



UNPRPD MPTF
Partnership on the Rights of Persons with Disabilities



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SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

VIET NAM



COUNTRY REPORT 2021



SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES IN **VIET NAM**

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About UNPRPD:

The United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) is a unique partnership that brings together UN entities, governments, OPDs and broader civil society to advance the rights of persons with disabilities around the world.

The Partnership was created to foster collaboration between its members and complement their work around disability inclusion through UN Joint programming. The Partnership operates through a Multi-Partner Trust Fund (MPTF) established to channel resources for participating UN organizations (PUNOs).

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC).

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Disclaimer:

The data and information presented in the report are based on the situational analyses conducted at the country level and were drafted by the UN country teams. Methodology for data collection included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises and consultative workshops with key stakeholders. The UNPRPD has not edited the report or verified the findings for accuracy. This report does not necessarily reflect the position of the UNPRPD.

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Acronyms and Abbreviations

CHI	Compulsory Health Insurance
CRPD	Convention on the Rights of Persons with Disabilities
CWD	Children with disabilities
DDDC	Disability Degree Determination Council
DOET	Department of Education and Training
DOLISA	Department of Labour, Invalids and Social Affairs
DRM	Disaster risk management
DRR	Disaster risk reduction
GDP	Gross Domestic Product
GSO	General Statistics Office
HCMC	Ho Chi Minh City
ICT	Information and communications technology
LPD	Law on Persons with Disabilities
MARD	Ministry of Agriculture and Rural Development
MIC	Ministry of Information and Communications
MOCST	Ministry of Culture, Sports and Tourism
MOC	Ministry of Construction
MOET	Ministry of Education and Training
MOF	Ministry of Finance
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MOJ	Ministry of Justice
MOLISA	Ministry of Labour, Invalids and Social Affairs
MOT	Ministry of Transport
MPI	Ministry of Planning and Investment

MPTF	Multi-Partner Trust Fund
NA	National Assembly
NCD	National Council on Disability
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
OPDs	Organizations of persons with disabilities
PwDs	Persons with disabilities
SDGs	Sustainable Development Goals
SRH	Sexual and reproductive health
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Fund
UNPRPD	United Nations Partnership on the Rights of PwDs
USD	United States Dollar
VFD	Viet Nam Federation on Disability
VND	Viet Nam Dong
VSDGs	Vietnamese Sustainable Development Goals
WHO	World Health Organization

Executive Summary

This Situational Analysis Report on the Rights of Persons with Disabilities in Viet Nam reveals that the country is poised to harness its increased resources and digitalization, as well as the expertise of all stakeholders, to turn its ambitious vision for persons with disabilities (PwDs) into reality. The Government of Viet Nam is clearly committed to disability inclusion in its efforts to achieve the Agenda 2030 and Sustainable Development Goals (SDGs). The national framework, though in need of enhancement, is in place. Many opportunities in the legal reform, awareness raising, capacity building, planning and implementation fields are available to overcome existing obstacles. A collective focus on coordination, transparency and accountability means government actors at all levels, PwDs, organizations of persons with disabilities (OPDs), the private sector, United Nations (UN) and other development partners are well-positioned to collaborate and improve the lives of all PwDs nationwide.

This Situational Analysis – coordinated by the United Nations Development Programme (UNDP) in collaboration with United Nations Population Fund (UNFPA) and United Nations International Children’s Fund (UNICEF) – was undertaken by the UN in Viet Nam in close partnership with OPDs and government actors. It reveals the breadth of issues that need to be addressed to ensure PwDs are not left behind but supported to reach their full potential. Based on in-depth research and consultations, this report’s recommendations highlight areas for further research and potential steps forward.

A range of **stakeholders** are involved in overseeing and monitoring the implementation of numerous national laws, policies and programmes relevant to PwDs in Viet Nam. While the government has identified key actors and assigned them responsibilities, better coordination and clearer accountabilities would increase their effectiveness and help overcome the many challenges identified by this report. As such, a key finding and overarching recommendation is that **monitoring mechanisms and sub-national bodies should be strengthened**. In addition, the various roles and dominance of the Ministry of Labour, Invalids and Social Affairs (MOLISA) may restrict space for the evaluation of government efforts towards disability inclusion. Similarly, the limited engagement of PwDs in various bodies and regulations on establishment of OPDs constrain the government’s ability to receive information and expertise from affected communities. Increased participation of PwDs and OPDs would assist the government to assess the effectiveness of its interventions and adopt more inclusive and user-centric approaches. Increasing the capacity and sustainable resourcing of OPDs is essential, as is increasing the engagement of the private sector as a key stakeholder in the realization of an integrated disability inclusion agenda in Viet Nam.

Despite government-driven development achievements to date, **inequality and discrimination** remain major barriers to the fulfilment of PwDs’ rights. This report shows that stigma and discrimination – within State actors, society, families and of PwDs themselves – impact all aspects of PwDs’ lives. In response, the **legal framework must be enhanced**, as it is currently limited to

direct discrimination, does not refer to reasonable accommodation, rarely specifies disability as grounds for discrimination, and lacks effective sanctions and complaint mechanisms.

Although the framework encourages actors in fields such as employment and education to enable access for PwDs, most measures are not mandatory. Data indicates these measures should be modified and made obligatory to increase their impact. In the context of **inclusive service delivery**, although many measures are in place, the **national system of disability determination** was found not to refer to appropriate services. A medicalized approach means not all disabilities are easily identified, while not all barriers to social inclusion are fully recognized as issues to address. Rates of certification are not high compared to the number of PwDs in Viet Nam, and many forms of support are restricted to PwDs with ‘severe’ or ‘extremely severe’ disabilities. The definition of ‘disability’ and systems for determination should be revised in laws and policies, and wider certification promoted. While diverse forms of **social protection** have been introduced and are vital to PwDs, they appear insufficient to meet adequate living standards, healthcare, education and transport needs.

Measures for **child protection** have been established in Viet Nam, yet services must be made accessible to children with different kinds of disabilities. The number of social workers and welfare officers is low and should be increased, with training provided on the needs of children with disabilities (CWD). Scarce information is available on violence against CWD. However, the risk is high, in particular due to the number of children in institutional and residential care. Alternatives should be explored or scaled-up, for example day care centres already successfully piloted in Viet Nam.

While PwDs and their needs are prioritized in some laws on **health** and access to healthcare services, they are not well integrated into implementation action plans. This underlines the need to ensure PwDs’ participation in policy development and build OPDs’ capacity to engage policy-makers. Although little disability-disaggregated data on health is available, this report’s findings indicate that access, in particular to SRH, is a great challenge. Barriers to overcome include limited sensitivity and awareness among health professionals, insufficiently accessible facilities and forms of communication, and cost (including indirect expenses borne by PwDs and their families). In terms of SRH, steps should be taken to combat harmful stigma and stereotypes regarding PwDs’ capacity to enter into relationships and have children.

In **education**, a strong framework to support PwDs and the government’s development of accessible learning materials is apparent. Nevertheless, statistics point to inconsistent implementation across regions and for children with different disabilities. A small proportion of schools are fully accessible (physically, linguistically and in terms of teaching materials), yet the law does not sufficiently address indirect discrimination, reasonable accommodation and accountability measures. In addition, more teachers need to be trained to support PwDs. These challenges must be addressed, and greater financial resources dedicated to reduce impacts on PwDs’ ability to access higher education and employment.

Viet Nam also has a framework and ambitious action plans to support PwDs in **employment and**

work. Effective measures should be introduced to encourage employers in all sectors to invest in accessibility and universal design. To help reduce the high number of PwDs in the informal sector or without employment, vocational training is emphasized by the State. However, the number of trained PwDs needs to greatly increase with greater access to a diverse range of accessible courses.

With Viet Nam severely affected by climate change and natural disasters, PwDs are legally recognized in the **disaster risk reduction and emergency response** framework as being highly vulnerable to intensifying climate impacts. As a further step, coordination should be enhanced at national and local levels between State bodies engaged in disability issues and humanitarian emergencies. To better understand how PwDs are affected by climate change and natural disasters, data should be disaggregated through a disability lens.

Access to justice can be greatly enhanced through broadening groups of PwDs eligible for legal aid and making legal proceedings and facilities more accessible. Legal aid providers require deeper capacity to better serve PwDs, with measures to increase accountability to clients explored. More legal aid centres at district and commune levels are needed to ensure better access for PwDs living in rural, remote or mountainous areas.

Innovative approaches are required to increase PwDs' **participation in political and public life.** No PwD is known to be a current member of the National Assembly or lower legislative bodies. Research has indicated PwDs' willingness to increase their participation, but this will require efforts to increase their self-confidence, capacity and skills. Importantly, public awareness-raising on disability issues and the role of elected representatives with disabilities is required.

Viet Nam has worked to improve **accessibility** for PwDs through regulations and standards on construction, transportation and information and communications technology (ICT). However, the legal understanding of accessibility is not fully aligned with international standards, while compliance with national regulations is low. A broader vision would help ensure the functions and benefits of facilities accessible to persons with different disabilities are well understood by the community. In terms of information and communications technology (ICT), despite progress, the limited amount of accessible content requires remedial action in laws and policies. Robust accountability mechanisms and funding are required, with Viet Nam's commitment to ratify the Marrakesh Treaty set to provide momentum.

The issue of Convention on the Rights of Persons with Disabilities **(CRPD)-compliant programming and budgeting** is cross-cutting and can only be fully assessed with further data. The government is committing resources to implementation of its disability-related policies, but reporting is not compliant with international standards. Along with greater transparency, the government should involve PwDs and OPDs in budgeting processes to maximize impacts of resources.

The absence of independent human rights monitoring mechanisms to address limitations of stakeholders responsible for monitoring and evaluating implementation of PwD and CRPD-related policies is apparent in the area of **accountability and governance.** Data collection for

national SDG indicators and other national systems is not sufficiently broad or disaggregated by disabilities, and sometimes not undertaken, even when called for in government instruments. These systems should be re-examined to ensure alignment and that information gathered is made publicly available in accessible formats.

Given the general lack of disaggregated data on PwDs, painting a detailed picture of how **gender** impacts the situation of PwDs is challenging. Access to SRH is affected by stereotypes and stigma on the basis of gender and disability. Gender-based violence is a particular concern, especially in a context of limited access to legal aid and justice. Some 33 percent of women and 55.4 percent of women with disabilities reported experiencing physical and emotional violence, respectively, from a husband or partner.¹ Available data gives no visibility to the situation of lesbian, gay, bisexual, trans and intersex PwDs. As the needs of PwDs differ based on gender, these areas require further research.

The **COVID-19 pandemic** has, of course, greatly affected the situation of PwDs in Viet Nam. While Viet Nam prioritized PwDs for vaccinations in 2021 and social assistance in 2020, high rates of multidimensional poverty require a more comprehensive social protection response. Ensuring PwDs are accounted for amid pandemic-driven rapid digitalization – especially in education, employment and e-governance – is essential.

Overall, this Situational Analysis report reaffirms the importance of close partnerships between the government, UN, other development partners, the private sector and, most importantly, PwDs and their organizations. The research underlines that increasing the capacity and participation of PwDs will support progress across all fields and help ensure the inclusion of marginalized and underrepresented groups. The report highlights numerous openings to address the identified challenges, with the UN standing ready to support Viet Nam in seizing these opportunities. PwDs offer huge and largely untapped potential – potentially up to 3 percent of GDP – and Viet Nam's efforts to empower them will assist it in achieving middle-income status through sustainable development.

¹ MOLISA, GSO and UNFPA (2019), Second National Study on Violence against Women in Viet Nam.

Background

Purpose of the analysis

The United Nations Partnership on the Rights of PwDs Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together UN entities, governments, OPDs, and the broader civil society to advance the implementation of the CRPD and disability inclusive SDGs at country level around the world.

This Situational Analysis Report on the Rights of PwDs in Viet Nam was developed as part of the UNPRPD programme's inception phase in Viet Nam. The report's analysis aims to inform the design of future UNPRPD programmes in this South East Asian country, with the report serving as a baseline for such programmes. Specifically, the analysis is designed to inform the UN in Viet Nam of gaps in terms of disability inclusion in on-going national processes and programmes and recommend further in-depth responses where needed. It builds a base of mutual understanding and working relationships between UN entities, government, OPDs and other civil society organizations, as well as the private sector and academia, as a basis for future co-designing joint programmes. The analysis also strengthens the capacity of these stakeholders to more effectively address the rights of PwDs as outlined in the CRPD. The report may also serve as an advocacy tool for OPDs and other national and international civil society partners.

In addition, it seeks to provide pertinent information for policy planning and implementation, including sectoral and poverty reduction policies and SDG national plans. As such, it aims to provide a disability rights perspective to COVID-19 recovery planning and beyond.

Introduction to disability inclusion in Viet Nam

The Law on Persons with Disabilities (LPD, adopted in 2010) defines a PwD as “a person who is impaired in one or more body parts or suffers functional decline manifested in the form of disability which causes difficulties to his/her work, daily life and study.”² This definition does not fully encompass the concepts and approach of the internationally-accepted one. It emphasizes physical impairments deemed to cause hardship in a PwD's life, without considering the social and environmental barriers, which interact with physical impairments to form disabilities.

The National Survey on PwDs (2016) found there were 6.2 million PwDs in Viet Nam. This represents 7 percent of the population.³ Of these PwDs, 58 percent were women⁴ and 11 percent were children aged 2-17 years.⁵ CwD are identified by the government as one of 14 groups of children living in extremely difficult circumstances that need State support.⁶

² Viet Nam Government (2010), Law on PwDs, Article 1.

³ These results do not take into account 2 percent of the population not included in the sample for various reasons set by GSO. GSO (2018), National Survey on PwDs using the Washington Group Shortened Survey questions, 2016, p. 67.

⁴ Thanh Ha (2020), Preferential legal policies for PwDs.

⁵ GSO (2018), National Survey on PwDs 2016 using the Washington Group Shortened Survey questions, pp. 66-68.

