

9 SUPPORTS TOWARD PWD

Care and support for PWD has been considered to be a tradition in Vietnamese society. It is also a priority issue in the Government's social policy framework. Since its inception in 1945, the government of Vietnam has issued various policies and legal documents that have created a favorable legal framework for resource mobilization and implementation of assistance activities for PWD.

9.1 Legal provisions

The first important legal document is the Constitution of Vietnam in 1946 and its amendments (in 1980 and 1992) confirming the undeniable equal rights of disabled people. The Constitution also forms the fundamental base for the construction of more specific and direct policies to support PWD in many aspects of life. Examples of these policies include the Labor Code (1994), the Decree 81CP (1995), the Laws of Protection and Care for Children (1996).

Most notably, on July 30th 1998, the Standing Committee of the National Assembly promulgated the Ordinance for Disabled Persons that stipulates clearly roles and responsibilities of government bodies, society and families towards PWD and affirms their rights in key areas of life, including health, education, employment and social participation. The Ordinance also defines the date of April 18th to be the Day of Care and Protection of People with Disability.

Social assistance

One year later on July 10th 1999, the Government issued the Resolution No 55/ND-CP that provides guidelines for the implementation of some Articles of the Ordinance. It stipulates norms of regular minimum subsidization to a person with disability who does not have any source of income; and who does not have family; or who has family but with economically insufficient income to receive an amount of 45,000 VND per person per month from commune's or ward's authorities; or to receive an amount of 100,000 VND per person per month at a social support center established by the government. A severely mental disabled person living at a fostering center established by the government receives an amount of 115,000 VND per month.

Health care

The Resolution also confirms the rights of PWD to receive guidance, advice, and services, including rehabilitation, at health care establishments. The Article 8 stipulates in detail that a person with disability who is defined to have artificial limbs or orthopaedic devices can buy those devices according to the government stipulated (reduced) price or can be provided free of charge if being recommended by his/her commune's or ward's People Committee. For severely disabled people who do not have any source of income; and who do not have anyone to rely on; and who are classified by local government to be poor can have health care costs

exempted. When a severely disabled person who is under subsidization scheme dies, burial services are undertaken by the local People's Committee or by the fostering center.

Education

Before 1995, education for children with disability used to be under the responsibility of MOLISA. On April 17th 1995, the Government has approved the Decree 26/CP on transferring this responsibility to the Ministry of Education and Training (MOET). On October 11th 1995, MOET has issued the Circular 20/GD-DT guiding and assigning the responsibilities for different institutions under MOET to plan of development of education for disabled children into a sub-branch of the national education system.

Chapter III of the Ordinance defines the support and the creation of favorable conditions and other regulations applied to students with disability, including considerations for exemption or reduction of school fees and other school contributions; and receiving social subsidies and scholarships. Education for CWD is provided either in integrated education in general schools or in specialized schools. Teachers teaching in specialized schools are granted special allowances.

More specifically, the Resolution No 55/ND-CP stipulates in the Article 11 that students with disability who have no one to rely on; and who are recommended by the commune/ward People's Committee to be fostered in support centers are exempted of school fees during the time of staying there and receive a social subsidy with an amount of 100,000VND per person per month; and they are provided with books, notebooks, learning tools according to the Regulations of MOET. Teachers of specialized schools/classes for general education or vocational training should receive special allowances. Private organizations which open schools, or charity classes teaching general education or vocational training to PWD should receive convenient conditions for getting working license by local authorities. The Education Law promulgated on December 11th 1998 encourages organizations and individuals to open schools/classes for people with disability in order to help them to have rehabilitation, education, vocational training, and social integration.

The Law of Protection and Care for Children and the Law of Universalization of Primary Education also address the education for disabled children.

In 1997 the Prime Minister has approved the Resolution 121 Ttg on the scholarship for disabled students in public universities and vocational schools: a disabled student should receive 120,000VND a month.

Vocational training and employment

The Article 13 of the Labor Code issued in 1994 confirms that the Government, enterprises and the entire society have responsibilities to provide jobs and to ensure that all people who are capable of work to have opportunities for employment. The Chapter XI, item III defines specific regulations for laborers with disability. Article 125 of this Item confirms that the Government will protect the rights to work of PWD and encourage job creation for them.

Every year, the Government spends a certain budget to assist people with disability to rehabilitate, improve working capacity, and to attend vocational training. The Government has a policy to give them loans with low interest rates for job creation. Production or vocational training establishments accepting PWD to work will get support or tax exemptions or reductions, and will be given loans with low interest rates. Establishments which do not accept people with disability have to pay an amount to the Employment Fund in order to assist people with disability.

