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THE LAW ON PERSONS WITH DISABILITIES

Pursuant to the Constitution of the Socialist Republic of Vietnam in 1992 which has been amended and supplemented by a number of articles of the Resolution No. 51/2001/QH10;

The National Assembly of Vietnam promulgates the National Law on Persons with disability.

CHAPTER I

GENERAL PROVISIONS

Article 1: Scope of Justification and Subjects of Obligation

This Law regulates the rights and duties of persons with disabilities, responsibility of the State, the families of persons with disabilities and the society towards persons with disabilities.

Article 2: Definitions of Terms

For the use of this law, the following terms are hereby defined:

Persons with disabilities by definition of this Law are those who have impairment of one or more parts of their body, or functional impairment, which are shown in different forms of disability, and may cause difficulties in work, daily life and learning.

Stigma towards persons with disabilities means an attitude of looking down on or paying no adequate respect to the persons for reasons of his or her disability.

Discrimination against persons with disabilities is actions to keep away from, to disrespect, to deny, to exclude, to mistreat, to use bad languages for, to hold prejudice against, or to limit the due rights of persons with disabilities for reasons of his or her disability.

Inclusive education is an educational approach that accommodates persons with disabilities to study with persons without disabilities in the educational establishments.

Special education is an educational approach with which persons with disabilities study in the schools or educational establishments organized separately for persons with disabilities.

Semi-inclusive (integrated) education is an educational approach with which persons with disabilities study in the special class for persons with disabilities in the ordinary schools or educational establishments.

Independent living means the life of persons with disabilities who are independent in making decisions that directly affect their lives.

Accessibility means to ensure persons with disabilities have equal access to and use of public works, public transportation, information technology, cultural, sports, tourism and other services in order to fully integrate into social life.

Article 3: Types and Classification of Disability

Disability is categorized as:

Mobility

Hearing and Speaking

Vision

Mental

Intellectual

Other disability/impairments

Level of disability severity includes:

Persons with severe disability are those who are unable to support themselves in their daily activities.

Persons with moderate disability are those who are able to support themselves in some of their daily activities.

Persons with minor disabilities are those who do not fall under provisions a and b of this Article.

3. The Government shall regulate the details on types and levels of disability as regulated under this Article.

Article 4: Rights and Duties of Persons with disabilities

Persons with Disability shall have the rights to:

Equal participation as other members in all social activities;

Independent living and inclusion into the community;

Be exempted or reduced financial contribution to the social activities.

Be entitled to the policies and support of the State including health care, rehabilitation, education, vocational training, employment, legal aids, accessibility in public construction, public transportation, information technology, cultural services, sports, tourism and other services that are appropriate to the person's type and level of disability.

Other rights as regulated by laws.

2. Persons with Disabilities shall be obliged to observe and fulfill the citizenship tasks as regulated by law.

Article 5: State Policies on Persons with Disabilities

Ensure annual budget to implement disability policies to support persons with disabilities;

Carry out programs and measures to prevent and mitigate disabilities caused by hereditary diseases, accidents, injuries, diseases and other causes;

Implement social protection for persons with disabilities; ensure rights of persons with disabilities to access to health care, education, vocational training, employment, cultural activities, sports, entertainment, and accessibility in construction, transportation and information technology. Priorities shall be given to children with disabilities and the elderly with disabilities;

Mainstream disability policies into socio-economic development policies and plans;

Ensure good conditions for persons with disabilities to access to rehabilitation services, so that they can overcome difficulties to live independently and inclusively;

Organize training for officials and staff who are involved in taking care of and providing consultation to persons with disabilities;

Encourage the involvement of all social forces and resources in supporting activities for persons with disabilities.

Create good conditions for operation of organizations of and for persons with disabilities.

Award organizations, institutions and individuals that have contribution in taking care of and supporting persons with disabilities.

Handle violations of this Law and other legal documents towards persons with disabilities.

Article 6: Involvement of Social Forces and Resources in Supporting Persons with Disabilities

The State encourage organizations, institutions and individuals to support, invest and provide technical assistance to carry out activities on orthopedics, rehabilitation, health care, education, vocational training, employment and provision of other services for persons with disabilities.

Individuals and organizations using their own budget for building orthopedic and rehabilitation centers, centers for education, vocational training and employment, and other establishments to provide services and support persons with disabilities shall be entitled to preferential policies regulated by laws.

