

LAW

ON PERSONS WITH DISABILITIES

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10; The National Assembly promulgates the Law on Persons with Disabilities.

Chapter I

GENERAL PROVISIONS

**Article 1. Scope of regulation**

This Law provides the rights and obligations of persons with disabilities: and responsibilities of the State, families and society towards persons with disabilities.

**Article 2. Interpretation of terms**

In this Law, the terms below are construed as follows:

1. *Person with disabilities* means 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. *Stigma against persons with disabilities* means the attitude of disregarding or disrespecting persons with disabilities because of their impairments.
3. *Discrimination against persons with disabilities* means the act of shunning, refusing, maltreating, disparaging, showing prejudice against, or restricting the rights of, persons with disabilities because of their impairments.
4. *Integrative education* means a mode of education integrating persons with disabilities with persons without disabilities in educational institutions.
5. *Exclusive education* means a mode of education used exclusively for persons with disabilities in educational institutions.
6. *Semi-integrative education* means a mode of education combining integrative education with exclusive education for persons with disabilities in educational institutions.
7. *Living independently* means that persons with disabilities may decide by themselves on

matters related to their own lives.

8. *Access* means that persons with disabilities may use public facilities, means of transport, information technology, cultural, sports, tourist and other suitable services so as to be able to integrate into the community.

### **Article 3. Forms and degrees of disability**

1. Forms of disability include:

- a) Physical disability;
- b) Sensory disability;
- c) Visual disability;
- d) Mental and psychiatric disability;
- e) Intellectual disability;
- f) Other disabilities.

2. Persons with disabilities are classified by degree of disability as follows:

- a) Persons with exceptionally serious disabilities are those whose impairments render them unable to perform by themselves their personal daily-life activities;
- b) Persons with serious disabilities are those whose disabilities render them unable to perform some of their personal daily-life activities;
- c) Persons with mild disabilities are those who do not fall into the cases defined at Points a and b of this Clause.

3. The Government shall detail the forms and degrees of disability defined in this Article.

### **Article 4. Rights and obligations of persons with disabilities**

1. Persons with disabilities are guaranteed the following rights:

- a) To participate on an equal basis in social activities;
- b) To live independently and integrate into the community;
- c) To enjoy exemption from or reduction of certain contributions to social activities;
- d) To be provided with healthcare, functional rehabilitation, education, vocational training,

employment, legal assistance, access to public facilities, means of transport, information technology and cultural, sports, tourist and other services suitable to their forms and degrees of disability;

e) Other rights provided by law.

2. Persons with disabilities shall perform civic obligations under law.

### **Article 5. State policies towards persons with disabilities**

1. Annually, the State shall allocate budget funds for the implementation of policies on persons with disabilities.

2. Prevention and minimization of congenital disabilities, disabilities caused by injury or disease and other dangers of disability.

3. Social relief; support for persons with disabilities in healthcare, education, vocational training, employment, culture, sports, entertainment, access to public facilities and information technology, participation in transport; prioritized implementation of social relief policies and support for children and elderly persons with disabilities.

4. Incorporation of policies on persons with disabilities into socio-economic development policies.

5. Creation of conditions for persons with disabilities to have orthopedic operations and functional rehabilitation; to surmount difficulties, live independently and integrate into the community.

6. Training and retraining of counselors and caretakers for persons with disabilities.

7. Encouragement of assistance activities for persons with disabilities.

8. Creation of conditions for the operation of organizations of persons with disabilities and organizations for persons with disabilities.

9. Commendation of agencies, organizations and individuals that make achievements and contributions in assisting persons with disabilities.

10. Strict punishment of agencies, organizations or individuals that violate this Law and relevant laws.

### **Article 6. Socialization of assistance activities for persons with disabilities**

1. The State encourages organizations and individuals to invest in, provide aid and financial or technical assistance for orthopedic operations and functional rehabilitation, care for, education, vocational training, job creation and provision of other services to assist persons with disabilities.

2. Organizations or individuals investing in the construction of orthopedic and functional rehabilitation, nurturing, educational or vocational training establishments, job creation or establishments providing other services to assist persons with disabilities in enjoying socialization preference policies as prescribed by law.

#### **Article 7. Responsibilities of agencies, organizations and individuals**

1. Agencies and organizations shall, within the scope of their respective tasks and powers, care for, and protect the legitimate rights and interests of persons with disabilities.

2. The Vietnam Fatherland Front and its member organizations shall campaign for social assistance to persons with disabilities in access to social services and integration into the community; to participate in and supervise the implementation of policies, laws and programs as well as projects to assist persons with disabilities.

3. All individuals shall respect, support and assist persons with disabilities.

#### **Article 8. Responsibilities of families**

1. Families shall educate and create conditions for family members to raise awareness about disability issues; apply measures to prevent and minimize congenital disability, disability caused by injury or disease and other dangers of disability.