⁶ Viet Nam Government (2016), Law on Children. Accordingly, CwDs are fully entitled to the rights of PwDs as prescribed by law; receive support, care, and special education for rehabilitation, self-reliance and social inclusion.

PwDs are classified into three different degrees of disability: mild, severe and extremely severe.⁷ According to the Ministry of Justice, by the end of 2019, nearly three million PwDs had been granted certificates of disability⁸ (26 percent of PwDs under 65 years old were certified, of whom 20 percent had extremely severe disabilities and 66 percent had severe disabilities).⁹

Many PwDs in Viet Nam have multiple disabilities, with around 4 percent experiencing difficulties in two or more functional domains.¹⁰ The most common type is lower body mobility disability (3,566,854 people), followed by cognitive disability (2,622,578), upper body mobility disability (2,158,988), mental disabilities (1,097,629) and communication disabilities (836,247).¹¹

Disability rates tend to increase with age, with the prevalence higher among women than men.¹² The National Population and Housing Census, conducted by the GSO in 2019, found that the North Central and Central Coast (7.6 percent) and Central Highlands (4.1 percent)¹³ had the highest and lowest disability rates, respectively of Viet Nam's six socio-economic regions. The disability rate in rural areas is 1.5-fold higher than in urban areas.¹⁴

Viet Nam's 2020 National Report on Implementation of the SDGs noted many areas where PwDs needed and received support required greater attention, such as in poverty elimination, access to education, employment, public transport and elimination of violence (especially against women with disabilities). In addition to ratifying the CRPD, Viet Nam's PwD-related legal framework consists of: a) the LPD and sub-law documents guiding its implementation and b) laws and policies that mainstream or include the rights of PwDs (such as in employment, education, health and social welfare).

⁷ Viet Nam Government (2012), Decree No.28/2012 / ND-CP, Article 3

⁸ Thanh Ha (2020), Preferential legal policies for PwDs.

⁹ GSO (2018), National Survey on PwDs 2016 using the Washington Group Shortened Survey questions, pp. 150-151.

¹⁰ Ibid. pp. 51-53.

¹¹ Ibid, p. 15.

¹² Ibid, p. 14.

¹³ GSO (2019), National population and housing census 2019, p. 44.

¹⁴ GSO (2018), National Survey on PwDs 2016 using the Washington Group Shortened Survey questions.

Approach

Guiding Principles

Relying on a rights-based approach rooted in the CRPD, this report uses the UNPRPD's framework of six pre-conditions necessary to ensure disability inclusion across policies, services, and other interventions: i) equality and non-discrimination, ii) inclusive service delivery, iii) accessibility, iv) participation of PwDs, v) CRPD-compliant programming, budgeting, and financial management and vi) accountability and governance. This report incorporates a stakeholder and coordination analysis and three cross-cutting issues of full participation of PwDs, inclusion of marginalized and underrepresented groups of PwDs, gender equality and rights protection for women and girls with disabilities.

This report takes into account the Government of Viet Nam's commitment to disability-related recommendations from global frameworks beyond the CRPD, including the Committee on the Elimination of Discrimination against Women (CEDAW) and Universal Periodic Review (UPR).

Definitions enshrined in the CRPD and elaborated upon by the Committee on the Rights of PwDs are relied upon by this report's assessments, analyses and recommendations. It is fully acknowledged that, as a developing country that ratified the Convention in 2014 and recently achieved lower middle-income status, Viet Nam cannot be expected to meet international standards in all areas. However, through ratification, Viet Nam has committed to working towards its obligations under the CRPD, which also lies at the core of the UNPRPD MPTF. This report uses key CRPD-defined concepts for PwDs and discrimination on the basis of disability, reasonable accommodation, accessibility and universal design.

Methodologies used

This report used four methods to gather data, build its analysis and develop recommendations.

First, a desk review was conducted to analyze relevant studies, government reports and data on the rights of PwDs, as well as relevant laws, policies and their implementation. Second, a comparative method was used to assess the conformity of Viet Nam's legal and policy framework with international standards on PwDs, in particular the CRPD. Third, 57 interviews were conducted with 10 PwDs, 19 OPDs, five NGOs and non-profit organizations, six government representatives, and 17 specialized experts – including from UN agencies, lawyers and academics – to gather information on challenges and barriers for PwDs.

Fourth, five online consultation workshops were held to collect information from 138 stakeholders on: i) strengthening the alignment of Viet Nam's legal framework for PwDs with the CRPD, ii) community-based services for PwDs and CwDs in Viet Nam, iii) SRH and rights for PwDs, iv) enhancing meaningful participation of PwDs in law-making, implementation and monitoring processes and v) combatting stigma and discrimination against PwDs. The backgrounds of these participants overlapped, with 41 percent of total participants identifying as PwDs, 34 percent as

representatives from OPDs, 51 percent as experts (representatives of academic institutes, healthcare centres, NGOs, law firms, businesses and media) and 8 and 7 percent as UN and government representatives, respectively. Guiding questions are from UNPRPD consultation guidelines or smaller group discussions within each consultation.

Scope and limitations of the report

This report aims to provide sufficient information to allow for the identification of key priorities and issues which require further analysis, investment and action. This information should inform future analysis and programming. The report:

- Describes and analyzes the functioning of coordination mechanisms and contributions made by stakeholders, obstacles to participation of PwDs and OPDs and capacity gaps of stakeholders.
- Examines the legislative and policy context regarding PwDs and non-discrimination, including implementation.
- Highlights discrimination and inequality between persons with and without disabilities, and the challenges for women and marginalized groups.
- Assesses the level of accessibility, affordability and inclusiveness of mainstreaming of support services for various disability groups.
- Describes policy and practice in terms of access to information and public spaces.
- Maps disability inclusion by the UN and other international organizations in programme design and budgets.
- Assesses the availability and functioning of national monitoring mechanisms, systems and tools, including the existence and quality of statistics and disability-disaggregated monitoring data.

The preparation of this report has revealed that the information and data currently available in Viet Nam is insufficient to answer the full range of analytical questions and topics covered in the UNPRPD framework. In some cases, it was unclear whether the information was unavailable or if government officials were not authorized to share it publicly. Data and information gaps are useful findings to help inform programming decisions or recommendations for future analyses, and it is hoped this report will help to encourage future data collection and accessibility.

Beyond limited data availability, since April 2021, Viet Nam experienced its most severe wave of the COVID-19 pandemic. As of 13 September 2021, it had reported 15,660 deaths from COVID-19 and more than 624,547 active cases, with infections continuing to rise. The Government of Viet Nam, in response, restricted gatherings and movement between provinces. As a result, the collection of data and information in-person or in the field was not possible. All interviews, consultations and group discussions were rapidly adapted to an online format, which constrained outreach to more marginalized groups, such as older PwDs and those living in remote areas or with limited connectivity.

Findings

Stakeholders and coordination

Viet Nam has established a multi-sectoral coordination structure and mechanism to address disability issues and support PwDs.

National Assembly (NA): The NA is identified by the government as the supreme, independent supervisory authority which oversees implementation of disability-related laws and policies, as well as the CRPD. The NA is tasked with enacting and amending laws to protect the rights of PwDs and data on PwDs is disseminated through annual NA monitoring reports.¹⁵ No current NA member is publicly known to have a disability.¹⁶ At provincial, district and commune levels, People's Councils¹⁷ supervise policy implementation. No data was available to confirm PwD representation on People's Councils.¹⁸

Government: The ministries of Labour, Invalids and Social Affairs (MOLISA), of Health (MOH), and of Education and Training (MOET) play leading roles.¹⁹ MOLISA is tasked with overall State management on disability issues, including promulgation and implementation of PwD-related policies, plans and programmes and coordination of disability-focused ministries, ministerial-level agencies and provincial People's Committees. Within MOLISA, the Department of Social Protection is the focal agency, where the National Council on Disability (NCD) is administered. The NCD oversees PwD-related laws, policies and developed the National Strategy of Action 2012-2020 and 2021-2030 to support PwDs.^{20, 21} It has local councils in 34 of 63 provinces²² and a mandate to assist the Prime Minister to direct ministries, agencies and localities in disability support activities. The NCD, chaired by the MOLISA Minister, is comprised of 18 members, including 12 vice ministers and representatives of six central PwD organizations.²³ MOH is responsible for provision of healthcare for PwDs, works with MOLISA on rehabilitation for PwDs, provides training and guides community-based functional rehabilitation. MOET oversees provision of education for PwDs, including training teachers, compiling curricula and textbooks for students with disabilities. More than 10 other ministries and government agencies are directly involved in disabilities within their respective fields.²⁴

Socio-political organizations: The Vietnamese Fatherland Front²⁵ and its member organizations develop, monitor and supervise implementation of disability policies and programmes by State bodies.

Civil society organizations: The Viet Nam Federation on Disability (VFD) is an umbrella organization working as a national level OPD under MOLISA, and a member of the NCD. VFD's

¹⁵ Viet Nam Government (2017), Viet Nam Initial State Report on the Implementation of the CRPD, p. 43.

¹⁶ Viet Nam Government (2010), National Assembly Resolution 84/2014/QH13, Article 4

¹⁷ Sub-national legislative bodies, i.e. local branches of the National Assembly.

¹⁸ Viet Nam Government (2017), Viet Nam Initial State Report on the Implementation of the CRPD, p. 5.

¹⁹ Viet Nam Government (2010), Laws on PwDs, Articles 49, 50

²⁰ Viet Nam Government (2012), Prime Minister Decision No.1019/QĐ-TTg

²¹ Viet Nam Government (2015), Prime Minister Decision No.1717/QĐ-TTg

²² Viet Nam Government (2012), Prime Minister Decision No.1019/QĐ-TTg

²³ The six organizations are: Central Committee of the Viet Nam Fatherland Front, VFDs, Central Committee of the Viet Nam Women's Union, Viet Nam Association for the Protection of the Disabled and Orphans, Viet Nam Association of the Blind, Viet Nam Association of Agent Orange Victims. Viet Nam Government (2017), Viet Nam Initial State Report on the Implementation of the CRPD, p. 5.

²⁴ MOCST, MOC, MOT, MIC, MOST, MOF, MPI, MOJ. Ibid.

²⁵ An umbrella group of mass movements in Viet Nam aligned with the Communist Party of Viet Nam, forming part of the Viet Nam Government.

mandate is to provide grassroots support for the formulation and implementation of Communist Party of Viet Nam policies and laws on disability. VFD represents PwDs and OPDs in international fora²⁶ and amplifies PwDs' voices to the NCD and government agencies. Through the VFD, OPDs and PwDs can monitor implementation of disability-related policies. Although the VFD President is not a PwD, its Executive Committee consists of 62 members nationwide, of whom 51 are PwDs with one-third being women. The Standing Committee has 17 members, of whom 14 are PwDs and just under half are women. As defined by the LPD, OPDs represents the legitimate rights and interests of PwDs, to participate in the formulation and supervise the implementation of disability-related laws and policies.²⁷ Provincial level OPDs are established in 21 out of 63 provinces and cities²⁸ (detailed description in the Annex), with DOLISA responsible for overseeing their registration and operation. NCD and DOLISA collaborate closely, but in principle, OPDs operate under the supervision of local DOLISA, independently from NCD. They are members of VFD, which are mostly established by persons with physical disabilities and act as provincial umbrella organizations.

Many disability-specific organizations are legally sponsored by provincial OPDs, including associations of parents of children with autism /cerebral palsy /hearing impairments /intellectual disabilities, clubs of women or youth with disabilities, clubs of persons with spinal cord injuries, deaf associations. The most long-standing OPD is Viet Nam Blind Association which was founded in 1969 and is home to 57 out of 63 provincial blind associations. Although these associations are also VFD members, they are administratively and financially independent from provincial OPDs. Numerous informal OPDs exist nationwide and support development of disability-related policies, promote PwDs' empowerment and provide services, including counselling, livelihood generation and social protection. Disability movements are strong among persons with physical and visual disabilities. Some most marginalized groups still need to be reached and to make their voice heard, including intersectoral vulnerable groups, such as deafblind persons, persons with multiple disabilities, persons with disabilities belonging to the LGBTIQ+ community.

OPDs are often trained by the Government and NGOs on vocational training, leadership and national policies, especially those related to social protection. However, their capacity of advocacy for strengthening the disability inclusion and the alignment of national policies with CRPD and of CRPD monitoring and reporting remain rooms for improvements.

UN and other international organizations: These bodies closely partner on disability issues with the above-mentioned stakeholders. Interventions of UN agencies – particularly UNDP, UNFPA, UNICEF, UN Women and WHO – include rights-based policy advocacy to strengthen or introduce policies and legal instruments to mainstream disability issues. Efforts include capacity-building activities, generation of disability-related data and evidence, promotion of inclusive education and provision of legal aid. Within the UN, a coordination mechanism was established to support implementation of the UN Country Team's UN Disability Inclusion Strategy.

²⁶ MOHA (2010), Decision 1719/QĐ-BNV. MOHA (2011), Decision No.1538/QĐ-BNV

²⁷ Viet Nam Government (2010), Law on PwDs, Article 9

²⁸ VFD (2020), Independent report on the implementation of the UN Convention on the Rights of PwDs in Viet Nam.

Development partners:²⁹ These actors promote disability inclusion and support the government in policy advocacy, encompassing rehabilitation, inclusive education, and natural disaster prevention and control. They provide PwDs with facilities and capacity building for OPDs and stakeholders for inclusion of PwDs.

Legal and policy framework and national development strategies relevant to PwDs

Viet Nam has ratified seven out of nine core international human rights treaties, including the CRPD in 2014. **The government submitted its initial report to the CRPD by the 2018 deadline.** Reports to other treaty bodies do not appear to contain information specific to PwDs. **The LPD was adopted in 2010 to support implementation of international human rights treaties ratified by Viet Nam and prepare for CRPD ratification,** in compliance with “the socio-economic conditions of Viet Nam.” This law outlines the rights “and obligations” of PwDs and responsibilities of the State, family and society towards PwDs. With the introduction of legal instruments relevant to PwDs’ lives in Viet Nam, their rights have received greater attention in State priority policies in fields such as health, education, training and employment.