Article 7. Responsibilities of organizations, institutions and individuals

Institutions and organizations shall, within their mandates, be responsible for taking care of, protect legitimate rights and benefits of persons with disabilities;

The Fatherland Front of Vietnam and its member organizations shall mobilize all social forces to assist persons with disabilities to access social services and lead an inclusive life; to participate in the development and monitoring the implementation of disability laws, policies, programs and projects.

All citizens are obliged to respect, help and assist persons with disabilities.

Article 8: Responsibilities of Families

Families shall bear the duty to raise awareness of family members on disability; carry out measures to prevent and mitigate disabilities caused by hereditary diseases, accidents, injuries, diseases and other causes;

Family members of persons with disabilities shall bear responsibilities as follows:

Protect, nurse and take care of persons with disabilities;

Create good conditions for persons with disabilities to access to health care services and exercise their rights and obligations;

Respect opinions and decisions that directly affect the lives of persons with disabilities and their families;

Implement provision 1 of this Article.

Article 9. Organizations of and for Persons with Disabilities

An organization of Persons with Disabilities (DPO) is a social organization established and operates according to the laws. DPOs represent legitimate rights and interests of persons with disabilities. DPOs shall be responsible to participate in planning, monitoring the implementation of disability laws, policies, programs and plans;

Organization for Persons with Disabilities is a social organization established and operates according to the laws of Vietnam in order to carry out supporting activities for persons with disabilities.

Article 10. Fund to Support Persons with Disabilities

The Fund to Support Persons with Disabilities is a fund for social and charity purpose that aims at mobilizing resources for support of persons with disabilities.

The Fund shall mobilize funding from the following sources:

Voluntary contribution, donation from national and overseas organizations and individuals;

Government funding;

Other legal sources.

The establishment and operation of the Fund will conform to current legislation.

Article 11. Vietnam Disability Day

The day of 18 April is the Vietnam's Disability Day.

Article 12. International Cooperation

International cooperation in disability related areas shall be carried out on the basis of respect of independence, sovereignty, territory, equality in accordance with Vietnam's legislation and international legislation.

Areas of international cooperation on disability include:

Develop and implement international cooperation programs and projects to support persons with disabilities;

Participate as member of international organizations; become signatory and implement international treaties and agreements relating to persons with disabilities;

Exchange information and experience in disability area.

Article 13. Information, Education and Communication

Information, education and communication on disability issues aim at preventing and mitigating disability, awareness-raising, changes in attitudes and behaviors, anti-stigma, anti-discrimination to persons with disabilities.

The contents of information, education and communication on disability include:

Rights and duties of persons with disabilities;

Laws, policies and programs on disabilities of Vietnam;

Responsibilities of organizations, individuals and families to persons with disabilities;

Causes of disabilities and measures to prevent and mitigate disabilities;

Anti-stigma, anti-discrimination to persons with disabilities.

The provision of information, education and communication on disability must be accurate, clear, realistic, and appropriate to the traditions and culture of Vietnam.

Responsibility of information, education and communication on disability issues:

Organizations and agencies, within their mandates, shall carry out information, education and communication activities.

People's committees at all levels shall be responsible to carry out information, education and communication on disability issues to their local people.

Mass media shall be responsible to prioritize the position, timing, length for program broadcasting, education and communication on disability issues on television, radio, newspapers as regulated by the Ministry of Information and Communication.

Article 14. Forbidden Actions

Stigmatize and discriminate against persons with disabilities;

Abuse physical body, dignity, honor, properties, legitimate rights and interest of persons with disabilities;

Urge, persuade or force persons with disabilities to commit actions which are against the law or social morals;

Make use of persons with disabilities, organizations of persons with disabilities, organizations for persons with disabilities; the image, personal information and conditions of persons with disabilities to make personal benefit or carry out illegal actions;

The responsible person not fulfilling his responsibilities of nursing, taking care of person with disabilities or refusing to take the above responsibilities when she/he is bound by the law to do so;

Create obstacles to a person with disabilities in his performing his rights to marriage, to raising his/her children;

Carry out non-transparent disability classification and certification.

CHAPTER II

DISABILITY CERTIFICATION

Article 15. Responsibilities in Disability classification

Disability classification shall be carried out by the Council on Disability Classification.

Disability classification shall be carried out by the Medical Examination Council in the following cases:

The Council on Disability Classification is not able to conclude on level of disability.

Persons with disabilities or their legal representative do not agree with the results done by the Council on Disability Classification.

There are evidences showing inaccurate results of examination done by the Council on Disability Classification.