2. Families of persons with disabilities shall:

a) Protect, nurture and care for persons with disabilities;

b) Create conditions for persons with disabilities to have healthcare and exercise their rights and perform their obligations:

c) To respect opinions of persons with disabilities in deciding on matters related to their own lives and the families;

d) To implement Clause 1 of this Article.

#### **Article 9. Organizations of persons with disabilities, organizations for persons with disabilities**

1. Organizations of persons with disabilities are social organizations set up and operating under law to represent the legitimate rights and interests of their members being persons with disabilities, to participate in the formulation and supervise the implementation of policies and law on persons with disabilities.

2. Organizations for persons with disabilities are social organizations set up and operating under law to carry out activities to assist persons with disabilities.

## **Article 10. Funds for assistance of persons with disabilities**

1. Funds for assistance of persons with disabilities are charity social funds set up to mobilize resources to assist persons with disabilities.
2. Funds for assistance of persons with disabilities shall be formed from the following sources:
  - a) Voluntary contributions and aid of domestic and foreign organizations and individuals;
  - b) State budget supports;
  - c) Other lawful revenues.
3. Funds for assistance of persons with disabilities shall be set up and operate under law.

## **Article 11. Vietnamese Day of Persons with Disabilities**

April 18 every year is taken as Vietnam Day of Persons with Disabilities.

## **Article 12. International cooperation on persons with disabilities**

1. International cooperation for persons with disabilities shall be carried out on the basis of respect for Vietnam's independence, sovereignty and territorial integrity, equality and in conformity with Vietnamese laws and international law.
2. International cooperation for persons with disabilities covers the following contents:
  - a) Formulation and implementation of programs and projects on international cooperation for persons with disabilities;
  - b) Participation in international organizations: conclusion, accession to and enforcement of treaties and international agreements concerning persons with disabilities;
  - c) Exchange of information and experience on matters related to persons with disabilities.

## **Article 13. Information, communication education**

1. Information, communication and education on disability issues aim to prevent and minimize disabilities; to raise awareness of and change attitudes and behaviors towards disability issues; to combat stigma and discrimination against persons with disabilities.
2. The contents of information, communication and education on disability issues include:
  - a) Rights and obligations of persons with disabilities;

- b) The Party's line and policies as well as the State's laws on persons with disabilities;
  - c) Responsibilities of agencies, organizations, individuals and families towards persons with disabilities;
  - d) Causes of disability and measures to prevent and minimize disability;
  - e) The fight against stigma and discrimination against persons with disabilities.
3. Information, communication and education on disability issues must ensure accuracy, clarity and practicality; and conform to cultural traditions and social ethics.
4. Responsibilities for information, communication and education on disability issues:
- a) Agencies and organizations are responsible for information, communication and education on disability issues within the ambit of their respective tasks and powers;
  - b) People's Committees at all levels shall organize information, communication and education on disability issues to local people;
  - c) Mass media agencies shall give priority to the volume and position on printed and electronic papers; the broadcasting time and time length for information, communication and education on disability issues on radio and television under regulations of the Minister of Information and Communications.

#### **Article 14. Prohibited acts**

- 1. Showing stigma or discrimination against persons with disabilities.
- 2. Infringing upon physical body, dignity, honor, property or legitimate rights and interests of persons with disabilities.
- 3. Enticing or forcing persons with disabilities to violate laws or social ethics.
- 4. Abusing persons with disabilities, organizations of persons with disabilities, organizations for persons with disabilities, images, personal information and status of persons with disabilities for personal profits or commission of violations.
- 5. Failing to perform or to fulfill the responsibility to nurture and take care of persons with disabilities by persons who have the responsibility to nurture and take care of persons with disabilities.
- 6. Obstructing the right of persons with disabilities to marriage or child adoption.
- 7. Being dishonest in determining the degrees of disability or granting disability certificates.

## Chapter II

### DISABILITY CERTIFICATION

#### **Article 15. Responsibility to determine degrees of disability**

1. Degrees of disability shall be determined by the Disability Degree Determination Council.
2. Degrees of disability shall be determined by the Medical Examination Council in the following cases:
  - a) The Disability Degree Determination Council is unable to make conclusions on the degree of disability;
  - b) The person with disabilities or his)her lawful representative disagrees with the conclusion on degree of disability made by the Disability Degree Determination Council.
  - c) There is well-grounded evidence on the biased and inaccurate determination of the degree of disability by the Disability Degree Determination Council.
3. If the Medical Examination Council has already made a conclusion on the self-serving ability and the degree of working capacity loss. the degree of disability shall be determined under the Government's regulations.