According to the Article 126, working time for disabled laborers is 7 hours per day and 42 hours per week. Article 127 defines regulations and working conditions for disabled laborers. According to Article 128, laborers who are invalid, disabled veterans should receive a special subsidy besides the above stated benefits.

The Resolution No 81/CP of the Government issued on November 23rd 1995 defines that PWD studying at a government vocational training center should receive an exemption of 50 percent of tuition fee if they lost from 31-40 percent of their working capacity; 100 percent of tuition fee if they lost 41 percent or more of their working capacity. During their period of training, if they do not have a salary, allowances, or scholarship, they should receive a social subsidy of 100,000VND per person per month. This Resolution provides a series of regulations on subsidy to PWD in the duration of their vocational training and duration of looking for jobs.

The Circulation No 23/TCT of the Ministry of Finance (MOF) about tax exemption to production units having PWD defines regulations of tax exemption to businesses meeting stipulated requirements including sale tax, income tax, housing tax, and tax on use agricultural land.

The Ordinance defines the Chapter IV regulations on employment and vocational training for PWD. The Government and economic organizations should have responsibilities to create favorable conditions for people with disability to choose suitable occupation, vocational training, and employment. Vocational training centers and production units having PWD should receive loans, subsidized teaching devices, and production equipments as well as tax exemption from the government.

The Resolution No 55/ ND-CP of the Government clearly stipulates that PWD who are in needs of professional orientation, consultation, vocational training, and employment should receive help from employment service centers with reduction/or exemption of service fee. In the case PWD are themselves employed, they should receive priority to borrow loans with special interest rates according to laws. Article 10 defines that schools or vocational training facilities should give exemption or reduction of tuition fee and other contributions, or provide scholarships and social allowances to students with disability studying at vocational facilities or undergoing update vocational training at public schools.

Article 21 of the Ordinance and Article 13 of the Resolution No 55/CP define that administrative organizations which have demand for recruitment of new staff or for labor contracts should inform in public about their demand and should not refuse people with

disability if they show sufficient working ability. Criteria for selection should be applied to both non-disabled and disabled people with the exception of specific cases.

Participation in cultural activities and sport; and to use of public facilities

The Chapter IV of the Ordinance defines favorable conditions for PWD to participate in cultural activities, sports and to utilize public facilities. Articles 24 and 25 stipulate that the Government and society should create favorable conditions for PWD to develop their potentials and ability in literature and arts, sports, sciences and technologies; their creativity in works, performances, competitions at home country and abroad; and to participate in other cultural and sport activities. Article 26 defines that the construction of houses, public facilities, transportation and communication means should consider utilization needs of PWD. In addition, on November 17th 2002, the Ministry of Construction issued the Vietnam Construction Standards: TCXD-VN 264/2002 “Houses and construction – Fundamental principles on construction to assure PWD accessibility and Use”; TCXD-VN 265/2002 “Roads and pavements - Fundamental principles on construction to assure PWD accessibility and Use”; and TCXD-VN 266/2002 “Residential houses - Fundamental principles on construction to assure PWD accessibility and Use”.

Article 11 of the Ordinance on Sport approved by the Standing Committee of the National Assembly on September 25th 2000 stipulates that the Government and the society should create favorable conditions to help PWD to participate in sports and physical activities; to provide means and convenient conditions for training and competitions of games which are specifically for PWD. Article 36 defines that sport and physical facilities should have responsibilities to help and support PWD to participate in sport and physical activities.

International agreements

Vietnam is one among many nations which actively supported and participated in international activities and treaties for disabled people. In 1982, in response to the International Year of Disability promoted by the United Nations, the Government of Vietnam has established the National Committee for the International Decade of Disabled People. In 1993, Vietnam signed the Joint Declaration on the Rights to Equal and Full Participation of Disabled People of the Asian –Pacific Region.

9.2 Institutional structure of support

State

The Chapter V of the Ordinance defines the government management of the protection and care for PWD. MOLISA is assigned to be the chief ministry responsible for the overall management of activities relating to protection and social assistance for people with disability. Other line ministries and ministerial level organizations have responsibilities to coordinate with MOLISA in their programs of PWD support. The People’s Committees at all levels have responsibilities to manage the implementation of protection and care for PWD residing living in their localities.