In the event that the Health Examination Council has concluded on the capacity of persons with disabilities to carry out daily activities and work, the disability classification shall be carried out according to government regulations.

Article 16. Council on Disability Classification

The Council on Disability Classification shall be established by the Chair of People's Committee at commune, ward or town level (generally called commune level).

The composition of the Council on Disability Classification include:

Chair of the commune people's committee will be chair of the Council;

Head of the commune health station;

Social affair workers at commune level;

Chairperson or deputy chairperson of the Fatherland Front, Women's Union, Youth Union, Association of Veterans at commune level;

Head of DPOs at commune level.

The Chair of the Council on Disability Classification shall be responsible for facilitating the Council activities on teamwork basis. The conclusion of the Council can be valid only if at least 2/3 members attend the disability classification meeting. The classification result shall be concluded based on majority vote. In case of even voting, the decision shall be made based on the vote of the Chair. The conclusion of the Council on Disability Classification shall be documented and signed by the Chair of the Council.

The Council on Disability Classification shall decide independently and shall be responsible before the law for the accuracy of the results.

Ministry of Labour, Invalids and Social Affairs (MOLISA) shall regulate in details the operation of the Council on Disability Classification.

Article 17. Disability Classification Approach

The disability classification as regulated by provision 1 of Article 15 will be carried out by the Council on Disability Classification through direct observation of persons with disabilities when they carry out their personal daily activities, using questionnaires with health and social criteria, or using other simple approaches.

Ministry of Labour, Invalids and Social Affairs (MOLISA) shall be leading the process in cooperation with Ministry of Health and Ministry of Education and Training to regulate this Article in more details.

Ministry of Health shall be leading the process in cooperation with MOLISA to regulate the disability classification process according to provision 2 of Article 15 of this Law.

Article 18. Disability Classification and Certification Procedure

When there is need for disability classification, PWD or his/her legal representative shall have to submit application to the People's Committee at the commune where the person with disability resides.

Within 30 days, the Chair of the Commune People's Committee shall be responsible to call for a meeting of the Council on Disability Classification and inform the person with disability or his/her legal representative about the timing for carrying out disability classification.

The Council on Disability Classification shall organize disability classification, set up a personal profile for disability classification and conclude on the level of disability.

Within 5 working days after having classification result of the Council, the Chair of the Commune People's Committee shall announce the conclusion of the Council and issue the disability certificate.

The process, procedures and documents for disability classification shall be regulated by MOLISA.

Article 19. Disability Certification

The Disability Certificate includes the following information:

Full name, date of birth, gender of person with disabilities.

Residency Address

Type of disability

Level of Disability

The disability certificate shall come into effect on the date of signature by the Chair of the commune people's committee.

Minister of MOLISA shall regulate the process for the replacement, renewal and withdrawal of the disability certificate.

Article 20. Re-classification of disability

Person with disabilities or his/her legal representative shall have right to request a re-classification of disability in case of an event that changes the level of disability.

The process, procedures for disability classification and disability certification shall be carried out as regulated in Article 18 and 19 of this Law.

CHAPTER III

HEALTH CARE

Article 21. Primary Health Care for Persons with Disabilities at their locality

Health stations/centers at commune level shall bear responsibility as follows:

Implement the communication, education and information dissemination programs on health care, disability prevention and mitigation; provide guidance to persons with disabilities in the matters of health care, diseases prevention and functional rehabilitation.

Develop case management system for persons with disabilities.

Provide health check-up and treatment within their areas of expertise to persons with disabilities.

The state shall ensure budget to implement points a and b under provision 1 of this Article.

Article 22: Health Check-Up and Treatment

The State shall ensure rights of persons with disabilities to access health check-up and treatment services on an equal basis as persons without disabilities;

Persons with disabilities shall be entitled to health insurance policies as regulated in the health insurance legislation.

Families of persons with disabilities shall have responsibilities for creating favorable condition for persons with disabilities to do health check-up and treatment.

Mentally ill persons who are in the excited or depressed mood and are likely to commit suicide or to jeopardize other people's life are entitled to financial support for accommodation, transportation and treatment fees during compulsory health treatment in health service facilities.

Organizations and individuals are encouraged to provide support in health check-up and treatment for persons with disabilities.

Article 23. Responsibilities of health check-up and treatment facilities

Carry out appropriate measures for health check up and treatment for persons with disabilities.