#### **Article 16. Disability Degree Determination Council**

1. A Disability Degree Determination Council shall be established by the Chairman of the People's Committee of a commune, ward or township (below referred collectively as the commune level).
2. A Disability Degree Determination Council is composed of the following members:
  - a) The chairperson of the commune-level People's Committee as its President;
  - b) The head of the commune-level health station;
  - c) The commune official in charge of labor, war invalids and social affairs;
  - d) The heads or deputy heads of the commune-level Vietnam Fatherland Front Committee. Women's Union. Youth Union and War Veterans' Associations;
  - e) The head of the commune-level organization of persons with disabilities in the locality in which such organization exists.
3. The Council President shall organize and preside over activities of the Council. The Council

shall work on the principle of collectivism. A Council meeting is valid only when it is attended by at least two-thirds of its members. The Councils' conclusion shall be adopted by vote of majority; if the votes are split equal, the opinion of the Council President is decisive. Conclusions shall be made in writing by the Council and signed by its President.

4. The Disability Degree Determination Council shall make decisions independently and are answerable to law for the truthfulness of the determination of the degree of disability.

5. The Minister of Labor, War Invalids and Social Affairs shall guide the operation of a Disability Degree Determination Council.

#### **Article 17. Methods of determining degrees of disability**

1. The determination of degrees of disability defined in Clause 1, Article 15 of this Law is carried out by the method of direct observation of persons with disabilities through their simple activities of serving their personal daily-life, the use of a set of questions under medical and social criteria and other simple methods to conclude on the degree of disability of each person.

The Minister of Labor, War Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with the Minister of Health and the Minister of Education and Training in, detailing this Clause.

2. The Minister of Health shall assume the prime responsibility for, and coordinate with the Minister of Education and Training in, detailing the determination of degrees of disability for cases defined in Clause 2, Article 15 of this Law.

#### **Article 18. Procedures for determination of degrees of disability**

1. When wishing to determine of the degree of disability, persons with disabilities or their lawful representatives shall file applications with the commune-level People's Committees of the localities in which persons with disabilities reside.

2. Within 30 days after the receipt of an application for determination of the degree of disability, the chairman of the commune-level People's Committee shall convene the Disability Degree Determination Council and send a notice of the time for determination of the degree of disability to the person with disabilities or his) her lawful representative.

3. The Disability Degree Determination Council shall determine the degree of disability, compile a dossier on disability degree determination and make conclusion.

4. Within 5 working days after the issue of the conclusion by the Disability Degree Determination Council, the chairman of the commune-level People's Committee shall post up and publicize the conclusion of the Disability Degree Determination Council and issue a disability certificate.

5. The Minister of Labor, War Invalids and Social Affairs shall detail the order, procedures and

dossiers of disability degree determination defined in this Article.

### **Article 19. Disability certificates**

1. A disability certificate contains the following basic contents:

- a) Full name, birth date and sex of the person with disabilities;
- b) Place of residence of the person with disabilities;
- c) Type of disability;
- d) Degree of disability.

2. The disability certificate takes effect after it is signed by the chairman of the commune-level People's Committee.

3. The Minister of Labor, War Invalids and Social Affairs shall provide for the change, re-issuance and withdrawal of disability certificates.

### **Article 20. Re-determination of the degree of disability**

1. Re-determination of the degree of disability shall be conducted upon request of the person with disabilities or his)her lawful representative when occurs an event which changes the degree of disability.

2. The order of, and procedures for, re-determining the degree of disability and granting a disability certificate comply with Articles 18 and 19 of this Law.

## **Chapter III**

### **HEALTHCARE**

#### **Article 21. Primary healthcare at places of residence**

1. Commune-level health stations shall:

- a) Apply various forms of propagation, education and popularization of general knowledge of healthcare and disability prevention and minimization; guide persons with disabilities in methods of disease prevention, healthcare and functional rehabilitation;
- b) Compile dossiers for health monitoring and management of persons with disabilities;
- c) Give medical examination and treatment as suitable to their professional scope to persons with disabilities.

2. The fund for materialization of Points a and b, Clause 1 of this Article shall be provided from the state budget.

### **Article 22. Medical examination and treatment**

1. The State guarantees that persons with disabilities have access to medical examination and treatment as well as appropriate medical services.

2. Persons with disabilities are entitled to health insurance under the law on health insurance.

3. Families of persons with disabilities shall create favorable conditions for such persons to receive medical examination and treatment.

4. A person with disabilities who suffers a mental disease, being in the state of incitement or depression, having the idea and/or act of committing suicide or posing danger to other persons, shall be provided with supports in daily-life allowance, travel and hospitalization expenses in the period of compulsory treatment at medical examination and treatment establishments.

5. Organizations and individuals are encouraged to provide medical examination and treatment as support to persons with disabilities.