In terms of national strategies, **the National Plan on Implementation of the CRPD, approved in 2016, led to development of provincial implementation plans.**³⁰ In addition, Decision No.1190/QD-TTg aims to improve the quality of PwDs’ lives, promote participation in social activities and create a barrier-free environment that ensures PwDs’ rights to achieve their full potential.

Decision No.1190 is a roadmap with proposed outputs over 10 years, divided into two stages (2021-2025 and 2026-2030). Objectives for 2021- 2025 include access to medical services, education, training, transport, ICT, sports, legal aid and accessible infrastructure.³¹ The decision calls for the review and amendment of legal documents related to PwDs in all fields, and integration of respective criteria into relevant government databases. There is, however, no law requiring mainstreaming of disability issues in national policies or legislation. The Government supports disability inclusion and has issued several national accessibility standards in construction and ICT. However, there are no detailed guidelines to re-enforce the implementation and monitoring.

The situation of PwDs is specifically incorporated in the National Action Plan for Implementation of the 2030 Sustainable Development Agenda, under Targets 1.1, 4.1, 4.3, 4.5, 4.8, 6.2, 8.5, 10.2, 11.2 and 11.7. Data related to PwDs is included in annual national SDG monitoring reports, although for some targets, information is not specific to PwDs.³² The reports can incorporate PwD-related information under additional targets.³³ The 2020 national report acknowledged **a lack of adequate reporting by authorities for each target and disaggregated**

²⁹ They include: CBM International, Department of Foreign Affairs and Trade (DFAT) of Australia, Korea International Cooperation Agency (KOICA) and United States Agency for International Development (USAID).

³⁰ Viet Nam Government (2017), Viet Nam Initial State Report on the Implementation of the CRPD, p. 5.

³¹ Viet Nam Government (2020), Prime Minister Decision No.1190/QD-TTg.

³² For example, in the most recent report, Targets 4.1, 4.3, 6.2, 10.2, 11.2 and 11.7 did not have information specific to PwDs. UN (2020), 2020 National Report on the Implementation of the SDGs.

³³ Such as reporting on Targets 1.2, 4.2, 5.2. Ibid.

data,³⁴ with a recommendation to improve capacity in these areas.³⁵ Information on PwDs was also included in Viet Nam’s Voluntary National Review report submitted in 2018, but only a passing reference was made in the 2020 Sendai DRR report.

Equality and non-discrimination

There is no general anti-discrimination law in Viet Nam. The 2013 Constitution guarantees equality before the law and that no one is subject to discriminatory treatment. Some legislation in Viet Nam includes open-ended non-discrimination clauses, which should be understood to include PwDs.³⁶ The LPD specifically prohibits acts of stigma and direct discrimination against PwDs, defining discrimination as an “act of shunning, refusing, maltreating, disparaging, showing prejudice against, or restricting the rights of PwDs because of their impairments.” Stigma is defined as “the attitude of disregarding or disrespecting PwDs because of their impairments.”

The Labour Code 2019, Law on Handling of Administrative Violations 2012 and Decree No.144/2013/ND-CP (29 October 2013) are other legal documents to explicitly prohibit discrimination on disability grounds.³⁷ The Law on Handling of Administrative Violations 2012 stipulates individuals who commit acts of discrimination against PwDs will be administratively sanctioned or prosecuted for criminal liability. However, provisions in these two **laws do not prohibit indirect forms of discrimination or recognize failures to make reasonable accommodation a form of discrimination.** As a result, OPDs in consultations reported they were unable to seek legal redress for discrimination, including failure to provide reasonable accommodation and access. In addition, the laws focus on acts of discrimination committed by individuals, not organizations. The Law on Education,³⁸ policies on education for PwDs³⁹, Law on Medical Examination and Treatment⁴⁰, and Law on Health Insurance⁴¹ have **provisions to enable PwDs to have equal access to education, health and insurance.**

Throughout consultations for this report, **five areas where PwDs in Viet Nam often experience stigma and discrimination were identified:** employment, accessibility to information, public transportation, accessibility to public facilities, healthcare and rehabilitation services. Research conducted as part of a previous UNPRPD project found that public stigma was common in employment and education,⁴² in addition, 43 percent of respondents reported perceived stigma.⁴³ Although only 2-8 percent of respondents reported self-stigma in access to healthcare services, education or social interaction, 60-70 percent reported it was in relation to their disability. These feelings appeared in the context of love and marriage (a higher rate for women), with perceptions of gender roles for women and men in family life cited as the main cause.⁴⁴

³⁴ Ibid., p. 162.

³⁵ Ibid., p. 169.

³⁶ Viet Nam Government (2013), Constitution of Socialist Republic of Viet Nam, Article 16

³⁷ Viet Nam Government (2019), Labour Code (Amended), Articles 3, 5 and 8

³⁸ Viet Nam Government (2019), Law on Education (2019), Articles 11, 13, 63, 85

³⁹ MOE, MOLISA & MOF (2013), Joint Circular No. 42/TTLT-BGDDT-BLDTBXH-BTC, Articles 2, 3,6,7

⁴⁰ Viet Nam Government (2009), Law on Medical Examination and Treatment, Article 3

⁴¹ Viet Nam Government (2018), Decree no. 146/2018/NĐ-CP, Article 3

⁴² UNDP & iSEE (2017), Ending Stigma, p. 12.

⁴³ Ibid., p. 10.

⁴⁴ Ibid., pp. 11-12.

Viet Nam’s multidimensional poverty rate spotlights the impacts of stigma and inequalities. In 2016, 17.8 percent of PwDs lived in households with multidimensional poverty compared to the national average of 10.9 percent.⁴⁵ The situation is not the same, however, for all PwDs. 79 percent of PwDs living in poor ethnic minority households experienced multidimensional poverty. PwDs living in multidimensionally poor households were most concentrated in the Mekong River Delta, North and Central Coast, and the Northern Midlands and Mountains area, at nearly one-third, 23.3 and 20.2 percent, respectively. There is little differentiation in national rates between genders, except in two areas.⁴⁶ Nearly three-quarters of PwDs aged 15 years or older in households with multidimensional poverty have never attended school nor held a certification of disability.⁴⁷

Inclusive Service Delivery

Social Protection

The Government of Viet Nam has made **encouraging progress in providing social protection services to PwDs and CwD** through implementing key policies and plans at national and sub-national levels.⁴⁸

Social protection benefits are vital to PwDs. In 2016, households with disabilities were twice as likely to be poor than non-disabled ones (19.4 percent)⁴⁹ and a quarter of children 2-17 years with disabilities live in poor households due to extra costs incurred for their survival and development.⁵⁰

Access to social protection is structured through disability definition, determination and certification. The LPD attributes disabilities (difficulties in a PwD’s work, daily life and study) to his/her impairments of body parts or functional decline.⁵¹ Disabilities are recognised in six forms: physical, hearing/speech, visual, intellectual, mental/psychiatric, and ‘other disabilities. The latter category can be understood to include cases of cognitive, hidden, or more-difficult-to-identify disabilities, such as autism.

PwDs are classified according to three degrees.⁵² ‘Extremely severe’ covers disabilities that lead to a complete loss of functions, self-control or that make a person unable to move, dress, maintain personal hygiene or complete other everyday tasks without the presence of other individuals to monitor, help or fully care for the person. ‘Severe’ refers to persons suffering from serious

⁴⁵ MOLISA (2018), UNDP Viet Nam and Viet Nam Academy of Social Sciences, Multidimensional Poverty in Viet Nam - Reducing poverty in all its dimensions to ensure a good quality life for all, p. 80.

⁴⁶ Except for 4.5 percent more men in the Northern Midlands and Mountains and in the Mekong River Delta areas, and 5 percent more men in the Red River Delta. Ibid., pp. 80-81.

⁴⁷ Ibid.

⁴⁸ These include the LPD (2010), Decree 136/2013/ND-CP on social assistance by the Government (2013), Law on Social Insurance (2014), Inter-Circular 19/2015/TTLT-BKHCN-BLDTBXH on scientific research, technology transfer and application in the production of products supporting PwDs and CwD by the Ministry of Science and Technology and MOLISA (2015), Labour Code (2019), Decree 20/2021/ND-CP on social assistance with increased levels of support for all eligible groups of clients (2021, replacing Decree 136 of 2013). In 2017, the Government approved the Master Plan for Social Assistance Reform and Development (MPSARD) to more comprehensively and effectively address vulnerability and exclusion. It set out specific goals for expanding the programme coverage, including for PwDs.

⁴⁹ GSO (2018), National Survey on PwDs 2016 using the Washington Group Shortened Survey questions.

⁵⁰ The World Bank Group (2021), Viet Nam’s Human Capital: Education Success and Future Challenges.

⁵¹ LPD, Article 2

⁵² Viet Nam Government (2012), Decree No. 28/2012 / ND-CP, Article 3

impairments that lead to partial loss or deficiency of functions, self-control or that need some assistance in the above-mentioned areas. ‘Mild’ disability applies to PwDs who fall outside these categories.

Disability degree determinations are made through DDDCs,⁵³ which include a representative of the head of the commune-level OPD. PwDs are directly observed in the performance of simple day-to-day activities and assessed against medical and social criteria. “Other simple methods” may also be used. A different set of questions is used for children under 6 years of age.⁵⁴

The table below summarizes the forms of social assistance available to PwDs.

Beneficiary	Types of social protection	Findings
PwDs/CwD with extremely severe/severe disabilities due to Agent Orange injuries	<ul style="list-style-type: none"> - Monthly allowance VND 540,000-720,000 (USD23-31) - Free Compulsory Health Insurance. - Fare reductions for travelling by bus, train or aircraft.⁵⁵ - Entrance ticket exemptions to parks, museums.⁵⁶ 	Despite increases ⁵⁷ , the monthly allowance is insufficient to cover basic living costs and extra disability-related costs. It amounts to 36-48 percent of the rural minimum living standard (USD64 per month), and 27-36 percent of the urban minimum living standard (USD86 per month). Only 40.6 percent of PwDs received such an allowance. ⁵⁸
PwDs due to occupational or labour injuries/disease	<p>Monthly allowance if the MOH’s Medical Assessment Councils certify capacity for work as diminished by over 30 percent. A worker certified of a loss of 40 percent of work capacity will receive a monthly allowance of VND710,000 (USD31). Those with reduced work capacity of 11-30 percent receive a one-time allowance equivalent to four-eight months of basic salary.⁶²</p>	Families of PwDs and CwD face direct ⁵⁹ and indirect costs: hospitalization, assistive devices, lost income due to childcare, extra care for senior PwDs, accompanying family members seeking
Students with disabilities	An individual education plan with exemption from/or reduced requirements for some subjects compared to the original curriculum, deferred enrolment	

⁵³ MOLISA (2019), Circular 01/2019/TT-BLDTBXH

⁵⁴ For a more detailed examination of disability determination in Viet Nam and its alignment with the CRPD, see UN Viet Nam (2021 – forthcoming), Report on Disability Data in Viet Nam.

⁵⁵ Viet Nam Government (2018), Decree No.65/2018/ND-CP, Articles 35 and 24

⁵⁶ MOF (2013), Circular No.27/2013/TT-BTC, Article 1

⁵⁷ Viet Nam’s Initial State Report on the Implementation of CRPD 2018 indicates a 1.6-fold increase in the number of PwDs living in the community receiving monthly social allowance between 2011-2016. Decree No. 20 in 2021, increased the national threshold of monthly allowance for PwDs by 1.5 times compared to that regulated in Decree No. 136 of 2013.

⁵⁸ GSO (2018), National Survey on PwDs, pp. 99-102

⁵⁹ Monthly medication can cost one-third of minimum wages in cities, and prostheses purchases are the equivalent of 2.5 months’ minimum income every three years. Palmer M, Groce N, Mont D, Nguyen O, Mitra S (2015), Economic Lives for PwDs in Viet Nam.

⁶² MOLISA (2017), Circular 26/2017/TT-BLDTBXH

	up to three years and adapted criteria for admission to high school, vocational school and university.	healthcare services. These are estimated at 11.5 percent of the family's income. Once these extra costs are taken into account, the poverty rate of families with PwDs increases to 22.3 percent. ⁶⁰ Some 49 percent of PwDs receive support for health insurance and 33 percent get a reduction or exemption of medical examination fees. ⁶¹
Students with disabilities from poor and near-poor households	- Free vocational training - Exempted tuition fees and a scholarship of VND1,000,000 (USD43.78) to support the purchase of educational materials. ⁶³	
Persons with depression, suicidal or posing danger to other persons ⁶⁴	Daily stipend, travel and hospitalization expenses during compulsory treatment. ⁶⁵	
All persons with disabilities	Education guiding on disease prevention and rehabilitation.	

Disaggregated financial data is not available for disability-specific social assistance schemes. In 2020, 1.04 percent of total Government spending (0.28 percent of GDP) was attributed to the implementation of Decree 136 on social assistance and the purchase of health insurance, including for PwDs and CwD.⁶⁶ It is estimated that the Government spent over USD 409 million per year on the monthly disability allowance (equivalent to 0.56 percent of total government spending and 0.15 percent of GDP in 2020).⁶⁷

Child protection

Viet Nam has enacted **numerous legal documents to regulate and guide authorities** to protect children from different forms of violence.⁶⁸

CwD often face safety risks, such as forced begging.⁶⁹ Currently, there are no statistics on CwD sexual abuse, yet research indicates the risks are four-fold higher than for those without disabilities,⁷⁰ especially for children with hearing and intellectual impairments.⁷¹ Despite considerable efforts to develop support services for child violence and sexual violence victims, such as social assistance facilities and National Child Protection hotline 111,⁷² they are not usually

⁶⁰ Mont D, Nguyen CV (2011), Disability and poverty in Viet Nam. The World Bank Economic Review, p. 323.
⁶¹ GSO (2018), National Survey on PwDs 2016, p. 102.
⁶³ Viet Nam Government (2015), Decree no. 86/2015/ND-CP
⁶⁴ Viet Nam Government (2010), Law on PwDs, Article 22
⁶⁵ Ibid., Article 21
⁶⁶ MOLISA (2020), Data from 2020 implementation of the Decree 136. In addition, State Treasury (2020) and World Bank (2020)
⁶⁷ Based on a monthly disability allowance of USD 31 for a person with extremely severe disabilities.
⁶⁸ Such as the LPD; Decree 1368 on the Project to Promote Access to Community-based protection, Education, Health Care and Rehabilitation (District/Commune Level); the National Programme on Child Protection; and Decision No. 1438/QĐ/-TTG/2018 approving the scheme for assisting CwD in access to community-based protection, care and education services in the 2018-2023 period.
⁶⁹ VFD (2016), Report on the Rights of Children with Disabilities.
⁷⁰ UNICEF (2013), Children and Young People with Disabilities Fact Sheet.
⁷¹ UN Viet Nam (2021), Sharing from consultation workshops in June and July.
⁷² Viet Nam Government (n.d), Introduction of hotline 111.

accessible to CwD. Children with hearing impairments especially struggle to access social assistance or hotline services, as the platform is built for oral communication.