Give priorities in health check-up and treatment to persons with severe disabilities, persons with moderate disabilities, children with disabilities, the elderly with disabilities and pregnant women with disabilities in accordance with Vietnamese legislation on health check-up and treatment.

Provide counseling on early detection and prevention of disability and identifying innate disabilities in newly born babies to timely carry out appropriate treatment and rehabilitation measures.

Carry out renovation, upgrading of health check-up and treatment facilities/centers to ensure reasonable accommodation and accessibility for persons with disabilities.

Article 24. Orthopedics and Rehabilitation Centers

Orthopedics and rehabilitation center is a center providing orthopedic and rehabilitation services to persons with disabilities.

Orthopedics and rehabilitation facilities include:

Orthopedics and Rehabilitation Institutes;

Orthopedics and Rehabilitation Centers;

Sanatorium and Rehabilitation Hospitals;

Orthopedics and rehabilitation Department of health service facilities;

Orthopedics and rehabilitation Section of social protection facilities;

Other facilities established in accordance with the State regulations.

The establishment and operation of the Orthopedic and rehabilitation center shall follow the legal regulations;

The State shall ensure investment in building infrastructure of state-owned orthopedics and rehabilitation facilities.

Article 25. Community Based Rehabilitation (CBR)

Community Based Rehabilitation is an approach carried out in the community aiming to transfer knowledge on disability, rehabilitation skills and improve attitude of the society towards persons with disabilities, their family and the community to ensure equal opportunity and inclusion of persons with disabilities in the society.

Persons with disabilities shall be provided with favorable conditions to participate in community based rehabilitation programs.

Families of persons with disabilities shall be responsible to support persons with disabilities in community based rehabilitation program.

Orthopedics and Rehabilitation facilities shall have responsibilities to provide technical guidance in implementing community based rehabilitation program.

People's Committee at all levels shall have responsibilities to formulate and implement CBR programs; provide good conditions for organizations, agencies and individuals to organize or participate in the implementation of CBR activities.

Article 26. Scientific research, training of experts and technical staffs, production of orthopedics and rehabilitation equipment

The State shall provide financial support through projects to organizations and agencies that conduct scientific research on disability issue and train experts on orthopedics and rehabilitation.

Enterprises that produce orthopedics and rehabilitation equipment and facilities, assistive devices that support persons with disabilities to lead daily life, study and work are entitled to borrow loan with preferential interest rate, tax exemption or reduction according to current legal regulations.

Orthopedics and rehabilitation equipment and facilities, assistive devices that support persons with disabilities in daily life, study and work provided through non-refundable aid programs or donated by foreign individuals and organizations shall be entitled tax exemption or reduction in accordance with current tax legislation.

CHAPTER IV

EDUCATION

Article 27: Education for Persons with Disabilities

The State ensures the rights of PWDs to education in accordance with the need and capability of persons with disabilities.

Persons with disabilities can start schooling at a later age than the regulated age; their registration for enrollment in educational establishment is given priority; they are exempted from subjects or activities for which they are not physically capable; they are entitled to exemption from, or reduction of, schooling fee and other contribution; they can start apply for scholarship and support for education tools and materials.

Persons with disabilities shall be provided with appropriate education tools, materials developed for persons with disabilities. Persons with hearing and speaking impairment shall be ensured to learn in

classes by using sign language, persons with visual impairment shall be ensured to use Braille in classes according to national standards.

Minister of Education and Training shall be leading the process in regulating this Article in details, in cooperation with MOLISA and Ministry of Finance.

Article 28. Educational Approaches for Persons with Disabilities

Educational approach for persons with disabilities shall include: inclusive, integrated (semi-inclusive) and special education.

Inclusive education shall be the main approach applied for education of persons with disabilities.

Integrated and Special Education approaches are applied only in circumstances when the conditions for applying Inclusive education have not been met.

Persons with disabilities, their families or their legal guardians shall choose an educational approach that is appropriate for person with disability's individual development. Families of persons with disabilities shall be responsible to provide good conditions and opportunities in order for persons with disabilities to learn and develop their own individual's abilities.

The State encourages persons with disabilities to participate in the inclusive education.

Article 29. Teachers, Lecturers, administration staff and education support staff

Teachers, lecturers, administration staff and education support staff who are involved in education for persons with disabilities shall be trained and upgraded professional qualifications to meet the educational needs of persons with disabilities.

Teachers, lecturers, administration staff and education support staff who are directly involved in education activities for persons with disabilities are entitled to subsidies and preferential policies in accordance with government regulations.