### **Article 23. Responsibilities of medical examination and treatment establishments**

1. To apply appropriate medical examination and treatment measures to persons with disabilities.

2. To prioritize medical examination and treatment for persons with exceptionally serious disabilities, persons with serious disabilities as well as children, elderly persons and pregnant women with disabilities in accordance with the law on medical examination and treatment.

3. To advise on prevention and early detection of disability; determine congenital disability in infants in order to apply appropriate measures for treatment, orthopedic operations and functional rehabilitation.

4. To renovate and upgrade physical foundations for medical examination and treatment which are not yet accessible to persons with disabilities.

### **Article 24. Orthopedic and functional rehabilitation establishments**

1. Orthopedic and functional rehabilitation establishments are those which provide orthopedic operations and functional rehabilitation services for persons with disabilities.

2. Orthopedic and functional rehabilitation establishments include:

a) Orthopedic and functional rehabilitation institutes;

- b) Orthopedic and functional rehabilitation centers;
- c) Convalescence and functional rehabilitation hospitals;
- d) Functional rehabilitation departments of medical examination and treatment establishments;
- e) Functional rehabilitation sections of social relief centers;
- f) Other establishments.

The setting up and operation of orthopedic and functional rehabilitation establishments comply with law.

The State shall invest in the construction of physical and technical foundations of public orthopedic and functional rehabilitation facilities.

#### **Article 25. Community-based functional rehabilitation**

Community-based functional rehabilitation means a measure to be implemented at communities with a view to transferring knowledge on disability, rehabilitation skills and positive attitudes to persons with disabilities, their families and communities in order to create equality in opportunity and community integration for persons with disabilities.

Persons with disabilities shall be given conditions and supports for community-based functional rehabilitation.

Families of persons with disabilities shall create favorable conditions for such persons to have community-based functional rehabilitation.

Orthopedic and functional rehabilitation establishments shall participate in guiding professional activities of community-based functional rehabilitation.

People's Committees at all levels shall formulate and realize programs on community-based functional rehabilitation; and create conditions for agencies, organizations and individuals to organize or participate in community-based functional rehabilitation activities.

#### **Article 26. Scientific research, training of experts and technicians, manufacture of equipment for persons with disabilities**

The State shall provide funding supports under projects for agencies or organizations conducting scientific researches in persons with disabilities and training orthopedic and functional rehabilitation experts and technicians.

Establishments manufacturing orthopedic instruments, functional rehabilitation facilities and equipment for daily-life activities, learning and work of persons with disabilities are entitled to

concessional loans and tax exemption or reduction under law.

Orthopedic instruments, facilities and equipment for functional rehabilitation, daily-life activities, study and work of persons with disabilities, which come from non-refundable aid programs or projects or are donated by foreign organizations and individuals, are entitled to tax exemption or reduction under the tax law.

## **Chapter IV**

### **EDUCATION**

#### **Article 27. Education for persons with disabilities**

The State shall create conditions for persons with disabilities to study in conformity with their own needs and capabilities.

Persons with disabilities may be admitted to school at ages higher than the ages prescribed for general education; are given priority in enrolment; are entitled to exemption from or reduction of certain study subjects or educational contents and activities beyond their personal capabilities and to exemption from or reduction of school fees, training expenses and other contributions; and are considered for provision of scholarships and learning equipment.

Persons with disabilities shall be provided with equipment and materials in support of their exclusive learning in case of necessity; persons with sensory disabilities may have their learning in sign language, persons with visual disabilities may have their learning in Braille under the national standards.

The Minister of Education and Training shall assume the prime responsibility for, and coordinate with the Minister of Labor, War Invalids and Social Affairs and the Minister of Finance in, detailing Clause 2 of this Article.

#### **Article 28. Modes of education applicable to persons with disabilities**

1. Education applicable to persons with disabilities includes integrative education, semi-integrative education and exclusive education.

2. Integrative education is the main mode of education for persons with disabilities.

Semi-integrative education and exclusive education will be implemented if conditions for persons with disabilities to study by integrative education are not yet fully met.

3. Persons with disabilities, their parents or guardians shall opt for modes of education suitable to the personal development of persons with disabilities. Families shall create favorable conditions and opportunities for their members with disabilities to study and develop according to their personal capabilities.

The State encourages persons with disabilities to learn by the mode of integrative education.

### **Article 29. Teachers, education administrators and education support personnel**

1. Teachers and education administrators participating in the education of persons with disabilities and personnel supporting the education of persons with disabilities shall be trained and updated in profession and skills to meet the requirements of education of persons with disabilities.
2. Teachers and education administrators participating in the education of persons with disabilities and personnel supporting the education of persons with disabilities are entitled to allowances and incentives under the Government's regulations.