While each commune has one welfare officer to cover social welfare issues, including child protection, few have received social work or child protection training. A professional case management system and inter-sectoral cooperation in cases of violations against children, including CwD, are absent. In addition, the child protection focal person responsibilities introduced by the Child Law are added to commune officers' existing tasks. While children with moderate disabilities can attend school, **many CwD are excluded from education and stay at home, requiring significant care.** CwD who attend school face discrimination, including bullying, which may lead to long-term mental damage.⁷³

Institutional or residential care is widely used in Viet Nam. There are 251 social protection centres with child residents, and more than half are non-public institutions. Some 33,000 children are estimated to live in institutions nationwide, the majority with severe disabilities, or having been orphaned or abandoned. Families use institutional care to cope with poverty, lack of CwD services and other household stress. Day care models have been piloted in three locations, with UNICEF support, as a new approach to alternative care for CwD. This provides a safe, nurturing environment for CwD and allows parents to engage in income-generating activities.

Health

Without specifically citing PwDs, **numerous legal documents stipulate the right to health for all**⁷⁴ and outline responsibilities of medical examination, treatment and rehabilitation facilities to protect all patients against discrimination and ensure their privacy. PwDs' specific rights to SRH are also referenced in legal instruments. For example, the Ordinance on Population⁷⁵ encourages premarital health checks, genetic testing for those at risk of genetic disabilities or chemical poisoning, counselling on inherited disorders, and material and "mental and spiritual health" assistance for those with genetic disabilities or exposure to chemical toxins. The Law on Marriage and Family⁷⁶ stipulates State and societal protection for PwDs to pursue marriage and family. The Youth Law⁷⁷ does not refer specifically to PwDs but includes wide-reaching State policy on health protection including in SRH and the prevention of domestic and sexual violence. The Law on Domestic Violence Prevention and Control prioritizes PwDs' rights and legal benefits.

PwDs' needs are not always included in action plans for healthcare-related laws. Currently, five-year plans and strategies on health, population, development of youth and reproductive health, as well as the National Guidelines on Reproductive Health Services have not incorporated PwDs' needs. This leads to non-inclusion of PwDs in national and sub-national budgeting and interventions for health care programmes, specifically SRH education and services.

⁷³ VFD (2020), Independent Report on the Implementation of the UN Convention on the Rights of PwDs In Viet Nam.

⁷⁴ Viet Nam Government (2013), The Constitution of The Socialist Republic of Viet Nam, Article 38, Viet Nam Government (2010), Law on PwDs, Article 22, Viet Nam Government (2009), Law on Medical Examination and Treatment (2009), Article 3

⁷⁵ Viet Nam Government (2013), Population Ordinance – Consolidation No.14/VBHN-VPQH, Article 23

⁷⁶ Viet Nam Government (2014), Law on Marriage and Family, Article 2

⁷⁷ Viet Nam Government (2020), The Youth Law (2020), Article 19

Health sector statistics, including SRH, are rarely disaggregated by disability status. No health system statistical reporting forms or indicators collect information on disability status, although the GSO has capacity to incorporate questions on disabilities into surveys covering health indicators. Administrative data from health service provision or insurance payments does not provide such data either.

Implementation of existing health accessibility regulations⁷⁸ remains low. In 2016, only 16.9 percent of commune health stations were designed for PwD accessibility, with 41.7 percent of examination rooms and 22.4 percent of sanitary facilities suitably designed for PwDs, and only 57.3 percent implementing community-based rehabilitation programmes.⁷⁹ Private facilities were more friendly to PwDs, but costly.⁸⁰ Physical barriers were the barrier most frequently cited by PwDs in consultations, as well as communication and access to information for those with hearing or visual impairments. In addition, not all persons are provided adequate assistance to move around, use toilets or access examination tables, with family members not always allowed to help.⁸¹ PwDs living in remote areas face severe difficulties in travelling to these facilities.

While the 2013 Constitution stipulates the State's responsibility to support PwDs,⁸² many PwDs feel such policies do not realize this. Consultations with PwDs indicated that a high percentage did not have social assistance to government subsidies for health insurance membership, as many PwDs did not meet criteria for benefits. In addition, essential healthcare items, such as prosthetics and rehabilitation services, are inadequately covered by health insurance. Efforts to realize the legally required prioritization of PwDs are unclear.⁸³

In addition, though 90.6 percent of commune health stations reported providing instructions on healthcare for PwDs,⁸⁴ research indicates **concern about health workers' qualifications and knowledge** affected health-seeking behaviour. As women with disabilities felt at higher risk and required better care, many selected tertiary facilities for pregnancy care due to providers' perceived higher levels of skill and care. This means women often forwent their right to health insurance payments for care and paid out-of-pocket.⁸⁵

Stigma and discrimination in health facilities and healthcare workers' attitudes are sources of concern. Some health workers in SRH services performed procedures on PwDs in a painful way.⁸⁶ Consultations revealed that PwDs seeking reproductive health advice or care felt healthcare workers displayed negative attitudes and gender stereotypes. Hence, private facilities were viewed as offering women with disabilities with more supportive, accessible and stigma-free care, with shorter wait times.⁸⁷ Consultations with PwDs indicated **negative attitudes and lack of knowledge of PwDs and within their families, particularly regarding SRH of women.**

⁷⁸ Viet Nam Government (2010), Laws on PwDs, Articles 21, 13, 43, 50

⁷⁹ GSO (2018), National Survey on PwDs 2016, Table 11.3.

⁸⁰ Nguyen Thi Tu An (2016), Sexual and Reproductive Health of People Living with Physical Disabilities in Ho Chi Minh City, Viet Nam, p. 98, Nguyen Thi Tu An (2016), Sexual and Reproductive Health of People Living with Physical Disabilities in Ho Chi Minh City, Viet Nam, p. 98

⁸¹ Ibid., p. 98.

⁸² Viet Nam Government (2013), The Constitution of The Socialist Republic of Viet Nam, Article 59

⁸³ Viet Nam Government (2009), Law on Examination and Treatment

⁸⁴ GSO (2018), National Survey on PwDs 2016, Table 11.3.

⁸⁵ Nguyen Thi Vinh (2021), Women with Physical Disabilities in Northern Viet Nam: Lived Experiences of Pregnancy, Childbirth and Maternal Healthcare.

⁸⁶ Ibid.

⁸⁷ Ibid.

Parents often avoided discussing SRH due to fears it would encourage children to be sexually active.⁸⁸ Gender stereotypes and social norms related to family and children hinder PwDs from forming relationships and having children.⁸⁹ Consultation workshops revealed PwDs' limited health service and SRH knowledge, which could adversely impact sexual relationships and lead to ineffective family planning methods and unplanned pregnancies.^{90, 91, 92}

Education

Education for PwDs is regulated by a wide range of legal documents.⁹³ These **regulations affirm the equal rights of all persons and children to access education and training for full development**, and regulate responsibilities of families, teachers, schools, specialised centres, local authorities, and the government to ensure necessary support and reasonable accommodation for PwDs and CwD's to access learning opportunities. Consultative processes amongst UN agencies, NGOs and OPDs led to a more equitable rights-based 2016 circular on job codes and policies for assistant teachers and staff supporting education for CwD. UNICEF supported MOET to develop an in-service teacher training curriculum rolled out nationwide in 2018-2019 with face-to-face coaching for teachers of pre-primary, primary and lower secondary schools and Inclusive Education Resource Centre staff. According to GSO statistics, only one-in-seven teachers in 2016 was trained to teach PwDs and CwD.⁹⁴ UNICEF's 2018 report on CwD in Viet Nam found **nearly three-quarters of schools lacked teachers trained to educate PwDs**.

The MOET has strived to unlock inclusive education for PwDs and CwDs, such as converting school textbooks to braille format, issuing national braille standards and promoting sign language. Yet, there is **significant inequity in the availability of accessible textbooks and equipment** between inclusive education centres in large cities and provinces, especially in remote areas.⁹⁵ Accessible learning materials are even less available at higher education levels.⁹⁶

In recent years, the **government has invested more in inclusive education support centres**, established in 21 provinces with 107 segregated education centres and 12 specialized education centres for CwD.⁹⁷ Despite these efforts, only 0.5 percent of CwD are in special classrooms and almost 1 percent in specialized schools or inclusive education centres.⁹⁸ Out of every 100 schools, only three are suitably designed for PwDs, eight have walkways for PwDs and 10 have toilet facilities suitable for CwD.⁹⁹

⁸⁸ Nguyen, Thi Tu An et al. (2018), Knowledge of sexuality and reproductive health of people with physical disabilities in Viet Nam, pp. 3-18.

⁸⁹ Hoang T. A. Nguyen et al., (2011), Sexual and reproductive rights of PwDs: Awareness and implementation.

⁹⁰ Nguyen Thi Tu An (2016), Sexual and Reproductive Health of People Living With Physical Disabilities in Ho Chi Minh City, Viet Nam, p. 98

⁹¹ Nguyen Thi Vinh (2021), Women with Physical Disabilities in Northern Viet Nam: Lived Experiences of Pregnancy, Childbirth and Maternal Healthcare.

⁹² UNICEF (2020), Government of Viet Nam, Government of Australia and UN agencies (UNFPA, UNICEF and UN Women) join hands to protect women and children from violence in COVID-19 context.

⁹³ Viet Nam Government (2013), Constitution of Socialist Republic of Viet Nam, Article 37. Viet Nam Government (2010), Law on PwDs, Articles 27-31, Viet Nam Government (2016), Law on Children, Article 35, Viet Nam Government (2019), Law on Education, Articles 13 and 15, MOET (2021), Circular no.03/2018/TT-BGDĐT, MOE & MOHA (2016), Joint Circular no. 19/2016/TTLT-BGDĐT-BNV

⁹⁴ UNICEF (2018), Children with disability in Viet Nam, p. 7. See also NCD (2019), Report evaluating the results of the implementation of the scheme to support PwDs in the period 2012-2020.

⁹⁵ NCD (2019), Report evaluating the results of the implementation of the scheme to support PwDs in the period 2012 – 2020.

⁹⁶ UN Viet Nam (2021), Consultation workshop on Community-based services for persons and children with disabilities in Viet Nam.

⁹⁷ UNDP (2020), Report on reviewing Viet Nam's law on PwDs in comparison with Convention on the Rights of PwDs & international best practices, p.18.

⁹⁸ UNICEF (2018), Children with disability in Viet Nam, p. 6.

⁹⁹ Ibid.

The 2016 National Survey on PwDs revealed marked challenges in CwDs' education experiences. CwD gross school attendance rates were 88.4, 74.7, and 39.4 percent for primary, lower secondary and upper secondary schools, respectively, in contrast with 100, 94.3 and 75.8 percent for children without disabilities.¹⁰⁰ On a national scale, up to 91.59 percent of PwDs study in mixed education schools. PwDs represent 15.37 percent of the population to not have completed primary school.¹⁰¹ The literacy rate of PwDs is 74.43 percent, women (69.81 percent) and men (81.6 percent), compared to 95.8 percent for people without disabilities.¹⁰² PwDs in rural areas are less literate than urban dwellers.¹⁰³ Despite tuition fee exemptions and assistance, nearly one-third of surveyed students in a recent study faced financial burdens accessing education services.¹⁰⁴ Two-thirds of PwDs living in multidimensional poor households have never attended school or completed primary school, in contrast to 39.6 percent of persons without disabilities.¹⁰⁵

Employment and work

Viet Nam has an extensive legal framework emphasizing State-backed inclusive services for PwD employment,¹⁰⁶ with policies integrated into National Action Plans to assist PwDs for 2012-2020 and 2021-2030. The former plan set a goal of 300,000 working-age PwDs enabled to receive vocational education and suitable jobs by 2020. In 2019, the country had 1,130 institutions participating in vocational training for PwDs, 1.9-fold more than in 2008.¹⁰⁷ Some 44,391 PwDs participated in vocational training in 2019 (2.2-fold more than in 2017), of which half were aged 19-35, with 15,581 PwDs gaining jobs.¹⁰⁸

The LPD and Labour Code provide that all **employers of PwDs** must ensure suitable working conditions and environments, defined as conditions allowing PwDs to perform their job on the same terms, and at the same level, as others.¹⁰⁹ However, neither law provides precise standards or regulations. Due to expected high costs of modifications,¹¹⁰ employers are often reluctant to adapt work environments to facilitate PwDs and often prefer to pay administrative violations of VND1,000,000 to VND15,000,000.¹¹¹ In terms of **employer incentives**, since 2013 “production and businesses establishments” with at least 20 employees that employ PwDs as 30 percent or more of total staff are exempt from enterprise income tax. In addition, they may take out loans at preferential interest rates, receive priority in land, ground, and water surface leases and be

¹⁰⁰ UNICEF (2018), Children with Disability in Viet Nam, p. 7.

¹⁰¹ GSO (2018), National Survey on PwDs 2016, p. 180.

¹⁰² GSO (2019), Population and Housing Census 2019.

¹⁰³ GSO (2018), National Survey on PwDs 2016, p. 217.