Article 30. Responsibilities of the Education Establishments

Ensure reasonable accommodations for persons with disabilities. Education establishments are prohibited from refusing entrance application of persons with disabilities.

Carry out new construction, and upgrading of education facilities to ensure accessibility for persons with disabilities.

Article 31. Inclusive Education Support and Development Center

The Inclusive Education Support and Development Center is an organization developing appropriate curriculums, equipments, teaching and learning materials, consultation and educational support services for persons with disabilities.

The Inclusive Education Support and Development Center shall undertake the following tasks:

Identify disability in order to provide counseling on appropriate education approach for persons with disabilities;

Carry out early intervention for persons with disabilities in the community in order to choose appropriate education approach;

Provide counseling on psychology, health, education and job orientation in order to choose appropriate education approach;

Support persons with disabilities in the families, communities and the education establishments;

Provide training programs, curriculums, facilities, documents applicable to each type and level of disability.

Criteria for establishment of an inclusive education support and development center are:

Having infrastructure, tools, equipments and services which are suitable to persons with disabilities;

Having teachers, lecturers, administration staff and education support staff who are technically qualified to apply education approaches for persons with disabilities.

Having training program, materials and guidelines that are suitable for persons with disabilities.

People's Committee at provincial level, cities under central management shall establish or issue permit for the establishment of inclusive educational support and development centers.

Minister of Education and Training shall collaborate with the Minister of Labor, Invalids and Social Affairs to regulate in details the criteria for establishment and operation of inclusive educational support and development centers as regulated in provision 3 of this Article.

CHAPTER V

EMPLOYMENT AND VOCATIONAL TRAINING

Article 32. Vocational Training for Persons with Disabilities

1. The State shall ensure the right of persons with disabilities to free of charge vocational orientation and vocational training that are appropriate with their capacity, on an equal basis as others.

2. Vocational Training center shall be responsible to grant diplomat, certificate to persons with disabilities upon successful completion of the training as regulated by the Government.

3. Vocational training facilities shall ensure reasonable accommodation for persons with disabilities who attend vocational training courses, and shall be entitled to preferential policies according to current legislation.

4. Trainees with disabilities and teachers giving vocational training to persons with disabilities are entitled to policies in accordance with current laws.

Article 33. Employment for persons with disabilities

The State shall ensure rights of persons with disabilities to vocational rehabilitation, free of charge job counseling, job placement and job retention in accordance with the health and types of disabilities.

Institutions, agencies, organizations, enterprises and individuals shall neither reject job applications of persons with disabilities who are qualified for the positions nor create recruitment criteria that aim at limiting job opportunities for persons with disabilities according to legal regulations.

Institutions, agencies, organizations, enterprises and individuals employing persons with disabilities must place them in suitable jobs and ensure reasonable accommodations for employees with disabilities.

Institutions, agencies, organizations, enterprises and individuals employing persons with disabilities shall comply with current provisions on employment of persons with disabilities.

Employment/job service facilities are responsible for providing orientation and counseling to help persons with disabilities to find jobs.

Persons with disabilities who are self-employed shall be entitled to borrow loan with preferential interest rate for business development; to be trained in business management, technology transfer, and marketing of products in accordance with the current State legislation;

Article 34. Enterprises employing large proportion of their labor force as persons with disabilities.

Enterprises employing more than 30% of their labor force as persons with disabilities shall be entitled to support in ensuring reasonable accommodation, exempt from income tax, borrow loan with preferential interest rate; rent land with exemption from or reduction of land lease payment in accordance with the proportion of employees with disability, the level of disability of these employees and the size of enterprises.

Article 35. Policy to employ persons with disabilities

The State shall encourage organizations, institutions, and enterprises to employ persons with disabilities. Those who employ large proportion of their labor force as persons with disabilities shall be entitled to enjoy preferential policies as regulated in Article 34 of this Law.

The Government shall regulate specific policies to encourage organizations, institutions and enterprises to employ persons with disabilities as regulated in the provision 1 of this Article.

CHAPTER VI

CULTURE, PHYSICAL EDUCATION, SPORTS, ENTERTAINMENT AND TOURISM

Article 36. Cultural, physical education, sports, entertainment and tourism activities for persons with disabilities

The State shall provide support for organizing cultural, physical education, sports, entertainment and tourism activities that are appropriate for persons with disabilities, and shall create good conditions for persons with disabilities to enjoy cultural works, physical education, sports, entertainment and tourism.