### **Article 30. Responsibilities of educational institutions**

1. To ensure teaching and learning conditions suitable to persons with disabilities, to be disallowed to refuse admission of persons with disabilities in contravention of law.
2. To renovate and upgrade physical teaching and learning foundations which fail to meet the conditions on access by persons with disabilities.

### **Article 31. Integrative education development support centers**

1. Integrative education development support centers are establishments which provide teaching and learning programs, equipment, documents as well as education consultancy services and support, or organize education, suitable to the characters and circumstances of persons with disabilities.
2. Integrative education development support centers have the following tasks:
  - a) To detect disabilities so as to advise on the selection of appropriate modes of education;
  - b) To take early intervention measures at communities so as to opt for appropriate modes of education for persons with disabilities;
  - c) To provide psychological, health, educational and vocational consultancy in order to select appropriate modes of education;
  - d) To support persons with disabilities in families, at educational institutions and communities;
  - e) To provide peculiar teaching and learning programs, equipment and documents suitable to every form and degree of disability.
3. The establishment and operation of integrative education development support centers must satisfy the following conditions:

a) Having material foundations, equipment and support services suitable to the characteristics of persons with disabilities:

b) Having the contingent of cadres, teachers and education-supporting personnel with professional qualifications suitable to various modes of education applicable to persons with disabilities:

c) Having education and retraining programs and counseling materials suitable to various modes of education applicable to persons with disabilities.

4. Chairpersons of provincial-level People's Committees shall establish or license the establishment of integrative education development support centers.

5. The Minister of Education and Training shall assume the prime responsibility for, and coordinate with the Minister of Labor, War Invalids and Social Affairs in, specifying the conditions for establishment and operation of integrative education development support centers defined in Clause 3 of this Article.

## **Chapter V**

### **VOCATIONAL TRAINING AND EMPLOYMENT**

#### **Article 32. Vocational training for persons with disabilities**

1. The State ensures that persons with disabilities are provided with free advice on vocational training, job selection and learning according to their capability and ability on an equal basis like other persons.

2. Vocational training establishments shall issue diplomas and certificates and recognize trained jobs when persons with disabilities finish their training programs and fully satisfy the conditions prescribed by heads of state agencies managing vocational training.

3. Vocational training establishments which organize vocational training for persons with disabilities must meet the conditions on vocational training for persons with disabilities and are entitled to preferential policies under law.

4. Persons with disabilities who are vocational trainees and teachers providing vocational training to persons with disabilities are entitled to regimes and policies prescribed by law.

#### **Article 33. Employment for persons with disabilities**

1. The State shall create conditions for persons with disabilities to have their working functions rehabilitated, to receive free job advice, to be employed and perform jobs suitable to their health and characteristics.

2. Agencies, organizations, enterprises and individuals may neither refuse to recruit persons with disabilities who fully satisfy the recruitment conditions nor set recruitment criteria in violation of law in order to restrict working opportunities of persons with disabilities.
3. Agencies, organizations, enterprises and individuals employing persons with disabilities shall, depending on their specific conditions, arrange jobs and ensure the working conditions and environment suitable to these persons.
4. Agencies, organizations, enterprises and individuals employing persons with disabilities shall comply with the labor law concerning employees with disabilities.
5. Job placement organizations shall provide vocational training and job advice as well as job recommendation for persons with disabilities.
6. Self-employed persons with disabilities or households creating jobs for persons with disabilities may borrow loans at preferential interest rates for production and business activities and to be guided in production, technology transfer and receive support in product sales according to regulations of the Government.

**Article 34. Production and business establishments employing many persons with disabilities**

Production and business establishments which employ persons with disabilities accounting for 30% or more of their total employees may receive supports for improvement of their working conditions and environment suitable to persons with disabilities; be exempt from enterprise income tax; borrow loans at preferential interest rates under production and business development projects; receive priority in land, ground and water surface lease and be exempt from rents of land, ground and water surface to serve production and business activities in proportion to the percentage of employees with disabilities, the degree of their disabilities and the size of enterprises.

**Article 35. Policies for recruitment of persons with disabilities**

1. The State encourages agencies, organizations and enterprises to employ persons with disabilities. Enterprises employing many persons with disabilities are entitled to preferential policies provided in Article 34 of this Law.
2. The Government shall detail policies of encouraging agencies, organizations and enterprises to employ persons with disabilities under Clause 1 of this Article.