The Chapter III of the Resolution No 55/ND-CP also stipulates that MOLISA implements the government management of protection and care for people with disability in the whole country. Ministry of Health takes responsibility in providing health care for disable people including rehabilitation, orthopaedic, and primary health care for disability prevention. MOET takes responsibilities to train teachers, to develop curricula, and textbooks for teaching students/pupils with disability.

According to Article 26 of the Ordinance, the Ministry of Construction, the Ministry of Transportation and other related ministries should develop construction standards used in constructions of public facilities, hospitals, schools, offices and transportation means that meet utilization demands of PWD. The Ministry of Construction defines prioritized regulations for PWD in using public transportation; reduction/exemption of transportation fees; and exemption of fees for transportation of wheelchairs and trolleys serving PWD.

The Ministry of Culture-Information and the mass media are responsible for propaganda, to widely introduce measures of disability prevention, policies, and regulations of the government to people with disability, to promote assistance to people with disability in the community; to develop and broadcast education programs about people with disability; to create favorable conditions for disabled people to participate in appropriate cultural activities. Other ministries and branches take responsibilities to implement the protection and care for people with disability according to their defined functions, responsibilities and authorizations.

The People's Committee at different levels is responsible to implement the government management of protection and care for disable people living in localities; to identify the number and structure of disability population in the localities; to implement policies, and to promote disability prevention and assist disabled people.

In February 2001, the Coordination Committee of Assistant Activities for People with Disability was established with members who are representatives from MOLISA, MOET, Ministry of Construction, Ministry of Transportation, MOH, Ministry of Culture and Information, Committee of Sports and the Association of Blind People in Vietnam.

Mass organizations

Besides government organizations, mass organizations such as the Women's Union, the Veteran Association and other organizations of people with disabilities such as the Association of Blind People, the Red Cross, etc. are also actively involved in assistance activities for disabled people.

During recent years, many social organizations supporting people with disability have been established and are very active. Examples include the Association of Social Protection of Disabled Children and Orphans (1993), the Vietnam Association of Supporting Disabled Children (1994), etc. The movements of disabled people supporting each other, especially in Ho Chi Minh City, have been set up and proved to be effective. This reflects the shift from the tendency of passively receiving support from the state to the active tendency of self-help and mutual support of PWD themselves.

9.3 Policy implementation

Regarding the implementation situation of these above policies, as of 2002, 111,185 people with serious disabilities (30.6 percent of the total) received social assistance in their communities or social protection centers. The number of PWDs receiving social protection in 2002 was double that in 1998 when the Ordinance on PWDs was promulgated. Of the 327 social protection centers in existence in 2003, there were 21 centers established and funded by the Government. There were nearly 610,000 PWD who were wounded soldiers and those that benefit from Decree No. 28/CP of 29/4/1995. There were about 29,000 people that participated in the resistance and about 40,000 children that were affected by toxic chemicals received monthly social assistance allowance.

As of June 2001, the community-based orthopaedic rehabilitation network has been extended to 41 provinces. Training was provided to 74 percent of families having PWD. 44 percent of PWD were integrated into their communities, and 56 percent of children went to school and integrated into their communities.

From 1998-2002, about 12.5 percent of people with serious disabilities, that is 2.9 percent of the 5.1 million PWD, underwent orthopaedic rehabilitation operations.

In 2003, there were 70 special schools for 6,000 children with disabilities and 50,000 children with disabilities were going to integration classes. There were about 16,000 vision impaired people studying Braille. There were about 400 businesses for PWD with a total number of 15,000 employees.

According to an assessment of the Government, these above policies have created a favorable legal environment for PWD and their organizations' access to basic social services and economic activities. There has been a rapid increase in the number of PWD receiving social assistance, orthopaedic rehabilitation, free health care and medical treatment, vocational training and found jobs. The issue of assistance to PWD has been broadened, it now includes the promotion of PWD participation in all aspects of social life. There are more associations for PWD and international cooperation in the interests of PWD has been expanded. Overall, a nation-wide movement to care for PWD has been promoted.

From the government's point of view, according to the assessment, weaknesses identified are as follows:

- There is not yet a harmonization among the related legal instruments and policies;
- A number of implementation guidelines are still vague and they were not provided in time for prompt implementation of the related legal instruments and policies;
- Regarding resources, the Government budget for PWD has increased but remains limited;
- Advocacy work has not been done regularly and needs more substance, especially at the grassroots level;

- Just a limited number of children with disabilities can go to school. Current models of special education or integration education for them need to be made more effective and there need to be more teachers trained to educate children with disabilities;
- Capacity in health care, medical treatment and orthopaedic rehabilitation remain limited;
- Management and use of resources, including monitoring work, need to be improved to enhance coordination, effectiveness and transparency;
- There needs to be stronger and more effective policies and measures to prevent injuries;
- Most public facilities do not have features convenient for PWD access and use.

