

Moving Towards Disability Inclusion

Viet Nam

Disability inclusion through effective legislation and policies

The ILO-Irish Aid Partnership Programme's PEPDEL project has made significant contributions to Viet Nam's national Law on Persons with Disabilities, which was enacted on 17 June 2010 and came into effect on 1 January 2011. The new law mandates equal participation in society for people with disabilities through accommodation and access to health care, rehabilitation, education, employment, vocational training, cultural services, sports and entertainment, transportation, public places and information technology.



About the ILO-Irish Aid Partnership Programme

The ILO-Irish Aid Partnership Programme supports two disability specific projects. The Promoting the Employability and Employment of People with Disabilities through Effective Legislation, or PEPDEL, project supports governments in improving disability-related laws and policies. The Promoting Decent Work for People with Disabilities through a Disability Inclusion Support Service, or INCLUDE, project works to build capacity at regional and national levels to effectively support equal access of persons with disabilities to training, employment services, entrepreneurship and business development services and micro-finance. Both projects operate in selected countries of South-East Asia and East and Southern Africa.

Viet Nam

The challenge

In many countries around the world, including Viet Nam, views on disability have evolved considerably over the past two decades. From being treated as objects of charity, medical services and welfare, there is now more general acceptance of people with disabilities as citizens with legal rights. This human rights approach is increasingly being reflected in many new laws and social policies.

In Viet Nam, the national Law on Persons with Disabilities¹, promulgated in June 2010, represents the country's first comprehensive national law guaranteeing the rights of persons with disabilities. The new law mandates equal participation in society for people with disabilities through accommodation and access to health care, rehabilitation, education, employment, vocational training, cultural services, sports and entertainment, transportation, public places, and information technology. The origins of this law can be traced back over a decade to the passage of the national Ordinance on People with Disabilities in 1998 and a series of initiatives to advance the rights and interests of people with disabilities, including:

- The establishment of the inter-agency National Coordinating Council on Disability (NCCD);
- Enactment of the barrier-free access code and standards for public construction;
- Enactment of barrier-free access standards and regulations for public transport;
- Disability inclusion provisions in the Vocational Training Law; and,
- Implementation of a five-year National Action Plan on disability (2006-2010).

These achievements in policy reform and implementation have the potential to directly benefit nearly seven million Vietnamese with disabilities. The Vietnamese government has already begun work to develop a regulatory framework and implementation guidance for the new law. Once established, a strong mechanism for enforcement will be necessary to give effect to the new disability law.

Meeting the challenge

Technical contributions by the ILO-Irish Aid PEPDEL project towards the development of the new law have been considerable, resulting in a law that reflects global perspectives on disability. For example, consultations sponsored jointly by the ILO, the Bureau of Social Protection and the Ministry of Labour, Invalids and Social Affairs' (MOLISA's) drafting committee (specifically, the Social Policy Unit), held prior to the law's enactment, allowed for the involvement of a broad range of stakeholders from central and provincial government, employer representatives from 40 enterprises, worker representatives from the Viet Nam General Confederation of Labour (VGCL) and other smaller unions, and national and international organizations to take part in the discussions on disability and employment. For the employers and trade unions, it was the first time they were invited to dialogue with such a wide range of partners on the issue.

Consultations were also instrumental in increasing awareness on the concept and the need for provisions on reasonable accommodation. Earlier drafts of the law did not contain these articles which are critical for removing barriers for people with disabilities. In the workplace, for instance, these may include obstacles in the environment or in the job application process. The inclusion of these provisions are also necessary for bringing the law into compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD), specifically article 5, section 3 which requires ratifying States to ensure reasonable accommodation in order to promote equality and non-discrimination; reasonable accommodation is defined in article 2 of the Convention.

Discussions on the theme of reasonable accommodation proved a bit contentious with employers arguing that government should cover related costs and government representatives suggesting that employers bear the costs as part of their corporate social responsibility. In the end, however, ILO inputs helped to convince those present that actual costs may not be as high as some might expect.

Reasonable accommodation

Making reasonable adjustments in the workplace refers to measures or actions taken by employers to help disabled persons work or to take part in training on the same basis as non-disabled workers. Most workers with disabilities require no special adjustments and the cost for those who do is minimal, or much lower than many employers believe.

Another opportunity for the ILO to influence the content of the national law on disability came in January 2010, five months before the law was enacted. At that time, the ILO's expertise was sought on how to direct employment policies for disabled persons. One of the main areas of interest was the quota system for employing disabled persons, in particular, whether it offered particular advantages and is justifiable from the perspective of equality of opportunity. A presentation on evolving global trends on the issue by the ILO, including to the National Assembly, was instrumental in encouraging deep thought and careful consideration about the opportunities and risks presented by a quota system. The matter concluded with a decision to remove the system.

In addition to technical expertise provided by the ILO on the legal framework, the ILO-Irish Aid's INCLUDE Agency, the Disabled Peoples' Association of Hanoi, or DP Hanoi, was at the forefront of disability awareness raising efforts. Responses provided by both observers and participants of these initiatives testify to its powerful impact on views and perspectives on disability.

"The establishment of the INCLUDE Agency aids in promoting inclusion because this concept is new to Viet Nam. Inclusive services are important. Yet, we need more general acceptance by society. The INCLUDE Agency helps to provide this support", says Ms. Yung of MOLISA.

Vietnam's new disability law is a step in the direction of conformity with several international standards on disability, chief among them, the U.N. Convention on the Rights of Persons with Disabilities (CRPD) and ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), (No. 159). Viet Nam is a signatory to CRPD (October 2007) and has placed ILO Convention No. 159 in the list of conventions to be ratified during the period 2011-2015.

In Viet Nam, the ILO-Irish Aid Partnership Programme supports both the PEPDEL and INCLUDE projects.



Photos (left to right): 1: ILO / N. Minh Tran - T. Bach Quang

The good practice

A national law on persons with disability that reflects a global perspective and promotes opportunities for Vietnamese people with disabilities to be productive and achieve economic independence.

Lessons learned

- Many countries and disability advocates look to the ILO for leadership, models and examples of how to promote inclusion in laws, policies and services such as training and employment. More importantly, many seek ILO guidance on establishing legal frameworks in line with international good practices on disability.
- Disability awareness-raising is a key to building inclusive laws and policies and to their effective implementation.



Photo: ILO / H. Nguyen

ENDNOTE

- ¹ The National Assembly of Vietnam promulgated the National Law on Persons with Disabilities on 17 June 2010.

Further information:

International Labour Office
Skills and Employability Department
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ILO/Irish Aid Partnership Programme
<http://www.ilo.org/inclusion>