**Chapter VI**

**CULTURE, PHYSICAL TRAINING SPORTS, ENTERTAINMENT AND TOURISM**

**Article 36. Cultural, physical training, sport, entertainment and tourist activities for persons with disabilities**

1. The State shall provide supports for cultural, physical training, sport, entertainment and tourist activities suitable to the characteristics of persons with disabilities; create conditions for persons with disabilities to enjoy culture, physical training, sports, entertainment and tourism.
2. Persons with exceptionally serious disabilities are entitled to exemption from, and persons with serious disabilities are entitled to reduction of, ticket prices and service charges when using a number of cultural, physical training, sport, entertainment and tourist services according to the Government's regulations.
3. The State and society shall create conditions for persons with disabilities to develop their talent and gift in culture, arts and sports; to participate in art creation and performances as well as sport practices and competitions.
4. The State shall provide supports for activities of designing, manufacturing and producing instruments and equipment used in cultural and sport activities: encourage agencies, organizations and individuals to design, manufacture and produce equipment for use in cultural, physical training, sport, entertainment and tourist activities suitable to persons with disabilities.

**Article 37. Organization of cultural, physical training, sport, entertainment and tourist activities of persons with disabilities**

1. Cultural, physical training, sport, entertainment and tourist activities of persons with disabilities will be incorporated into community cultural life and organized in diverse forms, meeting their cultural, physical training, sport, entertainment and tourism demands.
2. National sport games and competitions and art performance competitions of persons with disabilities shall be organized in conformity with the characteristics and needs of persons with disabilities and socio-economic conditions.

**Article 38. Responsibilities of cultural, physical training, sport, entertainment and tourist establishments**

1. To invest in physical foundations as well as supporting facilities and create favorable conditions for persons with disabilities to participate in cultural, physical training, sport, entertainment and tourist activities; arrange personnel, means and instruments to help persons with disabilities when organizing cultural, physical training, sport, entertainment and tourist activities.
2. To improve, upgrade physical foundations which fail to satisfy the conditions on access by persons with disabilities.
3. Instruments, facilities and equipment for cultural, physical training, sport, entertainment and tourist activities of persons with disabilities must ensure safety and convenience and be suitable

to the characteristics of persons with disabilities.

## **Chapter VII**

### **CONDOMINIUMS, PUBLIC WORKS, TRANSPORTATION, INFORMATION TECHNOLOGY AND COMMUNICATION**

#### **Article 39. Condominiums and public works**

1. The approval of designs, construction and check-and-takeover of new constructions, renovation and upgrading of condominiums, offices and technical and social infrastructure facilities must comply with national technical standards on construction in order to ensure access by persons with disabilities.
2. Condominiums, offices and public technical and social infrastructure facilities built before the effective date of this Law which fail to meet the conditions on access by persons with disabilities shall be improved and upgraded to meet these conditions according to the schedule defined in Article 40 of this Law.

#### **Article 40. Schedules for improvement of condominiums and public works**

1. By January 1, 2020, the following public works must satisfy the conditions on access by persons with disabilities:
  - a) Offices of the agencies;
  - b) Railway stations, car terminals and ports;
  - c) Medical examination and treatment establishments;
  - d) Educational and vocational training establishments;
  - e) Cultural, physical training and sport works.
2. By January 1, 2025, all condominiums offices, public technical infrastructures and social infrastructure facilities other than those defined in Clause 1 of this Article must satisfy the conditions on access by persons with disabilities.
3. The Government shall detail the implementation of the schedules for improvement of each type of works defined in Clauses 1 and 2 of this Article.

#### **Article 41. Movement of persons with disabilities**

1. Personal vehicles of persons with disabilities, when moving on the road, must satisfy national technical standards and be suitable to their health conditions. With regard to personal vehicles requiring driver licenses, persons with disabilities shall be trained in driving and granted driver

licenses.

2. Persons with disabilities, when using means of mass transit, may use supporting facilities or rendered corresponding assistance: and carry along appropriate means or supporting facilities and be exempt from charges there for.

3. Persons with exceptionally serious disabilities and persons with serious disabilities are entitled to exemption from or reduction of fares or service charges when using certain means of mass transit under the Government's regulations.

4. Persons with disabilities are given priority in ticket purchase, assisted and arranged for convenient seats when using means of mass transit.

#### **Article 42. Means of mass transit**

1. Means of mass transit must be built with priority seats for persons with disabilities; with instruments that allow convenient mounting and dismounting or render assistance suitable to the characteristics of persons with disabilities.

2. Means of mass transit to be accessible by persons with disabilities must satisfy national technical standards on accessible transportation promulgated by competent state agencies.

3. Mass transit units shall invest in and arrange means up to technical standards on accessible transportation on transport routes according to the rates prescribed by the Government in each period.

4. Produced or imported means of mass transit satisfying national technical standards on accessible transportation are entitled to tax exemption or reduction under tax law.

#### **Article 43. Information technology and communication**

1. The State encourages agencies, organizations, enterprises and individuals operating in information technology to apply and develop information technology reserved for persons with disabilities.

2. Mass media agencies have the responsibility to cover the material and spiritual life of persons with disabilities.

Vietnam Television Station shall broadcast programs with Vietnamese subtitles and sign language for persons with disabilities according to regulations of the Minister of Information and Communications.