Persons with severe disabilities shall be entitled to exemption from, and persons with moderate disabilities shall enjoy reduction of, ticket and service fees when using some cultural, physical education, sports, entertainment and tourism services as regulated by the Government.

Persons with disabilities shall be ensured rights to develop their talent and aptitude on sport cultural and artistic activities; to participate in composing, performing artistic works, practicing and competing in sports activities;

The State shall support the design and production of equipment, devices and facilities serving cultural and sports activities; encourage organizations, agencies and individuals to design and produce equipment, devices and facilities serving cultural, physical education, sports, entertainment and tourism activities suitable for persons with disabilities;

Article 37. Organize cultural, physical education, sports, entertainment and tourism activities for persons with disabilities

Cultural, physical education, sports, entertainment and tourism activities for persons with disabilities shall be integrated into the community's cultural life, be diversified and aim at meeting the needs of persons with disabilities;

National Sports Festival for persons with disabilities, sports competitions and performance contest for persons with disabilities shall be organized taking consideration on the particularities of each type and level of disability, the needs of persons with disabilities as well as local socio- economic conditions.

Article 38. Responsibilities of cultural, physical education, sports, entertainment and tourism facilities

To provide materials, equipments, assistive devices to support and facilitate the access and participation of persons with disabilities in cultural, physical education, sports, entertainment and tourism activities; to prepare and arrange personnel, assisting devices and equipments to support persons with disabilities when organizing cultural, physical education, sports, entertainment and tourism events;

To implement new construction, retrofitting and upgrading projects to ensure accessibility for persons with disabilities;

To ensure the standards for safety, convenience, and suitability for persons with disabilities are applied in the design and production of devices and equipments serving cultural and sports activities of persons with disabilities.

CHAPTER VII

HOUSING, PUBLIC BUILDINGS, PUBLIC TRANSPORTATION AND INFORMATION TECHNOLOGY and COMMUNICATION

Article 39: Residential apartment blocks and Public Buildings

The design work for new construction, retrofitting and upgrading of public infrastructures, office buildings, residential apartment blocks must comply with national construction code and standards so as to ensure access and use of persons with disabilities;

The public infrastructures, office buildings, residential apartment blocks which were constructed prior to the date that this Law comes into effect and do not meet the accessibility requirements should be renovated and upgraded within a time schedule regulated in Article 40 of this Laws, to ensure access and use of persons with disabilities.

Article 40. Timeline for renovation/upgrading residential apartment blocks and Public Buildings

As of January 01st 2010, the following public works/buildings shall be ensured the accessibility features:

Government office buildings

Train stations, bus stations and ports

Health care and health check up stations

Education and vocational training centers

Culture, physical education and sports buildings

As of January 1st 2025, all residential apartment blocks, office buildings, infrastructure works and social public buildings which do not fall under provision 1 of this Article shall ensure accessibility features.

The Government shall regulate in details the timeline for upgrading specific types of public works as regulated in provisions 1 and 2 of this Article.

Article 41. Persons with Disabilities participating in public transportation

Personal means of transport of persons with disabilities must comply with national technical standards and be suitable for the health condition of persons with disabilities. For personal means of transport that require user driving license, persons with disabilities shall be provided with training and granted driving license after training.

Persons with disabilities using public transport shall be entitled to use and carry along assistive devices free of charge.

People with severe disabilities and persons with moderate disabilities shall be entitled to exemption from or reduction of ticket fare and service fee when using some public means of transport as regulated by the Government.

Persons with disabilities shall be given priority to buy tickets, to be assisted and arranged comfortable seats when using public means of transport.

Article 42. Means of Public Transport

1. Means of public transport must have seats reserved for persons with disabilities, be equipped with assistive devices to support persons with disabilities to get in and out, and other equipments necessary to assist persons with disabilities.
2. Means of public transport must comply with the national accessibility code and standards to ensure access and use by persons with disabilities.
3. Transportation enterprises shall invest and provide means of transport with accessibility features at a percentage as regulated by the Government for specific period.
4. Means of transport with accessibility features as regulated by the national accessibility code and standards shall be entitled tax exemption or reduction according to current tax legislation on production and import activities.

Article 43. Information Technology and Communication

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

Mass media shall be responsible to reflect lives of persons with disabilities on the media.

Vietnam Television shall be responsible to air programs with Vietnamese sub-title and sign language for persons with disabilities as regulated by Ministry of Information and Communication.