¹⁰⁴ Nguyen Thi Hoang Yen et al. (2013), Policy on Education of the Disabled in Viet Nam - Gaps and Impact on the Persons with Disability, pp. 24-33.

¹⁰⁵ GSO (2018), National Survey on PwDs 2016, p. 180.

¹⁰⁶ Viet Nam Government (2010), Law on PwDs, Articles 32-34, Viet Nam Government (2014), Law on Vocational Education, Article 6, Viet Nam Government (2013), Decision No. 899/QD-TTg, Article 1, Viet Nam Government (2010), Law on PwDs, Articles 32-34, Viet Nam Government (2014), Law on Vocational Education, Article 6, Viet Nam Government (2013), Decision No. 899/QD-TTg, Article 1

¹⁰⁷ Including 744 public institutions, 386 private institutions, 255 specialized institutions. Duong Phong (2020), Challenges in vocational training for PwDs.

¹⁰⁸ Ibid.

¹⁰⁹ Viet Nam Government (2010), Law on PwDs, Article 33, Viet Nam Government (2019), Labour Code (Amended), Article 159

¹¹⁰ NCD (2018), Report on research & evaluation of implementation of provisions of Labour Code and related documents on employees with disabilities, p. 33.

¹¹¹ Viet Nam Government (2013), Decree No.144/2013/ND-CP, Article 13

exempted from rental fees.¹¹² As enforcement of this policy remains a challenge, many PwDs work in the informal sector.¹¹³

The Ordinance on Disabled Persons in 1998 included a requirement to have a minimum 2-3 percent of employees with disabilities in agencies and enterprises.¹¹⁴ However, the **LPD and Labour Code move away from the mandatory quota requirement**. As a result, rates of employees with disabilities and accessibility adjustments to meet labour requirements are no longer considered by stakeholders. Consultations with PwDs indicated that the perceived high cost of improving work conditions and accessibility for PwDs made many employers hesitant to recruit PwDs. Similarly, public buildings and facilities do not meet national technical standards on accessibility for PwDs,¹¹⁵ and most public vehicles and roads are not fully accessible. These factors, especially at the provincial level, were cited in consultations as obstacles to employment for PwDs, particularly for those with mobility or visual disabilities.

Despite multiple policies and projects on vocational training and employment to support PwDs, **the percentage of trained PwDs remains low**. According to the National Survey on PwDs, only 7 percent of PwDs 15 years or older are trained at vocational training centres, compared to 21 percent of persons without disabilities, while 93.4 percent of PwDs aged 16 and over do not have professional qualifications, and only 6.5 percent have diplomas. Consequently, 30 percent of PwDs of working age are employed,¹¹⁶ with ILO estimating a total of 2 million unemployed.¹¹⁷

In consultations, PwDs stated the **greatest barriers to employment and vocational training were discrimination and limited options, with negative attitudes pervasive across the employment cycle**.¹¹⁸ In relation to vocational training, the options are usually limited to a set of pre-determined occupations for different types of disabilities, e.g. persons with visual disabilities are steered towards becoming masseurs or making handicrafts.

Disaster risk reduction and emergency responses

Viet Nam is a **country severely affected by natural disasters and climate change, and PwDs are legally recognized as one of the groups most vulnerable** to such situations. The State is a signatory of the Sendai Framework on Disaster Risk Reduction (2015-2030)¹¹⁹ and has **established a comprehensive legal framework** on natural disaster prevention and control,¹²⁰ that overall meets CRPD requirements.¹²¹ The Law on Natural Disaster Prevention and Control 2013 names PwDs as a vulnerable group requiring attention, who must be prioritized in natural disaster warnings, responses, and rescue and relief. Three non-MOLISA agencies take measures

¹¹² Viet Nam Government (2013), Law on Corporate Income Tax (Amended), cl 3, Article 1

¹¹³ Palmer M et al. (2015), Economic Lives for PwDs in Viet Nam.

¹¹⁴ Viet Nam Government (1998), Ordinance No. 06/1998/PL-UBTVQH10

¹¹⁵ MOC (2014), National Technical Regulation on Construction for Disabled Access to Buildings and Facilities - QCVN 10:2014/BXD.

¹¹⁶ Viet Nam Government (2006), Prime Minister Decision No.239/2006/QĐ-TTg

¹¹⁷ ILO (2012), Enhance job opportunities for PwDs for everyone's benefits.

¹¹⁸ UNDP & iSEE (2017), Ending Stigma, p. 12.

¹¹⁹ UNDRR (2014), Sendai Framework on Disaster Risk Reduction (2015-2030).

¹²⁰ Viet Nam Government (2013), Law on Natural Disaster Prevention and Control. Viet Nam Government (2018), Decree No.160/2018/ND-CP. Viet Nam Government (2019), Decision No. 649/QĐ-TTg. Viet Nam Government (2015), Joint Circular No. 43/2015/TTLT-BNNPTNT-BKHDT.

¹²¹ United Nations (2006), CRPD, Article 11

to deal with risk and humanitarian emergencies to minimize potential risks and promptly provide humanitarian assistance to all persons, including PwDs. However, the LPD, which grants MOLISA overall responsibility for disability issues, does not refer to disaster and emergency contexts.

Viet Nam has developed numerous **national programmes on natural disaster risk prevention and control that have raised PwDs' awareness of disaster risks and empowered many to take part in DRM planning**.¹²² However, only 20% of local authorities provide information on emergencies for PwDs; 13.0% have established shelters suitable for PwDs; and 12.7% have provided training for PwDs on disaster response. While Viet Nam during 2012-2015 cooperated with international organizations to support PwDs in DRM and enhance their capacity to cope with natural disasters,¹²³ there remain **limitations in PwD-focused DRR regulations**.¹²⁴ In consultations, OPDs highlighted inaccessible evacuation routes, flood-prone houses and early warning systems as key issues. Only 20 percent of OPDs consulted in one study reported localities coordinated with them in relevant DRR activities.¹²⁵ OPDs consulted for this report noted the lack of meaningful participation of PwDs in local preparedness and management of disaster risks. At present, there is an **absence of data on PwDs affected by climate change, natural disasters and levels of DRR knowledge**.

In the context of COVID-19, the pandemic has disrupted general health services and essential ones for pregnant mothers, newborns and children, particularly for vulnerable groups such as PwDs. While PwDs are prioritized to receive free vaccinations, they often face limited access to necessary **medical equipment and services**, as well as struggle to implement recommended infection prevention measures. Some 70 percent of PwD respondents in a UNDP-supported rapid assessment in 2020 reported **challenges in accessing medical care**, including check-ups, medicines, assistive devices and rehabilitation services.¹²⁶

Women with disabilities are more exposed to sexual and gender-based violence during the pandemic due to limited care, social and financial support, isolation at home and stress. Prior to COVID-19, 55.4 percent of women with disabilities reported experiencing physical and emotional violence from a husband or partner.¹²⁷ Viet Nam Women's Union reported that new admissions to a shelter for victims have doubled since the outbreak.¹²⁸ This trend could be accelerated by physical distancing and mandatory quarantine at home.¹²⁹

Economically, PwDs have also been heavily impacted by the pandemic: 30 percent of PwD respondents in a UNDP Viet Nam rapid assessment in early 2020 revealed they were **unemployed** due to COVID-19.¹³⁰ Nearly all (96 percent) expressed financial security concerns.

¹²² Viet Nam Government (2012), Prime Minister Decision 1183/QĐ-TTg. Viet Nam Government (2009), Prime Minister Decision No. 1002/Qđ-Ttđ. Viet Nam Government (2011), Prime Minister Decision No. 2139/QĐ-TTg

¹²³ E.g. Viet Nam Government (2015), Programme No. 9656/CTPH-BNNPTNT-BLDTBXH, Viet Nam Government (2020), Prime Minister Decision No.1190/QĐ-TTg.

¹²⁴ VFD (2020), Independent Report on the Implementation of the UN Convention on the Rights of PwDs in Viet Nam.

¹²⁵ Ibid.

¹²⁶ MOLISA, GSO and UNFPA (2019), Second National Study on Violence against Women in Viet Nam.

¹²⁷ Ibid.

¹²⁸ Viet Nam Women's Union (2020), COVID-19 and Gender Issues in Viet Nam.

¹²⁹ The Institute for Social Development Studies and Ha Noi School of Public Health (2020), Findings from a research study on the impact of COVID-19 on domestic violence against women in Ha Noi, Viet Nam.

¹³⁰ UNDP (2020), Rapid Assessment of the socio-economic impacts of COVID-19 on PwDs in Viet Nam.

While 28 percent saw income falls in March 2020. As a result, 72 percent of PwDs had monthly incomes of less than VND1 million, 21 percent more people in this income range than the previous period (February 2019-2020).¹³¹ This indicates that more PwDs are falling into poverty. With the pandemic more severe in 2021, these figures are expected to worsen. In April 2020, the government released a VND62 trillion (USD2.6 billion) **financial relief package** and issued social assistance-focused Resolution 68 on 1 July 2021 in response to a severe wave of COVID-19. Although 71 percent of employed PwD respondents stated they worked in the informal sector,¹³² VSDG Indicator 8.3.1 on informal employment and VSDG Indicator 8.5.2 on unemployment are not disaggregated by disabilities. This missing data posed challenges for government disbursement of its first support package.

Access to justice

As PwDs are at high risk of discrimination or having their rights violated, legal aid is a key avenue to ensure PwDs' right to access justice. The LPD outlines that all PwDs should be eligible for legal aid services,¹³³ however, the Law on Legal Aid states that **only PwDs with financial difficulties can receive free legal aid services**.¹³⁴ Viet Nam promulgated its national plan for CRPD implementation in 2016, which ensures the rights of PwDs, including in legal justice. There are no legal aid centres at district or commune levels. Around twice per year, centres organize mobile counselling sessions at OPDs or People's Committees. The government has provided training on legal assistance skills targeting PwDs.¹³⁵

In consultations for this report, some OPDs revealed PwDs found it difficult to report cases to lawyers or legal aid service providers due to limited communication skills. As a result, there was a **limited number of PwDs receiving free legal aid at the provincial level**: a total of 9,499 PwDs in 2015 and 2016, of which 686 PwDs were supported in criminal proceedings, 8,691 PwDs received legal counsel and 122 support from other legal aid activities.¹³⁶

There are **no Vietnamese regulations that compel State agency officials to improve capacity to effectively work with PwDs**. Ensuring effective access to justice for women and girls with disabilities may require additional measures. Legal professionals consulted indicated that a number of practical barriers to access justice, such as limited provision of sign language interpretation (taking into account regional language differences), and many courtrooms were not accessible for persons with mobility disabilities.

Participation in political and public life

Every citizen has the right to vote from the age of 18 years. Prior to elections, **the State**

¹³¹ Ibid.

¹³² Ibid.

¹³³ Viet Nam Government (2010), Law on PwDs, Article 4

¹³⁴ Viet Nam Government (2017), Law on Legal Assistance, Article 7

¹³⁵ MOJ (2017), Report on CRPD Implementation.

¹³⁶ Ibid.

encourages PwDs to exercise their right to vote. The election committee is requested to review the list of voters with disabilities to develop a plan to support their ability to cast votes. If voters with disabilities cannot access voting areas, the election committee should bring the ballot boxes to the living area or treatment facilities of PwDs. If an individual cannot vote due to their disabilities, a representative can vote on their behalf.¹³⁷

Although PwDs account for approximately 7 percent of the population, there is **no official data on the number of PwD delegates for the NA and People's Councils.** A UNDP survey in March-April 2021 revealed 98 percent of PwD respondents thought there should be PwD members of the NA and People's Councils. Crucially, 71 percent of respondents wanted to become delegates, and 62 percent were ready for self-nomination. PwDs noted that barriers to greater representation in legislative bodies included prejudice against PwDs, lack of PwDs' confidence, form of employment of PwDs which affected their credibility as candidates, association of disability with poor health and a lack of capacity to stand for election and perform as delegates.

Accessibility

Accessibility, as defined in the LPD, is more limited than under the CRPD. In the last decade, Viet Nam has made **efforts to improve accessibility for PwDs** by developing a national technical regulation, standards and plans on accessibility for PwDs.

Accessibility policies for PwDs are also integrated into the National Action Plan for assisting PwDs for 2012-2020¹³⁸ and 2021-2030.¹³⁹ By 2020, the goal was for all regulatory agencies, stations, health care, education, vocational training, cultural and sporting facilities as well as apartment buildings to be accessible for PwDs. Moreover, at least 80 percent of PwDs would be able to use transport conforming with access regulations and 50 percent of PwDs could access ICT. However, it appears these **ambitious targets have not been met.**

Regarding **public buildings**, a 2019 MOC report revealed that small percentages of commune health centres (17 percent), schools (3 percent), government offices (11 percent), supermarkets (6 percent), post offices, railway stations and border gates (4 percent), nursing homes and social protection centres (7 percent) and banks (2 percent) were accessible.¹⁴⁰ Expense was the most common reason stated for delaying improvements. Persons with mobility disabilities consulted for this report emphasized daily challenges in accessing public facilities and their own living spaces.

In relation to **transportation infrastructure and vehicles**, policies have been applied in large cities – such as Ha Noi, Da Nang and HCMC – to reduce ticket prices or make PwDs exempt. However, government accessibility standards are only applicable to urban passenger vehicles (Ha Noi and HCMC) and not mandatory for taxis or fixed-route passenger vehicles. At the end of 2019, even in Ha Noi which has the largest number of buses, there were only 243 vehicles with wheelchair ramps, and 159 buses with a LED destination display board connected to the audio

¹³⁷ Viet Nam Government (2015), Law on Election of Members of the National Assembly and People's Councils, Article 2

¹³⁸ Viet Nam Government (2012), Prime Minister Decision No.1019/QD-TTg.

¹³⁹ Viet Nam Government (2020), Prime Minister Decision No.1190/QD-TTg.