3. The State shall adopt policies on tax exemption and reduction, concessional loans and other supports for research into, manufacture or production of equipment, provision of services and supply of equipment to enable persons with disabilities to access information technology and communication: and support the collection, compilation and publication of documents printed in

Braille for persons with visual disabilities, reading documents for persons with sensory and intellectual disabilities.

## **Chapter VIII**

### **SOCIAL RELIEF**

#### **Article 44. Monthly social allowances and care-taking fund supports**

1. Entitled to monthly social allowance are:

- a) Persons with exceptionally serious disabilities, except for the cases defined in Article 45 of this Law;
- b) Persons with serious disabilities.

2. Entitled to monthly care-taking fund supports are:

- a) Families of persons with exceptionally serious disabilities that are directly nurturing and taking care of these persons;
- b) Persons who undertake to nurture and take care of persons with exceptionally serious disabilities;
- c) Persons with disabilities defined in Clause 1 of this Article, who are pregnant or nursing children under 36 months old.

Persons with disabilities defined at Clause 1 of this Article, who are children or elderly are entitled to allowances higher than others of the, same degree of disability.

The monthly social allowance level and monthly care-taking fund support level for each type of beneficiary under this Article shall be set by the Government.

#### **Article 45. Nurture of persons with disabilities in social-relief establishments**

1. Persons with exceptionally serious disabilities without anyone to support or without ability to take care of themselves shall be admitted to social-relief establishments.

2. The State shall provide social relief centers with funds for nurturing persons with disabilities defined in Clause 1 of this Article, including:

- a) Monthly nurturing allowance;
- b) Procurement of personal articles and utensils for daily-life activities;
- c) Purchase of health insurance;

d) Purchase of common curative medicines:

c) Purchase of instruments and facilities for functional rehabilitation;

f) Funeral upon death;

g) Monthly personal hygiene for women with disabilities.

3. The Government shall prescribe the monthly nurturing allowance and funding levels defined at Clause 2 of this Article.

#### **Article 46. Funeral expenses**

Persons with disabilities on monthly allowance will be provided with funeral expenses support upon their death. The Government shall set funeral expense support levels.

#### **Article 47. Establishments taking care of persons with disabilities**

1. Establishments taking care of persons with disabilities are those which nurture and provide consultancy services and assistance to persons with disabilities.

2. Establishments taking care of persons with disabilities include:

a) Social relief centers;

b) Service establishments to support persons with disabilities;

c) Centers to support persons with disabilities who live independently;

d) Other establishments taking care of persons with disabilities-

3. The Government shall prescribe the conditions for the setting up, operation and dissolution of establishments taking care of persons with disabilities.

4. The State invests material foundations and provides operating funds for public establishments taking care of persons with disabilities.

#### **Article 48. Responsibilities of establishments taking care of persons with disabilities**

1. To meet the conditions on operation of establishments taking care of persons with disabilities; to fully satisfy standards on nurture, consultancy service and assistance for persons with disabilities corresponding to each type of establishment.

2. To improve and upgrade physical foundations which fail to meet the conditions on access by persons with disabilities.

## Chapter IX

### RESPONSIBILITIES OF STATE AGENCIES IN CHARGE OF AFFAIRS RELATED TO PERSONS WITH DISABILITIES

#### **Article 49. State management agencies in charge of affairs related to persons with disabilities**

1. The Government shall perform the unified state management of affairs related to persons with disabilities.
2. The Ministry of Labor, War Invalids and Social Affairs is answerable to the Government for performing the function of state management of affairs related to persons with disabilities.
3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Labor, War Invalids and Social Affairs in performing the state management of affairs related to persons with disabilities.
4. People's Committees at all levels shall, within the ambit of their tasks and powers, perform the state management of affairs related to persons with disabilities.

#### **Article 50. Responsibilities of ministries, ministerial-level agencies and People's Committees at all levels**

1. The Ministry of Labor, War Invalids and Social Affairs has the following responsibilities:
  - a) To formulate and submit to competent agencies for promulgation or promulgate according to its competence legal documents, programs, schemes and plans on activities related to persons with disabilities;
  - b) To assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies and provincial-People's Committees in, materializing legal documents on persons with disabilities; and programs, schemes and plans on affairs related to their activities;
  - c) To formulate and submit to the Government for promulgation procedures, dossiers, time and processes for settlement of the social allowance regime and funeral expense regime; the process of. procedures for, and dossiers on, admission of, and conditions on cease of nurturing and taking care of persons with disabilities in establishments taking care of these persons;
  - d) To formulate and submit to the Government for promulgation regulations on regimes and policies applicable to persons engaged in activities related to persons with disabilities; cadres, public servants, caretakers, functional rehabilitation personnel and full-time cadres of organizations of persons with disabilities;
  - e) To provide for professional standards applicable to cadres, public servants and personnel