The State shall have preferential treatment policies in tax, credit and other incentives for research, design, production and provision of assistive devices and services to support persons with disabilities to access and use information technology and communication. The State shall support the compilation and publishing of documents in Braille for persons with visual impairment, documents for persons with hearing and speaking impairment and persons with intellectual impairment.

CHAPTER VIII

SOCIAL PROTECTION

Article 44. Monthly Social allowance and Monthly nursing allowance

1. Those who shall be entitled to the monthly social allowance include:

Persons with severe disabilities, except the cases regulated in the Article 45 of this Law;

Persons with moderate disabilities

2. Those who shall be entitled to the monthly nursing allowance:

Families nursing persons with severe disabilities

People taking care and nursing persons with severe disabilities.

Persons with disabilities who fall under provision 1 of this Article who are pregnant or are raising children under 36 month old.

3. Persons with disabilities under provision 1 of this Article who are children or the elderly shall be entitled higher allowance norm compared to other persons with disabilities with the same level of disability.

4. The Government shall regulate the allowance norm for monthly social allowance and monthly nursing allowance for persons with disabilities falling under provisions of this Article.

Article 45. Nursing and Taking care of Persons with Disabilities in Social Protection Establishments

Persons with severe disabilities who have neither support nor the possibility to live with family or in the community shall be received to live in the social protection establishments.

The State shall provide financial support to take care of and nurse persons with severe disabilities at the public social protection establishments, including:

Monthly allowance for nursing and taking care

Purchase of materials and essential items for daily life

Purchase of health insurance

Purchase of conventional drugs

Purchase of orthopedic devices, apparatus supporting functional rehabilitation;

Funeral fee upon death;

Monthly sanitary fee for women with disabilities in productive age

The Government shall regulate in details for the support cost norms as regulated under provision 2 of this Article.

Article 46. Funeral Fee Policy

Persons with disabilities receiving monthly social allowance shall be entitled to the funeral fee support upon death with norms regulated by the Government.

Article 47. Centers to Support Persons with Disabilities

Centers to support persons with disabilities are those providing counseling services, assistance, and nursing of persons with disabilities.

Center to support persons with disabilities include:

Social protection establishment;

Service center to support persons with disabilities;

Independent living center;

Other centers providing support to persons with disabilities.

The Government shall regulate criteria and requirements for the establishment, operation and dissolution of these centers.

The State shall invest in building infrastructures and ensure operational costs of state-owned centers to support persons with disabilities.

Article 48. Responsibilities of the Centers to Support Persons with Disabilities

Ensure compliance with the criteria and requirements for operation of Centers to support persons with disabilities; apply technical standards for nursing, assisting and providing counseling services for persons with disabilities applicable to each type of centers.

Retrofit and upgrade infrastructure and facilities to ensure accessibility for persons with disabilities.

CHAPTER IX

STATE RESPONSIBILITIES ON DISABILITY WORK

Article 49. State Management on Disability

The Government shall ensure unified state management on disability issues;

The Ministry of Labor, Invalids and Social Affairs is responsible to the Government for executing the role of the state management on disability;

Ministries, Ministerial agencies and Government agencies shall collaborate with Ministry of Labor, Invalids and Social Affairs to carry out state management on disability;

People's Committees at all levels, within their responsibilities and authorities, shall be responsible for executing state management on disability.

Article 50. Responsibilities of Ministries, Ministerial Agencies and People's Committees at all levels

Ministry of Labor, Invalids and Social Affairs shall have following responsibilities:

Develop and submit to authorities for promulgation, or to promulgate within their responsibility, legal documents, programs, proposals, plans on disability;

Lead and coordinate with Ministries, ministerial agencies, People's Committees of cities and provinces under central management for enforcement and implementation of legal documents on disability; projects, proposals, and plans on disability;

Develop and submit to the Government for approval of the procedures, documents, time duration and process for provision of monthly social allowance, funeral fee; procedures, process and documents for receiving persons with disabilities, conditions for discontinuing the nursing and taking care of persons with disabilities in Centers to support persons with disabilities;

Develop and submit to the Government for approval of regulations on support staff working on disability, civil servants and staff involved in nursing and providing rehabilitation for persons with disabilities, and full-time staff of organizations of persons with disabilities;

Set up professional qualification requirements for staff involved in taking care of persons with disabilities in Centers to support persons with disabilities;

Provide professional training to staff and workers working on disability and taking care of persons with disabilities in families, communities and centers to support persons with disabilities;

Develop and implement the awareness raising programs on disability.