¹⁴⁰ MOC (2019), Current situation of application of national technical standards QCVN 10:2014/BXD by new building and renovating constructions, p. 4.

destination alert system and surveillance camera.¹⁴¹

Bus stations and bus stops have not been designed in a uniform manner. Few sidewalks have paved block paths or tactile paving, with access made difficult by motorbike parking or street traders. OPDs consulted noted limited ramps and space for wheelchairs. In addition, many drivers decline to assist PwDs.

Railway networks fail to account for PwD needs. As of 2017, only one of 1,043 passenger coaches was accessible. Priority seating for PwDs coaches is limited, as is accessible information at stations, waiting areas designated for PwDs, and staff capacity to meet PwD needs. Consequently, only an estimated 5,000 PwDs out of 11 million annual passengers use trains.¹⁴²

Air travel can be a more accessible form of transport. Major airports (Ha Noi, Da Nang, Nha Trang, HCMC, Phu Quoc and Can Tho) have wheelchair stairlifts, forklift trucks or a passenger boarding bridges to support PwDs during boarding and disembarkation. Some airports that do not have disability support equipment or services even ask passengers with disabilities or companions to sign disclaimers, in which passengers waive their rights in the event of accidents.¹⁴³ Wheelchair users and people with visual disabilities consulted for this report noted challenges, including no airports with tactile paving or high-contrast marking lines.

Hearing-impaired PwDs: OPDs consulted for this report underlined challenges in using public transportation due to a lack of sign language at train stations, airports and limited staff support to buy tickets or enter-exit vehicles. PwDs recommend increased fines to strengthen sanctions to address staff failures to assist PwDs. Currently, the fine is USD 2-3 (VND50,000-60,000).¹⁴⁴

Sight-impaired PwDs: The wide range of accessible modes of communication covered in the CRPD¹⁴⁵ is restricted to braille and sign language in the LPD.¹⁴⁶ As the LPD only encourages, not stipulates, use of IT to support PwDs, administrative sanctions are not possible.

Information access: The government is legally required to provide “favourable conditions for PwDs to access information,”¹⁴⁷ with circulars requesting government portals ensure accessibility features for PwDs.¹⁴⁸ However, those with auditory and visual impairments still face significant barriers. The MIC and MOH (supported by UNDP Viet Nam) are the first ministries to develop websites that meet Web Content Accessibility Guidelines 2.0 standards with many accessibility features. Other government websites have yet to adopt these standards.

ICT: Legislation emphasizes the rights of PwDs to access and use ICT.¹⁴⁹ The government has enacted national accessibility standards like public internet access points to support elderly and PwDs,¹⁵⁰ telecommunication products and services to support PwDs,¹⁵¹ and design of interactive

¹⁴¹ National Committee (2019), Report on work related to PwDs 2019.

¹⁴² TDSI (2016), Supporting Project on Transport for People with Disabilities Period 2012-2020.

¹⁴³ VFD (2020), Independent Report on The Implementation of the UN Convention on the Rights of PwDs in Viet Nam, p. 21.

¹⁴⁴ Viet Nam Government (2016), Decree No. 46/2016/ND-CP, Article 31

¹⁴⁵ UN (2006), CRPD, Article 2

¹⁴⁶ Viet Nam Government (2010), Law on PwDs, Article 43

¹⁴⁷ Viet Nam Government (2016), Law on Access to Information

¹⁴⁸ MIC (2009), Circular 26/2009/TT-BTTTT

¹⁴⁹ Viet Nam Government (2016), Law on Access to Information, Viet Nam Government (2010), Law on PwDs

¹⁵⁰ Viet Nam Government (2011), TCVN 8701: 2011

¹⁵¹ Viet Nam Government (2012), TCVN 9247:2012; TCVN 9249:2012

services.¹⁵²

Media: Laws underline the media’s responsibility to “reflect the material and spiritual lives of PwDs”. Viet Nam has a variety of media providing written, video and audio content, with 850 licensed print and electronic newspapers. Information on publicly owned channels is mainly provided via television, community loudspeakers and radio – not usually accessible to persons with auditory disabilities. Among 193 TV channels in Viet Nam,¹⁵³ only a few programmes have subtitles and sign language.

Reading accessibility: In the last five years, two libraries specifically designed for PwDs and four studios producing digital books were established. Nationwide, some libraries have accessible entrances and features. In addition, more than 200 libraries, blind associations, schools and centres teaching CwD have provided library information services to persons with visual disabilities through alternative texts.¹⁵⁴ While more than one million persons have visual impairments in Viet Nam, the number of persons with other print disabilities remains unknown. A scarcity of accessible reading materials, especially for students with print disabilities, restricts their access to higher education and employment. In the Law on Intellectual Property, printed materials can be converted to braille format and other languages for persons with visual impairments.¹⁵⁵ A much narrower scope of exceptions regarding formats and beneficiaries enshrined in the Marrakesh Treaty,¹⁵⁶ which Viet Nam has not ratified.

Finally, in relation to resourcing, **the MOF and provincial People’s Committees do not allocate annual budgets for renovation of public works and transportation infrastructure** to meet PwD needs nor prioritize it.¹⁵⁷

CRPD-compliant programming and budgeting

The LPD stipulates that “Annually, the State shall allocate budget funds for implementation of policies on PwDs”,¹⁵⁸ placing responsibility with the MOF. There is no legal stipulation to consult PwDs and OPDs.

After approval of the National Action Plan to support PwDs for 2012-2020, MOLISA and MOF issued a circular regulating budget management in the plan.¹⁵⁹ However, **little is known about the allocated budget compared to other development areas**. No equivalent guiding document has been issued by MOF to detail budget allocation and spending for the new National Action Plan to support PwDs for 2021-2030. Budgetary allocations for disability issues covered by LPD are included in other guiding government documents covering: 1) disability determination and certification and related costs for Communal Disability Determination Council members and

¹⁵² Viet Nam Government (2012), TCVN 9248:2012

¹⁵³ The Hao, Ha Chi (2019), National press conference on review of 2019 and implementation of missions of 2020.

¹⁵⁴ MOCST (2016), Report on CRPD implementation.

¹⁵⁵ Viet Nam Government (2005), Law on Intellectual Property, Article 25

¹⁵⁶ UNDP (2018), Our right to knowledge.

¹⁵⁷ UN Viet Nam (2021), Sharing of the participants in the consultation workshop on 10 August.

¹⁵⁸ Viet Nam Government (2010), Law on PwDs, Articles 5 and 50

¹⁵⁹ Viet Nam Government (2012), Decree 28/2012/ND-CP. MOLISA (2019), Circular No. 01/2019/TT-BLDTBXH.

medical staff funded by the State budget¹⁶⁰, 2) social welfare programmes for PwDs¹⁶¹, 3) tax exemption and reductions for enterprises that recruit PwDs¹⁶², 4) tax exemptions for basic healthcare services for PwDs¹⁶³ and 5) operation expenses of the NCD.¹⁶⁴

According to NCD, USD13,043,478 was allocated for implementation of the National Action Plan for 2012-2020. In addition, disability-specific or disability-inclusive projects received funding from other national target programmes. Funding from other national or local programmes mainstreaming PwDs could not be monitored and reported by NCD. There were seven ODA projects supporting PwDs from 2012-2019, totalling USD 5.2 million. Non-governmental projects contributed **USD 20.469 million** to technical support and capacity building for PwDs and stakeholders in various sectors. In general, the effectiveness of budget allocation is not transparently reported.¹⁶⁵ In consultations for this report, **OPDs stated their projects that provide essential services to PwDs relied heavily on external funding from local and international NGOs.**¹⁶⁶ Government officials consulted did not respond or responded inadequately to budget-related questions.

In 2021, the UN in Viet Nam allocated 2 percent of its budget for disability-specific interventions and 5 percent for disability-inclusive projects, both 1 percent higher than in 2019.¹⁶⁷ Two out of three interviewed UN agencies said they had no specific project or budget allocated for working on disability issues. Although PwDs are included in mainstreaming projects, project data is not disaggregated by disabilities. Only UNDP has a programme dedicated to disability inclusion, with a large budget proportion funded by embassies and a small amount covered by UNDP TRAC funds.¹⁶⁸ The UN Country Team in Viet Nam has exceeded requirements of the disability-inclusive employment indicator on the UNDIS Accountability Scorecard. However, this budget for reasonable accommodation is not secured as it comes from the UNV-UNDP Talent Programme for Professionals with Disabilities with donors' funding.

Accountability and Governance

VFD is responsible for monitoring and evaluating implementation of State disability-related policies and CRPD.¹⁶⁹ VFD representatives, as NCD members, regularly visit localities to supervise implementation of disability-related policies.

OPDs must be legally established to be recognized by the government. The role of OPDs in monitoring CRPD implementation is not explicitly stipulated in the LPD and guiding documents.¹⁷⁰

¹⁶⁰ Ibid.

¹⁶¹ Viet Nam Government (2009), Prime Minister Decision 1956/QD-TTg. MOF & MOLISA (2010), Joint Circular 112/2010/TTLT-BTC-BLDTBXH.

¹⁶² Viet Nam Government (2015), Decree 61/2015/ND-CP

¹⁶³ Viet Nam Government (2016), Decree 100/2016/ND-CP. MOF (2016), Circular 130/2016/TT-BTC

¹⁶⁴ Viet Nam Government (2015), Prime Minister Decision No.1717/QD-TTg

¹⁶⁵ NCD (2020), Report on Evaluating the Implementation of the National Action Plan No.1019/QD-TTG on assisting PwDs 2012-2020.

¹⁶⁶ UN Viet Nam (2021), Group discussion outcomes in the Induction session on CRPD-Compliant Budgeting and Programming on 3 June and the consultation workshop on Strengthening the Legal Framework for PwDs on 22 June 2021.

¹⁶⁷ RCO Viet Nam (2021), written interview responses on 3 August 2021.

¹⁶⁸ UN Viet Nam (2021), Interview responses from three UN agencies on 29 and 30 July 2021.

¹⁶⁹ MOHA (2011), Decision No.1538 /QD-BNV approving the Charter of the Viet Nam Federation on Disability, clause 5, Article 5

¹⁷⁰ United Nations (2006), CRPD

¹⁷¹ VFD (2020), Independent Report on Implementation of the UN Convention on the Rights of PwDs in Viet Nam.

However, since Viet Nam's CRPD ratification in 2015, with support from international organizations, Vietnamese OPDs have been empowered to gain CRPD knowledge, employ OHCHR monitoring tools, conduct field research, monitor CRPD implementation and successfully submitted the first Independent Report to the CRPD Committee in 2020. UNDP has trained OPDs to adapt OHCHR human rights indicators to monitor CRPD implementation in Vietnamese contexts.¹⁷¹ To date, there is **no specific complaint mechanism** dedicated for PwDs to raise issues of rights violations. **OPDs affirmed they were not adequately consulted in programme and policy development**, mostly being consulted by central and local government on disability-targeted policies. In addition, they were not informed how their recommendations were considered and incorporated into the issuance of policies. **OPDs need greater knowledge and capacity to participate in decision-making processes.**¹⁷²

In terms of **data collection**, the first National Household Survey on PwDs was conducted in 2016, published by GSO in 2018,^{173,174} with data internationally cited as official and CRPD-compliant.

In addition, NCD collects administrative disability data from ministries and local authorities for periodic reports on supporting PwDs. However, there appears to be a lack of coordination between NCD, in charge of disability-specific indicators, and line ministries. **Limited guidance on data to be collected, ministries' responsibilities, and inconsistent data provision** are apparent. Annually, qualitative and quantitative data are collected from most ministries, provincial, district and commune DOLISAs. NA monitoring reports cannot be found on the NA's website,¹⁷⁵ and the documents do not meet accessibility needs.

To provide "authentic and empirical evidence" for monitoring and assessing implementation of SDGs, in 2019 the MPI issued Circular No.03/2019/TT-BKHDT stipulating a set of SDG statistical indicators of Viet Nam (known as VSDGs). **Only eight out of 158 current VSDG indicators are disaggregated by disability.** These indicators focus on social welfare and security, gender equality, education, health, transport, and public services, but are uncomprehensive. They do not cover all SDG indicators recommended to be disaggregated by disabilities, and do not fully reflect close linkages between SDGs and CRPD monitoring indicators.¹⁷⁶ Moreover, disability-disaggregated VSDG indicators have not been incorporated in NCD's set of disability-targeted indicators for line ministries,¹⁷⁷ which seemingly leads to disability exclusion in national development.

¹⁷¹ UNDP Viet Nam (2021), Information from the group interview conducted for the Situational Analysis on 30 July 2021.

¹⁷² UNDP Viet Nam (2021), Information from a GSO official in an individual interview conducted for the Situational Analysis on 13 July 2021.

¹⁷³ GSO (2018), National Survey on PwDs 2016.

¹⁷⁴ UNDP Viet Nam (2021), Information from a GSO official in an individual interview conducted for the Situational Analysis on 13 July 2021.

¹⁷⁵ National Assembly (2021), up to 10 September 2021, no reports could be found on the official website.

¹⁷⁶ OHCHR (n.d), SDG-CRPD Resource Package

¹⁷⁷ NCD (2017), Decision no. 03/QĐ-UBQGKNT

Analysis, gaps and opportunities

Stakeholders and coordination

While a range of stakeholders are engaged in managing and implementing a wide spectrum of laws, policies, programmes and activities to champion and ensure PwDs reach their full potential in Viet Nam, the lack of a multi-stakeholder coordination mechanism results in gaps and overlaps in this national effort.

As such, with the government having identified key actors and assigned responsibilities, there is **significant need for greater multi-sectoral/multi-stakeholder coordination, especially between sub-national bodies, to enhance outputs and more clearly define areas of accountability.**

To achieve this, a key issue to address is **MOLISA's overarching roles** and potential areas of conflict between its dual mandate as the State management agency on disability and as chair of NCD, tasked with identifying gaps in policy and policy implementation. This impacts on transparency and accountability.

The **lack of a national coordination mechanism limits participation and engagement of key stakeholders**, OPDs and local organizations in decision-making and development of policies. This is evidenced by the 29 provinces without an established NCD that struggle to engage and raise their voices at central level and participate in decision-making at national level, including on budget issues through the NCD vertical structure.