taking care of persons with disabilities in establishment taking care of persons with disabilities;

f) To professionally train cadres, public servants and personnel engaged in activities related to persons with disabilities and caretakers of persons with disabilities at families, communities and establishments taking care of persons with disabilities;

g) To formulate and implement programs to raising awareness of persons with disabilities and on activities related to these persons;

h) To examine and inspect the implementation of the law on persons with disabilities:

i) To effect international cooperation on persons with disabilities;

j) To formulate and submit to the Prime Minister for approval schemes on assistance to persons with disabilities;

k) To conduct surveys, statistics, to build and manage databases and information and periodically publicize reports on persons with disabilities:

l) To plan and manage the system of orthopedic and functional rehabilitation establishments as well as establishments taking care of persons with disabilities under their management.

2. The Ministry of Health has the following responsibilities:

a) To perform the state management of healthcare for persons with disabilities;

b) To assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, specifying activities of functional rehabilitation for persons with disabilities; training in functional rehabilitation; implementing programs on disability prevention; and guiding community-based functional rehabilitation for persons with disabilities.

3. The Ministry of Education and Training has the following responsibilities:

a) To perform the state management of education for persons with disabilities;

b) To provide national standards on sign language and Braille for persons with disabilities;

c) To plan the system of exclusive educational institutions for persons with disabilities and the system of integrative education development support centers;

d) To train teachers and education support personnel, to compile curricula, documents, syllabuses and textbooks applicable to students with disabilities; to direct the research into, production and supply of, teaching equipment suitable to each form and degree of disability;

e) To assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Health in, implementing special education

programs for children with disabilities.

4. The Ministry of Culture, Sports and Tourism shall perform the state management of cultural, sports, entertainment and tourist activities for persons with disabilities; and direct, guide and organize activities to raise the cultural and spiritual life of persons with disabilities.

5. The Ministry of Construction shall assume the prime responsibility for, and coordinate with relevant ministries and ministerial-level agencies in, promulgating, guiding and organizing the application of national technical standards on construction of condominiums, offices, technical and social infrastructure facilities meeting the conditions on access by persons with disabilities.

6. The Ministry of Transport shall assume the prime responsibility for, and coordinate with relevant ministries and ministerial-level agencies in, promulgating, guiding and organizing the application of national technical standards on transport infrastructure, supporting facilities and priority policies for persons with disabilities in mass transit.

7. The Ministry of Information and Communications shall promulgate, guide and organize the application of, national technical standards on access to information for persons with disabilities; direct and guide mass media agencies to propagate and disseminate policies and law on persons with disabilities.

8. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with relevant ministries and ministerial-level agencies in, promulgating, guiding and organizing the realization of regulations on promotion of research into, production and application of products to support persons with disabilities.

9. The Ministry of Finance shall allocate budgets for the materialization of policies, programs, schemes and projects on assistance to persons with disabilities and allocate budget for investigations, surveys and statistics on persons with disabilities under the state budget law.

10. The Ministry of Planning and Investment shall appraise and approve state-invested projects on care for, nurturing of. orthopedic operations and functional rehabilitation for, persons with disabilities; and assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, conducting investigations, surveys and statistics on persons with disabilities.

11. People's Committees at all levels shall, within the ambit of their tasks and powers, perform the state management of activities related to persons with disabilities: incorporate activities related to persons with disabilities into local social-economic development plans; ensure conditions for persons with disabilities to exercise their rights and fulfill their obligations and responsibilities; create conditions for organizations and individuals assisting persons with disabilities.

## **Chapter X**

### **IMPLEMENTATION PROVISIONS**

### **Article 51. Application of law**

1. Persons with disabilities currently enjoying preferential policies towards people with meritorious services to the revolution or currently enjoying pensions or monthly social allowances are not entitled to the policies defined in Clause 1, Article 44 of this Law, but may enjoy the policies prescribed in this Law if the law on people with meritorious services to the revolution or the law on social insurance has not so provided for.
2. Persons with disabilities entitled to various policies on assistance to social relief beneficiaries of the same category may enjoy only one policy of highest assistance.
3. Persons with disabilities currently enjoying the regime of nurture and care at social relief centers before this Law takes effect may enjoy continued nurture and care at these social relief centers under Clause 2, Article 45 of this Law.

### **Article 52. Effect**

1. This Law takes effect on January 1, 2011.
2. The 1998 Ordinance on Persons with Disabilities ceases to be effective on the effective date of this Law.

### **Article 53. Implementation detailing and guidance**

*This Law was passed on June 17, 2010, by the 12<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 7<sup>th</sup> session.*

**THE NATIONAL  
ASSEMBLY  
CHAIRMAN**  
*(signed)*  
**Nguyen Phu Trong**