Inspect and monitor the enforcement and implementation of disability laws and policies;

Carry out international cooperation in disability area;

Develop and submit to the Prime Minister for approval of the National Action Plan to support persons with disabilities;

Implement baseline survey on disability, develop and manage disability database and information, periodically publish report on disability;

Perform the planning and management of orthopedics and rehabilitation establishments as well as centers to support persons with disabilities.

2. Ministry of Health shall have the following responsibilities:

Carry out state management on providing health care for persons with disabilities;

Lead and coordinate with the Ministry of Labor, Invalids and Social Affairs to stipulate in details orthopedics and rehabilitation activities for persons with disabilities; to provide training on orthopedics

and rehabilitation; to implement disability prevention programs; and provide guidance for the implementation of community-based rehabilitation programs for persons with disabilities.

3. Ministry of Education and Training is responsible for the followings:

Carry out state management on education for persons with disabilities;

Regulate national standards on sign language and Braille for the persons with disabilities;

Do planning on special education system for persons with disabilities and the system of inclusive education support and development centers

Provide training for teachers and supporting staffs; develop training programs, curricula and books for students with disabilities; provide teaching equipments and tools suitable for each type and level of disabilities;

Lead and coordinate with the Ministry of Labor, Invalids and Social Affairs and Ministry of Health to implement special education programs for children with disabilities;

4. Ministry of Culture, Sports and Tourism shall be responsible for state management on culture, sports, entertainment and tourism for persons with disabilities; lead and coordinate the implementation of activities aiming at improving cultural and spiritual life of persons with disabilities;

5. Ministry of Construction shall be responsible for leading and coordinating with concerned ministries and bodies to issue and implement national accessibility building codes and standards to ensure persons with disabilities access and use residential apartment blocks, office building and public works.

6. Ministry of Transport shall be responsible for leading and coordinating with concerned ministries and bodies to issue and implement national technical codes and standards in means of transport, transportation infrastructure and supporting tools as well as priority policies for persons with disabilities when they use public transport.

7. Ministry of Information and Communication shall be responsible for issuing and providing guidance on implementation of national technical codes and standards in ICT accessibility for persons with disabilities; instruct and guide mass media agencies to inform and disseminate policies, laws and activities for persons with disabilities.

8. Ministry of Science and Technology shall lead and coordinate with concerned ministries and bodies to issue, provide guidance on implementation of regulations to encourage study, production and application of assistive devices for persons with disabilities.

9. Ministry of Finance shall be responsible for budget allocation for the implementation of policies, programs, proposals and projects supporting persons with disabilities; conduct survey and compile statistics on persons with disabilities.

10. Ministry of Planning and Investment shall appraise and approve government projects in taking care of, nursing, providing orthopedics and rehab services for persons with disabilities; coordinate with

Ministry of Labor, Invalids and Social Affairs to conduct survey and compile statistics on persons with disabilities;

11. People's Committees at all levels, within their function, responsibility and authority, shall be responsible for state management on disability; mainstream disability work into local socio-economic development plans; provide good conditions for persons with disabilities to perform their rights, duties and responsibilities; encourage organizations and individuals to support persons with disabilities.

CHAPTER X

EXECUTION PROVISION

Article 51. Law Application

1. Persons with disabilities who are accredited for making good contribution to the national revolution, and are receiving pension and monthly social insurance allowance shall not be entitled to preferential policy regulated in provision 1 under Article 44 of this Law. However, they shall be entitled to preferential policy regulated in provision 1 under Article 44 of this Law if the Law on persons accredited with contribution to the revolution and the Law on Social Insurance do not specify this support.
2. Persons with disabilities who are eligible to enjoy many preferential social protection policies are only entitled to enjoy the highest preferential policy.
3. Persons with disabilities who are nursed and taken care of in social protection establishments prior to the date of enactment of this Law, will continue to be taken care of and nursed in social protection establishments as regulated in provision 2 Article 45 of this Law.

Article 53. Execution Effect

1. This Law shall be enacted from January 1st 2011;
2. The Ordinance on Disabled Persons promulgated in 1998 shall be superseded as from the date of enactment of this Law.

Article 54. Implementation Guideline

The Government and other authorized agencies shall regulate in details all points, provisions and articles and other provisions regulated under this Law; and provide other necessary guidance to meet the state management requirements.

This Law was passed by the National Assembly of the Socialist Republic of Vietnam Term 12th, Session 07 on 17 June 2010.

Chairman of the National Assembly

Nguyen Phu Trong

(signed and sealed)