This lack of coordination platform also impedes the VFD's ability to develop and monitor the implementation of disability-related laws and policies. VFD's independence is also questionable as it is administered by MOLISA and other related ministries.¹⁷⁸

OPDs are similarly impeded, with many left to operate in siloes leading to inefficiencies and a lack of synergies among such organizations. Their linkages to line ministries, especially MOLISA, and the national coordination structures of NCD and VFD are also weak. These issues **leave the UN to act as a bridge** between the above-mentioned stakeholders, convening gatherings, building capacity, facilitating participation of PwDs and organizations in government processes. While several UN agencies have projects that mainstream or focus on disability issues, there is no clear mechanism to support joint programming within agencies. Addressing these issues would increase the impact of UN efforts, fill gaps and avoid the risk of duplication.

The participation of OPDs in addressing disability issues remain limited, despite formal and informal OPDs operating in a favourable environment. First, **OPD establishment remains a challenge**. Due to the limited human resources of local authorities, OPDs in some localities are merged with relief associations for orphans or Agent Orange victims¹⁷⁹ which affects OPDs' visibility and voice to protect legitimate rights of PwDs. In addition, **OPDs are required to be**

¹⁷⁸ MHA (2010), Decision No.1179/QĐ-BNV

¹⁷⁹ UNDP Viet Nam (2021), Information from an expert in the individual interview conducted for the Situational Analysis on 29 July 2021.

financially independent.¹⁸⁰ OPDs often raise funds from aid sources and NGOs, which is not sustainable. In particular, as Viet Nam becomes a middle-income country, development partners' significant PwDs rights protection contributions and OPD funding are set to decrease. This will impact OPDs' operations and the national disability movement, given the lack of self-funding mechanisms and government support for activities.

Second, **OPDs lack opportunities for direct participation.** Third, there is the need to build **capacity** of OPDs, including in leadership, technical competence and resource mobilization. OPDs have acted as “extended arms” of the government to reach and assist PwDs in need. This role should be leveraged to assist the government addressing disability issues in its recovery from the COVID-19 pandemic.

Legal and policy framework and national development strategies relevant to PwDs

The State has clearly indicated its commitment to disability inclusion through laws and policies, while PwDs and disability issues are included in national strategies. However, they are **not fully mainstreamed nor implemented comprehensively.** In addition, the targeted programme running until 2030, while ambitious, is not legally binding, has not been supported by detailed guidance for line ministries and has no monitoring mechanism. The **budget sought and made available to achieve these objectives is unclear.** These points need to be addressed to ensure adequate disability inclusion in national development strategy planning and implementation.

Equality and non-discrimination

The high rates of multidimensional poverty, low levels of education and employment of PwDs indicate that discrimination and inequality are serious concerns in Viet Nam. This stigma and discrimination transcend government, society, families and PwDs themselves.

This indicates that **the legal framework in Viet Nam is inadequate in practice** due to the absence of effective sanctions across that focus on individuals committing acts of discrimination, direct forms of discrimination outlined in the LPD and formal equality that allow discrimination and stigma to reinforce existing inequalities. As such, the legal framework must be enhanced to encompass reasonable accommodation, specify disability as a prohibited ground and provide for complaint mechanisms.

Inclusive service delivery

Based on consultations with OPDs, policy-makers' **lack of knowledge and awareness of disability issues is a key impediment to development of appropriate inclusive service delivery regulations.** Policy-makers lack information about accessibility, discrimination and

¹⁸⁰ Viet Nam Government (2010), Decree No. 45/2010/ND-CP

quality of services available to PwDs, and often do not directly consult OPDs when making policy. Consultations also indicated that some OPDs felt government officials undervalued OPDs' capacity and did not take their concerns into full consideration.

Social Protection

One underlying challenge on social protection is the **inadequate system for disability determination and provision of disability certification**, with the medicalized approach omitting barriers faced by PwDs. This excludes less visible forms of disability, such as psychosocial. This borne out by discrepancies between the number of PwDs identified in national surveys and those with certificates.

A further gap is the **inadequate coverage and value of social assistance**. This is a result of narrow categories of eligibility and a focus on poverty, excluding PwDs and CWD.^{181, 182} Cash transfers and benefits remain insufficient to cover living costs for PwDs. Despite targeted benefits, nearly a third of students with disabilities face financial burdens to access education services.¹⁸³

Various obstacles prevent PwDs from accessing other available benefits. For example, transport benefits are not widely utilized due to low PwD awareness and limited availability, accessibility of disability-friendly public transportation.¹⁸⁴

The lack of disaggregated data on public spending on disability-specific schemes hinders advocacy for improved public investment. **The Government has been encouraged towards progressive universalism.**¹⁸⁵ UNICEF Viet Nam and other development partners have advocated for the government to move towards universal child benefits. In addition, it recommended Viet Nam: i) enhance top-up cash assistance for vulnerable children, including those with severe disabilities, ii) raise the benefit value, link it to a standard and adjust periodically and iii) if coefficients are used in calculating transfer values, ensure benefit values meet age-specific development needs.¹⁸⁶

Child protection

Many factors impact child protection for CWD, with **services not fully accessible to all CWDs**. In addition, the **severely limited social service workforce at sub-national level** hinders provision of child protection, particularly for CwDs, as they are less visible and require specialized care. Similarly, commune officers lack adequate skills and time to manage child protection cases.

Several **critical gaps exist in the alternative care system**, including limited options to support

¹⁸¹ UNICEF (2020), Review of Decree No.136 with a focus on social assistance for children and propose policy options for the development of a new decree in line with MPSARD targets and relevant to the context of a lower middle-income country.

¹⁸² DFAT, MOLISA & Leonard Cheshire Disability and Inclusive Development Centre Research Team University College London (2017), Testing disability determination procedures for social protection programmes in low and middle-income countries: a case study from Viet Nam.

¹⁸³ Nguyen Thi Hoang Yen (2013), Policy on Education of the Disabled in Viet Nam - Gaps and Its Impact on the Persons with Disability, pp. 24-33.

¹⁸⁴ UNICEF Viet Nam (2020), Policy Brief on Reforming Decree No.136.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

families and children in need of special protection. This leads to **widespread use of institutional care**, which does not meet CWDs' needs. Day care centres have proven an effective solution to protect CWDs from child abuse, institutionalization, and enhance inclusion within communities. This model has yet to benefit from government funding, which restricts nationwide scaling-up.

Health

The lack of specific references to PwDs in legal instruments, policies to ensure implementation, monitoring and evaluation and disaggregated health statistics impedes inclusive disability planning, policy-making and monitoring. **Health policies, particularly on SRH, fail to recognize PwDs' needs.** OPDs pointed out important **physical, communication, financial, societal (health workers and families) and psychosocial (self) barriers.**

One of the most neglected areas for PwDs is SRH.¹⁸⁷ Numerous policies and regulations ensure the availability, affordability and quality of essential SRH services for the general population. The remaining gaps require adaptation of policies and services to allow youth with disabilities to access comprehensive sexuality and life skills education in settings outside of schools. PwDs noted **stigma and discrimination, as well as their lack of knowledge** on SRH adversely affected their ability to enjoy their rights. In some cases, low income prevented young PwDs from attending school where basic sexuality education was provided.

Education

Legal provisions do not adequately incorporate reasonable accommodation or prohibit indirect discrimination in the field of education. Consultations with OPDs noted that children with psychosocial disabilities may not be accepted in mainstream schools due to pressure exerted by parents of children without disabilities. In response, accountability measures are not present to ensure institutions comply with legal requirements.

The **shortage of teachers trained to support CWDs, especially those with intellectual disabilities or autism**, is acute. Moreover, most schools and institutions do not have **facilities** accessible to persons with different disabilities. In addition, despite the MOET's focus on accessible learning materials, most educational institutions for PwDs do not have accessible **textbooks and equipment**, especially outside urban areas. **Limited budget impedes efforts** at all levels of education to increase the number of trained teachers and improve access to facilities, social assistance and benefits available to students with disabilities.

Employment and work

Research indicates that high unemployment rates of PwDs mean Viet Nam could be losing an

¹⁸⁷ WHO and UNFPA (2009), Promoting sexual and reproductive health for PwDs.

additional 3 percent of GDP annually.¹⁸⁸ While the labour market increasingly requires more skilled employees as Viet Nam graduates from lower middle-income country status, **PwDs remain an untapped labour source**. However, information on vocational training and employment opportunities on MOLISA, DOLISA and OPD websites is not published in accessible formats, while many PwDs not computer literate. Consultations with OPDs highlighted the need for the government to **increase PwDs' internet connectivity and embed an explicit jobs agenda in large public infrastructure projects**.

Physical accessibility remains a major barrier for PwDs to access employment. The Labour Code shift from a mandatory to voluntary framework makes it less likely businesses will take steps to employ PwDs and make workplaces more accessible, in particular if financial burdens are considered an acceptable reason to not take remedial steps. Tax incentives available to employers, which might make them more willing to take steps to meet these challenges, do not seem sufficient or successful in practice. Overall, there are **limited effective sanctions for businesses and organizations** refusing to recruit fully qualified PwDs.

PwDs seeking self-employment face **challenges to access capital**, while microcredit institutions often lack knowledge on PwDs' needs. Furthermore, opportunities for entrepreneurs with disabilities to access loans with preferential interest rates from the Viet Nam Bank for Social Policy are limited. In addition, credit lines for job creation are too low to cover investment.¹⁸⁹

Finally, **complex forms of discrimination and stereotyping from employers and vocational training bodies mean PwDs struggle to gain the skills and qualifications necessary** to obtain more stable and better paying forms of employment, or even to have the full freedom to choose their profession. In addition, perceptions held by consumers, or the public, also perpetuate low self-esteem among PwDs by questioning the quality of the service or products.

Consultations with OPDs emphasized the positive step to integrate employment policies into the National Action Plan to assist PwDs during 2021-2030. In addition, there is better collaboration between UN agencies, MOLISA and organizations. PwDs emphasized the **need to take advantage of rapid digitalization growth due to COVID-19 and the Industrial Revolution 4.0**.

Disaster risk reduction and emergency response

Although PwDs are legally recognized as a vulnerable group, the non-referencing of their unique accessibility needs hinders disability-inclusive implementation at local level. In addition, the **scarcity of data** on impacts of natural disasters and emergencies on PwDs means policy-makers fail to deliver appropriate responses. **Limited mainstreaming** of PwD needs in DRR laws, policies and strategies results in **poor coordination** between MARD, responsible for DRR legal framework and national programmes and the NCD, which leads disability mainstreaming.

While the government has employed a rights-based approach in DRM policies, it is not

¹⁸⁸ ILO (2012), Enhance job opportunities for people with disabilities for everyone's benefits.

¹⁸⁹ Viet Nam Government (2018), Proposal on a preferential fund for PwDs.

reflected at community level to build capacity of local disaster response teams and PwDs.

While PwDs are prioritized in early warning, evacuation and relief, and a national support programme was formulated to protect PwDs in disaster situations,¹⁹⁰ there is no monitoring of implementation. This is partly attributed to the absence of MARD and its accountability in the NCD.¹⁹¹ In addition, **PwDs and their families are rarely given the opportunity and often lack capacity to participate in local DRM decision-making.** As a result, PwDs can be entirely dependent on their families and community in emergencies which threatens their safety.

In response, opportunities have emerged to improve disability inclusion in DRM. Support for PwDs in disaster situations was promulgated in Prime Minister Decision No.1190/QD-TTg,¹⁹² and Viet Nam is a signatory to the Sendai Framework.¹⁹³ The LPD revision allows advocacy for a provision on humanitarian emergencies. In addition, after the draft Law on Statistics is discussed by the NA in October 2021, there will be an opportunity to include disability-disaggregated indicators on natural disaster impacts and community participation in local DRM.

Access to justice

Misalignment between national laws means **most PwDs with mild disabilities or those not socio-economically disadvantaged are excluded from accessing legal aid.**¹⁹⁴ Consultations with legal professionals indicated that limited criteria on who can receive legal aid impacts on the accountability of practitioners to PwD clients. The limited availability of legal aid services at district and commune levels **shuts out PwDs in rural, remote or mountainous areas.** PwDs are hesitant to access legal aid services due to limited legal knowledge. Moreover, physical and communication **barriers prevent PwDs from engaging in legal proceedings.**

Participation in political and public life

Complex factors impact the willingness of PwDs to stand for election. According to a UNDP rapid assessment, 38.0 percent of respondents were not ready to do so due to a lack of confidence, clarity regarding self-nomination and voting processes and believing the wider community would not vote for PwDs.¹⁹⁵ PwDs felt they would experience challenges at every stage of the process, would not receive necessary support from socio-political organizations, would have difficulty proving their health capacity and face barriers in connecting with voters. They indicated that societal stigma regarding their capacity to perform duties would be a major barrier. PwDs who indicated their readiness to apply as candidates cited a need for greater knowledge of relevant processes, campaigning skills, and increased accessibility in all areas.

¹⁹⁰ Viet Nam Government (2015), Programme No.9656/CTPH-BNNPTNT-BLDTBXH

¹⁹¹ Viet Nam Government (2015), Prime Minister Decision No.1717/QD-TTg.

¹⁹² Viet Nam Government (2020), Prime Minister Decision No.1190/QD-TTg.

¹⁹³ UNDRR (2014), Sendai Framework on Disaster Risk Reduction (2015-2030).

¹⁹⁴ Viet Nam Government (2017), Law on Legal Assistance, Article 7

¹⁹⁵ 33.3 percent gave their reason as 'other (e.g. lack of time, personal reasons) and 6.7 percent indicated they were not interested in politics.

Accessibility

The **lack of enforcement mechanisms undermines the laws, policies and standards focused on enhanced accessibility for PwDs**. As a result, there is limited accessibility to public and private facilities, transportation, government and media information. A lack of funding to encourage accessibility efforts by stakeholders is apparent. There is **limited participation of PwDs and OPDs in monitoring the application of existing instruments**, while most provincial, district people's committees do not let OPDs to take lead or fully participate in decisions relating to public infrastructure.¹⁹⁶

The current Law on Intellectual Property, not aligned with the Marrakesh Treaty¹⁹⁷, is under revision. However, **little data is available** on PwDs with print disabilities, challenges and available support services to access information. Integration of accessibility regulations into the National Action Plan for assisting PwDs for 2021-2030 allows for strengthening collaboration among UN agencies and the MOH, MIC, MOCST and OPDs.