9.4 Support for PWD at the surveyed communities

Indeed, the major assistance and care for most disabled people in Vietnam comes from their families and communities. In the survey, we attempted to document the support that the community gave to PWD in the studied areas. We also wanted to understand perception of the community towards the support needs of PWD, as it will significantly define directions of actual support towards more efficiency.

It is encouraging to see that, as proved by the data, the majority of families in the studied areas supported PWD at least occasionally. However, care should be taken in concluding about the readiness, or willingness, of the community to support PWD. It should be noted that support for PWD is a policy matter which has been translated into actual programs. Increasingly the government insists

on societal responsibility towards various social issues, including support for the poor and the disabled. A specific term for this new approach is “socialization”, which essentially means societal contributions both in terms of material and labor inputs. At the community level, local people were asked, sometimes with administrative enforcement measures, to contribute money to various social programs, either national or local. Thus, the high percentage of families supporting PWD should be considered less in terms of their readiness and willingness. As a matter of fact, in our interviews, many respondents said that they were “forced” to support PWD.

Still, from 5 to about 24 percent of families at the studied provinces never support PWD. The percentage varied across provinces, with the highest in Dong Nai and the lowest in Quang Nam – Da Nang (Table 87).

Table 87. Family support for PWD (%)

	Thai Binh	QN - DN	Dong Nai
Often	12.4	17.0	12.1
Sometimes	74.5	77.6	64.1
Never	13.2	5.4	23.7
Total	100.0	100.0	100.0
N	1085	1078	1079

Table 88 lists three major forms of support that the families in the studied provinces gave to PWD, namely money, food and/or clothes, and moral support. Again we see that the support is charitable in nature. Few families

Table 88. Forms of support (%)

	Thai Binh	QN - DN	Dong Nai
Money	93.1	91.0	84.3
Food or/and clothes	17.4	24.2	41.6
Moral	46.2	40.4	30.0
N	1085	1078	1079

reported support such as information provision, employment introduction or provision, support in work, or calling for overall community support for the PWD.

Support is mainly psychological and sentimental.... Occasionally we received some sugar and milk. (Female respondent, Thai Binh)

Obviously, an important factor contributing to the willingness and actual support of households towards PWD is economic, i.e. households with higher income should have more capacity to provide support. Data from the survey show that there were much higher proportions of households with higher income often supporting PWD, compared to households of the lower income brackets. For example, in Thai Binh, while the proportion of households with income per capita higher than 5.5 million dong often supported PWD was 18 percent, the figure for households with income per capita lower than 3 million dong was just 6 percent. In Quang Nam – Da Nang, these figures were 23 versus 12 percent. For Dong Nai, it was 17 against 5 percent. These gaps in support are illustrated in Chart 47.

Chart 47. Household often supported PWD by income group (%)

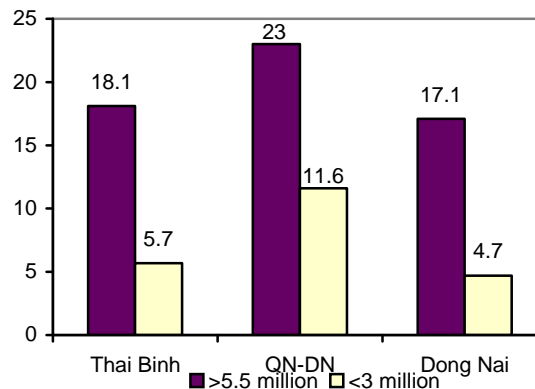
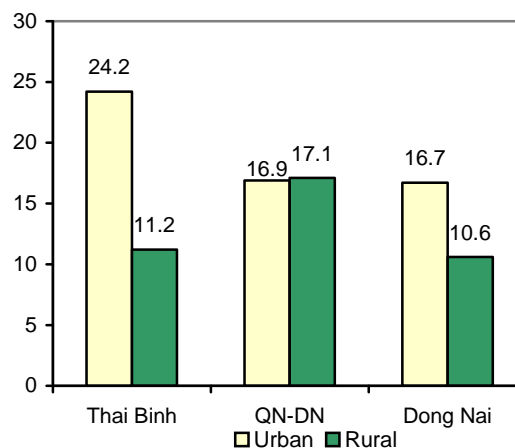
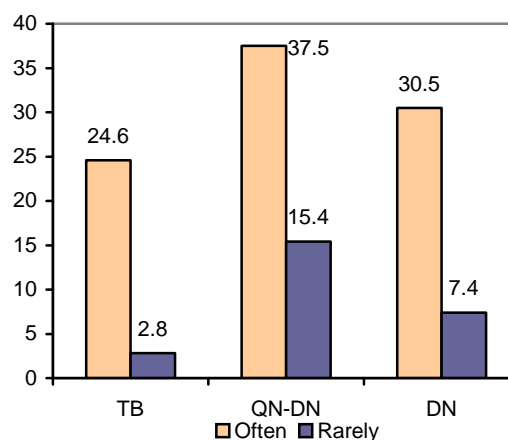


