



**VIET NAM UNION OF SCIENCE AND TECHNOLOGY ASSOCIATIONS
(VUSTA)**

Disability Research and Capacity Development Center (DRD)

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REPORT OF THE DRD ON THE PROTECTION AND PROMOTION OF HUMAN RIGHTS IN VIET NAM UNDER THE 3RD CYCLE OF THE UNIVERSAL PERIODIC REVIEW ON VIET NAM OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

I. Introduction of the DRD

History

The Disability Research and Capacity Development Center (DRD) is a non-profit organization, established on December 3, 2005, under the initial sponsorship of the Ford Foundation. To this date, the DRD has been working under the supervision of the Viet Nam Union of Scientific and Technologic Associations (VUSTA).

The DRD has consistently made efforts to contribute to building an equal and non-discriminatory society for persons with disabilities (PWDs). In the past ten years, with the support and companionship of donors and partners, the DRD has made initial achievements from its efforts to enhance capacity and social integration for PWDs communities.

Vision for 2025

The DRD is working for an inclusive and non-discriminatory society, where PWDs are able to participate in all social activities equally.

Mission of the DRD

The DRD is committed to assist the DRD to have more self-confidence, improve their quality of life in a non-discriminatory environment by enhancing the capacity for PWDS and policy advocacy.

Overall goals

The DRD create opportunities for PWDs to integrate into the society and improve their quality of life.

Goal 1: Awareness of PWDs and the community on the rights of PWDs

Goal 2: Equal opportunities for PWDs

Goal 3: Non-discriminatory participation of PWDs

Goal 4: DRD capacity

II. Assessment of the protection and promotion of the rights of PWDs in Viet Nam since June 2014

1. Viet Nam's legal system on PWDs is consistently enforced in the whole nation without exception. Viet Nam did not make any reservation under the CRPD Convention, hence the Convention as a whole has been enforced right after Viet Nam ratified the Convention.

2. Viet Nam has promulgated the Law on Persons with Disabilities in 2010. The Law recognized the right of PWDs to equal participation into social activities, independent living and social integration, and to enjoy other rights on an equal footing with other persons. The Law also provided for the responsibilities of the State, families and the society towards PWDs.

3. Under the Law on Persons with Disabilities, PWD is defined as "a person who is impaired in one or more body parts or suffers functional decline manifested in the form of disability which causes difficulty to their work, daily life and study".

4. The National Committee for Persons with Disabilities of Viet Nam, established in 2015, is the focal national agency responsible for PWDs and the enforcement of the CRPD.¹ The Committee is tasked with assisting the Prime Minister in providing guidance for, and coordinating with line Ministries, unions and localities in PWD work. The President of the Committee is the Minister of Labor – Invalids and Social Affairs. The Committee comprises of 18 members being the Deputy Ministers of relevant Ministries and 6 representatives from organizations for PWDs at central level.

5. Viet Nam has adopted the Implementation Plan for the United Nations Convention on the Rights of Persons with Disabilities dated June 21, 2016.² This is a framework Plan for furthering enforcement of rights of PWDs in terms of health care and occupational therapy, education, vocational training, livelihoods, traffic access, construction, media information, legal assistance, etc. The plan identifies the precise responsibilities of each administrative level and sectors in implementation of the Convention, in order to effectively perform the obligations of a member

¹ Prime Minister Decision no. 1717/QĐ-TTg dated 6/10/2015

² Prime Minister Decision no. 1100/QĐ-TTg dated 21/6/2016

state of the CRPD. To this date, there have been Working Departments for PWDs established in 21 municipalities, and the Plan for Implementation of the CRPD at municipal level has been adopted by 24 municipalities.