CRPD-compliant programming and budgeting

A clear challenge is the **severe shortage of data and transparency regarding State budgeting for disability issues**. The amounts that are publicly known represent the tip of the iceberg in terms of needs and are focused on subsidies for PwDs and their cost norms. No comprehensive review has been conducted on whether national budgeting, allocation, spending, monitoring, evaluation and reporting complies with the CRPD. The MOF has not updated its circular on the national budget allocation and management for the support programme for PwDs for 2021-2030.¹⁹⁸ The ongoing review of LPD implementation offers an opportunity to incorporate a financial review to inform upcoming finance policy formulation.

In consultations with OPDs, there was a common misunderstanding that the CRPD requires a separate budget line dedicated to disability issues. As disability is a cross-cutting issue, its financial resources can be mainstreamed if proportionately allocated, secured, well-monitored and reported. Another issue raised by OPDs is regulations on self-funding. Without government support, **OPDs must mobilize funds from various sources in an unsustainable manner**.

Overall, **Viet Nam's budgeting for disability inclusion does not fully comply with CRPD principles**. Exempted and reduced costs in the current subsidy scheme represent a tokenistic demonstration of the State's commitment to PwDs. With this subsidy approach, PwDs are seen as a burden on the social welfare system. There are also harmful elements included, such as the current focus on early defect detection in prenatal care, which may encourage terminations, in

¹⁹⁶ UNDP Viet Nam (2021), Sharing of the participants in the consultation workshop on 10 August 2021.

¹⁹⁷ UNDP (2018), Our right to knowledge: Legal reviews for the ratification of the Marrakesh Treaty for persons with print disabilities in Asia and the Pacific, Viet Nam edition.

¹⁹⁸ Viet Nam Government (2020), Prime Minister Decision No.1190/QĐ-TTg part. II, sect. 12(e) and part. III, sect. 3

violation of the CRPD.¹⁹⁹ The shortage of data on disabilities means budget allocations are not effective and the government is restricted in assessing which areas to prioritize.

Another area where the government misses an opportunity to better assess disability inclusion resourcing is the disability certification system's absence of a referral procedure to appropriate support services. Without referrals line ministries, except MOLISA, are not aware of the number and needs of PwDs, hence cannot develop accurate budget plans in response.

Accountability and governance

The dual role of MOLISA – as the State management agency on disability and chair of NCD, mandated to identify policy gaps – impacts on its transparency and accountability. In addition, the VFD benefits from close links to MOLISA in terms of influence, which may restrict its ability to be an objective voice. This potential risk is more pronounced given the lack of a national human rights institution, established in line with the Paris Principles. In addition, **the focus on legally recognized OPDs limits the kinds of organizations able to participate** in policy-making, monitoring and evaluation processes. In consultations, OPDs indicated that available data on specific groups of PwDs was insufficient, especially the most marginalized, including persons with hearing impairments and print disabilities.

There are three other main opportunities to improve data collection in Viet Nam. First, UNDP is supporting MOLISA to develop a website and mobile application for PwDs to self-register disability information to improve national disability data management. This will contribute to the digitalization of disability registration and certification, improving disability data management and supporting improved quality of disability-disaggregated data for VSDG indicators. The idea was adopted by the government in Programme No.1190²⁰⁰ to facilitate advocacy for provision on data management for disability inclusion in the LPD revision.

Second, Viet Nam has committed to ratify the Marrakesh Treaty and revise the Law on Intellectual Property in 2021. These steps create an opportunity to collect and analyze data regarding persons with print disabilities to inform upcoming policy formulation for national level treaty implementation.

Third, the LPD revision offers opportunities for capacity building for OPDs and line ministries on the CRPD, SDGs and CRPD-compliant legislation, including to data collection. Similarly, it offers potential better buy-in of relevant ministries, including MPI, MARD and MOHA, and to enhance NCD coordination in data collection to help the government protect the rights of PwDs.

¹⁹⁹ UN (2006), CRPD, Articles 5 and 10

²⁰⁰ Viet Nam Government (2020), Prime Minister Decision No.1190/QĐ-TTg, part. II, sect. 12(e) & part III, sect. 3

Conclusions and key recommendations for UN future programming

This landmark report captures the situation of Vietnamese PwDs in various sectors, current legislation and the implementation of disability-related policies. Overall, the country is found to have a comprehensive framework to protect the rights of PwDs, which demonstrates the State's strong commitment to meeting international standards. However, inconsistencies are apparent within domestic policies and compared to international treaties Viet Nam has ratified. Gaps between policies and their enforcement undermine the foundations needed for disability inclusion.

The UNPRPD Joint Programme will be implemented in Viet Nam as various legal reforms to better protect the rights of PwDs are realized. This offers the UN and its partners, especially the government and OPDs, avenues to introduce institutional and transformational changes for disability inclusion and global integration. These opportunities are demonstrated in the following recommendations focused on UN contributions, especially through the UNPRPD Programme:

Stakeholder and coordination

- 1: Strengthen the capacity of OPDs with a focus on women and girls, children, adolescents, youth, and underrepresented groups in policy advocacy, particularly in rights to access information, revision of the cross-sectoral Law on Persons with Disabilities and the designing and monitoring implementation of national socio-economic development plans.
- 2: Enhance the capacity of NCD to coordinate revisions to the Law on Persons with Disabilities at different levels, and policy reforms to protect PwDs' rights to access information. This UNPRPD support will be complemented by strengthening the CRPD independent monitoring mechanism for OPDs supported by a separate UNDP programme.
- 3: Strengthen information exchanges between UN agencies on activities related to PwDs and enhance joint programming and mainstreaming of disability issues by the UN. This can be achieved through the UNPRPD joint programme and the Disability Inclusion Coordination Mechanism set up in the pilot implementation of the United Nations Disability Inclusion Strategy (UNDIS) in Viet Nam.

Equality and non-discrimination

- 4: In collaboration with OPDs, conduct further research on the situation of under-represented groups, including persons with print disabilities, accessibility and inclusivity status of services, and good practices in addressing barriers to inclusion. Research should examine inequality in policy-making in social protection, inclusive education, SRH, information access for various groups, between persons with and without disabilities, between persons with disabilities and other vulnerable groups, with data disaggregated by gender, type of disability, ethnicity and geographic location. These studies will be conducted and published with the agreement of line ministries and subject to their approval, which informs their legal reforms to address inequality and discrimination that PwDs face. The research will be published in accessible formats on various channels to raise OPD and society's awareness on existing discrimination and transformative solutions.

Inclusive Service delivery

5. In a UNDP project, support MOLISA to increase the coverage of disability certification and the transparency of this process, and all social-protection-related benefits and referrals, by digitalizing the disability certification process. UNDP will support MOLISA to develop a website and mobile application for PwDs to self-register their disability information to improve the national disability data management and availability, and raise awareness among PwDs of the tools, encouraging their self-registration.

Social and Child Protection

6: In collaboration with MOLISA, UNICEF should conduct an assessment to compare alignment between the CRPD and the availability and accessibility of social protection, child protection and education services and policies.

7: Strengthen the alternative care system, including by integrating day care centres by building the capacity of MOLISA officials to improve the quality of Day Care Services located in the communities where CwDs' families live in selected 5 provinces. A policy to frame implementation and financing of such centres should be introduced. Centres should be established at district and provincial levels to care for children with severe and extremely severe disabilities. UNICEF can provide technical and financial support for MOLISA and DOLISAs to expand the alternative care system to more provinces.

8: Strengthen MOLISA's social service workforce for child protection to provide sufficient support to CwD and psycho-social assistance to parents and caregivers of CwD. Trained and sufficient numbers of staff should be present at the district level.

9: Support NCD and MOLISA to raise community awareness (in particular parents and family members of CwD) by undertaking a national campaign on the rights of children, especially protection against any form of abuse, violence or exploitation. This includes awareness on the importance of a nurturing environment for CwD to enable them to develop to their fullest potential.

Health

10: Support MOH to develop and implement national guidelines on SRH services for PwDs. Innovative interventions should enhance access to and utilization of SRH services and information for PwDs with effective participation from PwDs and OPDs.

11: Support MOET to strengthen comprehensive SRH and life skills education for adolescents and young PwDs integrated into education programmes at schools.

12: Support MOET and OPDs to strengthen the capacity of PwDs, OPDs, students with disabilities and teachers on SRH in line with the CRPD to promote SRH rights and services friendly to PwDs, including comprehensive SRH and life skills education.

Education

13: Support MOET to develop and mainstream inclusive learning materials for different education levels that accommodate various forms of disability. This should include increasing access to quality education through use of assistive technology, digital applications and tools for CwDs and PwDs. UN agencies can provide technical support and cooperate with the MOET to develop such inclusive learning materials.

14: Support MOET to organize in-service training sessions for government officials, school managers and teachers to provide better inclusive education and Inclusive Education Resource Centres for CwD.

Employment and work

15: In new UNDP employment support projects for vulnerable groups, the UN should support PwDs' start-ups and integrate such enterprises in the product value chain. Priority access to preferential loans to create and sustain jobs for PwDs should be given to young entrepreneurs, women with disabilities and businesses that employ PwDs.²⁰¹

16: Develop a policy brief to advocate the government to issue regulations on the minimum proportion of employees with disabilities in agencies and enterprises and amend administrative sanctions to handle entities that fail to meet the required quota or those who discriminate against employees and applicants with disabilities.

Disaster risk reduction and emergency response

17 Support MARD in the revision of the Law on Natural Disaster Prevention and Control and by-laws guiding documents to ensure the rights and accessibility needs of PwDs in emergency contexts are explicitly referenced to strengthen the law's implementation at grassroots level.

Access to justice

18: In UNDP's project on legal aid to most vulnerable groups, support the Legal Department, MOLISA and MOJ to build capacity of legal aid providers in relation to providing services to PwDs.

19: In UN programmes supporting vulnerable groups to increase accessibility of legal proceedings, PwDs should be a high priority target. The programmes should also build capacity for legal aid lawyers to provide knowledge to women and girls with disabilities on legal protection against gender-based violence and reporting mechanisms in cases of violence and abuse.

²⁰¹ UNDP (2020), Report on research results "Strengthening Access to Justice and Legal Services for Persons with Disabilities in Viet Nam to meet the Requirements of the CRPD".

Participation in political and public life

20: Cooperate with the Social Affairs Committee of the NA and OPDs to gather data on the number of PwDs applying to run as candidates for the NA and People's Council at all levels.

21: Cooperate with the NA, Law Universities and OPDs to raise awareness among PwDs, OPDs, government officials and the public on the importance and capacity of PwDs as delegates in the NA and People's Council at all levels. Support the NA, Law Universities and OPDs to build capacity of potentially qualified candidates with disabilities to become members of the NA and People's Councils, particularly in terms of knowledge on the legal system and policies, and skills in political engagement, campaigning and community engagement. Efforts should begin with self-nomination for People's Councils at district level to support PwDs in gradually developing relevant competencies.

Accessibility

22: Support OPDs with skills in providing feedback on accessibility concerns, and establish a feedback mechanism for OPDs to report accessibility issues to the NCD.

23: Support MOCST on issuing guiding documents for the new Law on Intellectual Property in compliance with the Marrakesh Treaty to protect the right of persons with print disabilities to access information.

24: Support Viet Nam Blind Association to increase awareness of the Marrakesh Treaty among OPDs, government officials, lawyers, publishers and communication media agencies to facilitate its implementation in Viet Nam.

25: As digital solutions have been accelerated amid COVID-19, the UN should develop and consolidate its expertise and update its 'leave no one behind' lens to help close digital divides and increase quality access to public services for all citizens.

26: Support the Deaf Association to increase the use of sign language interpretation in Viet Nam National Television channels to enhance access to information for persons with auditory impairments.

CRPD-compliant programming and budgeting

27: Support a study on CRPD compliance of the national SDGs and the current Socio-Economic Development Plan (2021-2025) and its budget allocation and spending to give evidence-based policy recommendations for the government to enhanced disability inclusivity.

Accountability and governance

28: Support VFD in updating the Washington Group's extended set of questions with national disability data in compliance with the CRPD, in preparation for the next National Survey on Disability.

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Annex: List of the key OPDs

All OPDs below are officially registered OPDs that operate under DOLISA and are in principle independent of the NCD. They are cross-disability.

No	Name of OPD	Level	Note
The north of Vietnam			
01	DP Hanoi city	OPD of Central city	
02	DP Ha Giang province	OPD of Province	
03	DP Ha Nam province	OPD of Province	
04	DP Hai Duong province	OPD of Province	
05	DP Lang Son city	OPD of Provincial city	No provincial level OPD established
06	DP Thai Nguyen city	OPD of Provincial city	No provincial level OPD established
07	DP Thai Binh province	OPD of Province	
08	DP Ninh Binh province	OPD of Province	
09	DP Nam Dinh province	OPD of Province	
10	DP Vinh Bao district (Hai Phong city)	OPD of District	No provincial level OPD established
11	DP Na Ri district (Bac Can province)	OPD of District	No provincial level OPD established
The central region of Vietnam			
12	DP Vinh city	OPD of Provincial city	No provincial level OPD established
13	DP Quang Tri province	OPD of Province	
14	DP Thua Thien Hue province	OPD of Province	
15	DP Da Nang city	OPD of Central city	
16	DP Quang Nam province	OPD of Provincial city	
17	DP Quang Ngai	OPD of Provincial city	
The south of Vietnam			
18	DP Can Tho city	OPD of Central city	
19	DP Vung Tau city	OPD of Provincial city	No provincial level OPD established
20	Youths with disabilities Association in Ho Chi Minh city	OPD of Central city	For youths with disabilities only
21	DP Lam Dong Province	OPD of Provincial city	



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