Chart 48. Household often supported PWD by area (%)



Support for PWD also varied between urban and rural areas. Clearly, urban households are often in a better economic situation to provide support. Except for the case of Quang Nam – Da Nang, for the other two provinces of Thai Binh and Dong Nai, we can see a clear gap between urban and rural households that often supported PWD (Chart 48).

Chart 49. Households often supported PWD by frequency of information receiving (%)



Frequency of receiving information on PWD also plays an important role. Comparison between households that often and those that rarely received information show a large gap, as the percentage of households of the former groups that often supported PWD was much higher than that of households of the latter group. In Thai Binh, the gap was between 25 percent of the former group of households and merely 3 percent of the latter group. In Quang

Nam – Da Nang, it was 38 versus 15 percent. For Dong Nai, the gap was between 31 and 7 percent (Chart 49).

Beside support that came from other families in the communities, in the survey, we also collected information about actual government supports taking place at all the studied communities. Figures in Table 89 show clearly that most of the support was on tax reduction, tuition reduction or waving, social / health insurance, free medical treatment, rehabilitation, wheelchair. Little supports were observed by respondents in various areas of human development and social participation, for example in employment provision, vocational training, recreational and cultural activities, and participation in local organizations. Clearly, these above supports, while helpful, did not fully meet the needs of PWD. These supports, as we can see, were more towards social assistance, rather than capacity building and social participation. As expressed by a local government official in Thai Binh, such supports, although needed, are not sustainable. It can also be counter productive, making PWD more dependent.

Table 90 listed what PWD themselves wanted to see developed in their community. As we can see, many respondents wanted to have support relating to employment and vocational training, reflecting not only the need to improve family income, which is often low among family with PWD, but also their desire to have their rights to work achieved. Employment therefore should be seen as an urgent social need for PWD.

Needless to say, many respondents were really concerned about having social and health insurance as well as free medical treatment, as current support did not meet demand. Finally, some considered having more institutions where care is provided to PWD as an important need.

Table 89. Observed supports at community (%)

	Thai Binh	QN-DN	Dong Nai
Social Assistance			
Tuition reduction	21.7	29.7	15.3
Social/health insurance	52.4	63.8	27.1
Free medical treatment	39.7	58.2	26.2
Rehabilitation	9.0	15.5	10.0
Wheelchair	9.6	17.0	11.6
Capacity building			
Employment	6.7	9.6	7.9
Vocational training	6.1	8.9	6.7
Recreational/cultural activities	3.1	10.2	5.0
Organization participation	5.0	8.4	1.5
N	1568	1633	1625

Table 90. Further supports needed (%)

	Thai Binh	QN-DN	Dong Nai
Employment	36.4	28.2	35.0
Vocational training	21.5	12.9	14.0
Social/health insurance	33.1	28.8	33.0
Free medical treatment	36.5	24.8	42.0
Rehabilitation	27.7	26.3	26.3
N	1568	1633	1625

Government's and societal support should be comprehensive, and should not be charity-oriented, i.e. we should give them the fishing-rod, not the fish. Charity-like support make them over reliance. (Local government official, Thai Binh)

The disabled persons should know clearly that they can not simply ask the government and society to care about them. They must assert themselves first so that they can take advantage of support given to them. Government and societal support should be considered as a catalyst only. We cannot totally depend on the government. (Local government official, Thai Binh).

Ironically, other important needs regarding social participation were not seriously considered by community and PWD themselves. This however does not reflect reality, as those needs are strong. Rather, it shows how needs were socially constructed: people do not see the benefits of social participation for PWD, including PWD themselves.