

**THE NATIONAL ASSEMBLY**

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**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom – Happiness**

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No. 51/2010/QH12

*Hanoi, June 17, 2010*

## **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: