids, etc. The plan defines the responsibilities of ministries, organizations and localities in the implementation of the Convention and fulfillment of the rights and obligations of state member to the Convention.

237. The National Plan on implementation of the CRPD regulates that each province, depending on the conditions, shall establish a Provincial Committee on Disability to strengthen coordination, enforcement and monitoring of implementation of the Convention and the Law on Persons with Disabilities at provincial level. Through the efforts of the National Committee on Disability, by the time of reporting 21 provinces have established Provincial Committees on Disability. In addition, 24 provinces have developed and approved the provincial plans for implementation of the CRPD, based on the national plan. In 2017, the National Committee on Disability

¹⁰⁸ Prime Minister Decision 1717/QĐ-TTg dated October 6th 2015

plans to organize workshops to guide provincial committees on disability on planning, budgeting, implementation and monitoring of CRPD.

238. The Viet Nam National Committee on Disability also established a technical advisory team comprised of disability focal points at NCD members, in order to strengthen coordination among ministries and central organizations.

239. The national disability monitoring and reporting indicator system developed and enacted by the Viet Nam National Committee on Disability (NCD) is a tool enabling the NCD, its members and provinces to regularly monitor the implementation progress of the CRPD and the Law on Persons with Disabilities, and collect data for compilation of the national report on CRPD implementation.

240. The Vietnamese National Assembly is the supreme, independent supervisory authority which oversees the implementation of the Convention. At provincial levels, the People's Councils at all levels have the authority to supervise the Convention implementation at local levels. The Vietnamese Fatherland Front and its member organizations have the responsibility to participate in the development, monitoring and supervision of the implementation of disability policies and programs by state agencies, organizations and individuals. Organizations of and for persons with disabilities, persons with disabilities also participate in monitoring the implementation of the Convention.

241. In Viet Nam, each government agency, in accordance with their mandates, shall have the responsibility to implement the Convention, such as: The Ministry of Labor, Invalids and Social Affairs is the focal point agency in the field of disability; the Ministry of Health performs state management in health care for persons with disabilities; the Ministry of Education and Training performs state management in education for persons with disabilities; the Ministry of Culture, Sports and Tourism performs state management in cultural, sports, recreation and tourism activities for persons with disabilities. People's Committees at all levels perform state management on persons with disabilities to ensure the rights of persons with disabilities.

242. Funding for implementation of the Convention shall be allocated from the annual recurrent expenditures of ministries, central agencies and localities; the national Targeted Program on Sustainable Poverty Reduction, the National Targeted Program on New Rural Development, related sector targeted programs, the National Action Plan to support persons with disabilities, and other related programs in accordance with the Law on State Budget. Besides, contribution and support from domestic and international organizations and individuals shall be mobilized for implementation of the Convention.

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