6. The Government and line Ministries have adopted many plans, programs, and projects to implement policies to help PWDs, such as the Plan on assistance to persons with disabilities for the 2012 – 2020 period, the National Plan on occupational therapy for the 2014 – 2020 period, the Plan on development of social work for the 2010 – 2020 period, the Plan on social assistance to and occupational therapy for the mental and psychiatric disabled persons dependent on the community for the 2011 – 2020 period, the Plan on caring for unsupported orphans, abandoned children, HIV/AIDS diagnosed children, children infected with toxic chemicals, severely disabled children and children affected by natural disasters, who are dependent on the society for the 2013 – 2020 period, the Project on Organizing occupational therapy at the community for victims of toxic chemicals used by the U.S. during the Viet Nam war for the 2008 – 2016 period, etc.³

7. The determination of degrees of disability is in accordance with the 2010 Law on Persons with Disabilities, Decrees implementing the Law on Persons with Disabilities and Joint Circular no. 37/2012/TTLT-BLDTBXH-BYT-BTC-BGDDT of the Ministries of Labor – Invalids and Social Affairs, Health, Finance, and Education and Training. Accordingly, forms and degrees of disability are determined by the Disability Degree Determination Council at communal level. In some cases, degrees of disability shall be determined by the Medical Examination Council. To the end of 2016, 63 municipalities have carried out disability degree determination and provided disability certifications for 266,639 persons with exceptionally serious disabilities, 634,567 persons with serious disabilities and 543,126 persons with mild disabilities; in terms of forms, there are 349,636 persons with physical disability, 196,362 persons with sensory disability, 198,254 persons with visual disability, 211,587 persons with mental and psychiatric disability, 201,756 persons with intellectual disability and 154,985 persons with other disability.⁴

8. Based on the disability degree determination results, PWDs shall be given disability certificates which provide clearly the form and degree of disability. The Government provides monthly social allowances for persons with serious and exceptionally serious disabilities at localities, monthly supports for care-takers of persons with serious or exceptionally serious disability, or persons with serious or exceptionally serious disability who are pregnant or nursing children under 36 month old. To this date, 63 municipalities have provided supports equivalent to or higher than the requirements under Decree no. 136/2013/ND-CP and Joint Circular no. 29/2014/TTLT-BLDTBXH-BTC, ensuring monthly social allowances for 896,644 persons with serious or exceptionally serious disability.⁵

³ See also Annex on lists of programs, plans and national projects on PWDs.

⁴ 2016 Report on assessment of social assistance work of the Ministry of Labor – Invalids and Social Affairs.

⁵ 2016 Report on assessment of social assistance work of the Ministry of Labor – Invalids and Social Affairs.

9. The 2010 Law on Persons with Disabilities prohibits any act of discrimination or stigma against PWDs. The Law also provides definitions of stigma and discrimination against PWDs.

10. Viet Nam's legislations at the moment have not defined "communication", "language", "reasonable adjustment" and "integration design". Despite the lack of official definitions, Viet Nam has made efforts to consolidate provisions relevant to these concepts in concerning legal instruments, such as adopting standards and national standards on ensuring access for PWDs;⁶ national technical standards on transportation infrastructure and supportive tools,⁷ national standards on information technology and media to ensure access for PWDs.

11. PWDs are also consulted in the drafting of legal instruments directly relevant to their lives. In accordance with the 2015 Law on Promulgation of Legislative Documents, during the drafting of legislative documents, the drafting agencies and relevant organizations have the responsibility to take opinions from entities regulated by such documents. In particular, during the amendment of the 1992 Constitution, the draft Constitution received opinions of the entire population, among which, PWDs and organizations for PWDs had directly discussed and provided opinions on each provision of the draft Constitution. The draft Law on Persons with Disabilities also received opinions from PWDs and organizations for PWDs under the forms of discussions at conferences, workshops as well as submitted proposals. Such opinions and feedbacks were all taken in serious consideration by drafting agencies and organizations.

III. Achievements of the DRD in furthering enforcement of the rights of PWDs since 2014

- The DRD provided training on human rights for 2,070 PWDs in Binh Dinh, Tay Ninh and Ho Chi Minh city.
- The DRD also built a free legal assistance application (DLAW) for PWDs and provided legal assistance for 500 PWDs.

⁶ Circular no. 21/2014/TT-BXD dated 29/19/2014 of the Minister of Construction

⁷ Circular no. 39/2012/TT-BGTVT dated 24/9/2012 of the Minister of Transport.