

NGO Resource Centre
Disability Working Group meeting on 28 May, 2009

Meeting Minutes

Agenda:

1. Introduction of participants
2. Briefing on the last DWG core member's meeting
3. Introduction of the Draft Law: Process, result and upcoming activities by Representative of MOLISA.
4. Discussion on the Draft Law
5. Discussion on the next DWG meeting: Date, Theme, and Chair

Meeting chaired by VNAH

Note taker: Phan Thu Ha – NGORC

Detail content:

1. **Self introduction by all participants**
2. **Briefing on the last DWG core member's meeting**

Ms. Phan Ha from NGORC briefed the summary information of the core group meeting from the sixth of May. The participants of core group members included: MCNV (Dung), CRS (Nguyen), VNAH (Diep), VVAF (Thu Ha, Linh), HI (Marieke), VUFO-NGO (P Ha, Marko). VSO was unable to attend. The discussion points at the meeting were:

- a. Review of DWG activities from January 2008 to May 2009
- b. Revision of DWG TOR
- c. Future chairmanship
- d. Work plan for 2009

Several key issues were agreed upon:

- i.** Revise the existing TOR based on the comments from the meeting; share draft with DMWG for further input; then consolidate all comments;
- ii.** All DWG Core Group members agreed to keep rotating the position of chair; the rotating chair will be the main focal point for other partners on behalf of the DWG;
- iii.** DWG Core Group will also meet two times a year; additional meetings will be organized when the needs arises; six key themes were chosen for the 2009; and the Core Group members were encouraged to take the lead for the following themes:

- a) Law on Disability
- b) Awareness of People with Disabilities (PWD)

- c) Community Based Rehabilitation (CBR)
- d) PWD Education
- e) PWD accessibility to Information and Communication Technologies (ICT)
- f) PWD vocational training, employment, and self-help

3. Introduction of the Draft Law: process, result and upcoming activities by Representative of MOLISA.

Mr. Lap from Social Protection Department - MOLISA briefed the Process of drafting the Disability law and consultation with different organizations and agencies.

During the process of drafting the law, many regional workshops and conferences were organized in order to gain input/comments from various provinces. The second draft was completed in May 2009. All feedback from Provinces and international organizations will be consolidated to create the third draft in June 2009. The Drafting Team expects to submit the draft law to the National Assembly in October.

The draft law has 9 chapters with 36 articles

Chapter 1: General provision, 11 articles on definitions, types, and levels of disability

Chapter 2: Check -up, treatment and rehabilitation

Chapter 3: Education for PWD

Chapter 4: Vocational training and employment focus on Disability

Chapter 5: Culture, sports, and entertainment

Chapter 6: Accessibility to public works, public transportation, and information technology.

Chapter 7: Social welfare and the PWD institution

Chapter 8: Responsibility of the State Agencies with the PWD

Chapter 9: Implementation of the law

Mr. Lap confirmed that these new points combined with old Ordinances on Disability. He mentioned several new key points in the draft law which is indicated below:

1. Before Vietnam created an Ordinance on Disability dated 30.7.98, the government issued 19 laws and 200 documents on disability. The new draft law will consolidate all those into one document.
2. In the draft law, it develops the framework to ensure and encourage the participation from organizations, individuals, and the PWD
3. The content of draft law keeps existing documents (article on Employment law and Education law) and includes more content in order to be suitable with other legal documents.
4. The new law will reflect the commitment of the Government of VN
5. The new law has sufficient financial regulations, and mechanisms for monitoring/evaluating, and punishing organizations or individuals who do not follow the disability laws.

Mr. Lap also mentioned key issues which received many comments from authorities of different provinces.

1. The definition of disability especially changing the word use in PWD “khuyet tat” instead of “tan tat”
2. Classifying the type, level, allowance, and support for each type of PWD.
3. This includes the policy on education, allowance, health care, culture, ICT and public facilities available to PWD. These issues received strong agreement from participants that the government should improve all services and take care of benefits to improve the life of PWD.
4. Financial constraints as well as human resources for implementation of the law were also considered. Currently, more than 30 Universities in VN provide training curriculum on social work.

VNAH informed the group that in July a consultation workshop will be held in order to receive more comments and feedback from the NGO community. Thereafter, the NGO community will have one month to send their comments on the draft.

Participants appreciated Mr Lap’s presentation and found it extremely interesting as evidenced by the comments and questions that followed. NGO staff and other stakeholders took the opportunity to ask more detailed questions about the involvement process, new points in the draft law, and other issues relevant to PWD.

Questions and Answers/Comments:

Q. Can you please explain the process of how the law is developed? Did you receive help from other organizations and stakeholders?

A: MOLISA forms a Drafting Team which is composed of members from relevant ministries including MOET, Information and Communication Ministry, Ministry of Health, and Ministry of Transportation. We also consult with government agencies who manage PWD, and relevant associations for PWD. This includes consultation with individuals who have many different types of disabilities; this consultation is arranged through the NCCD Office. We develop the law based on the rights of PWD. Soon, with the support from UNICEF, we will organize one more workshop to have participants from CWD. The voice of CWD will also be added to the law.

During the consultation process, we also invited international consultants who specialize on Disability Law in the area of development; this includes Professors from Korea and specialists such as Ms. Elizabeth, among other legal experts from the US. During the consultation workshops in Hai Phong and Can Tho, we also received comments from local levels of MOLISA and Government Agencies. The PWD was also invited to join and provide comments.

With support from VNAH on 14.6, MOLISA will organize a study tour; the team, which includes the Vice Minister, will learn about the drafting law process on disability in Japan and China.

Comment on explanation of terminology:

- In Article 14 – Chapter 2: the draft law also mentions the CBR but it is not very clear.

- Article 7 – Chapter 1: on Organizations of Vietnamese with Disabilities, we should use the most general word of the PWD organization. In August, Vietnam will organize one Federation on PWD and it should be linked to this as well.
- In article 7 we are planning to write: “organization of disability.” Then PWD can set up their own association.
- Regarding the CBR- Government agencies have a responsibility to provide social security and this should be made clearer in the law.

Q. What is the mechanism for implementing this law? You mentioned that this law will keep prior existing documents so what happens when there is a conflict? For example in labor law the PWD can work 7 hours a day, but does the new law address this?

A. In Article 11, the drafting law uses the word “forbid” in 8 points. This demonstrates the strength of the law. Another article clearly stipulates the responsibility and Monitoring & Evaluation mechanism in the implementation of this law. MOLISA believes that these regulations are strong enough. Implementation of circular of this law will be issued later on.

Q. Related survey from GSO 2008... Do you use this figure? Why are the two figures different?

Following the survey of GSO, the number of PWD is about millions 12, which is approximately 16% of the VN population. Following the survey of MOLISA – the Social Protection number of PWD is 5.3 million. The difference in results is due to the varying classification criteria used for the surveys. Currently the VN Government has not developed one consistent criterion for classifying PWD.

Q. When we develop this law, what perspective do you take? Do you classified PWD based on International Classification Functioning or do you follow the traditional classification of the Health in VN based on mobility, visual, hearing, and listening?

A. We have different principles when we developed this law. First, we based the law on the UN Convention of the Rights of PWD. Second, we based the law on the principles used by the ICF. We used multiple perspectives in drafting the law.

Q. We can classify disability according to various perspectives such as the social, health or educational perspectives. Is it not surprising that we do not have a consistent criterion for classifying Disability?

A. Currently Vietnam has not developed one consistent criterion for classifying Disability. However, in Article 3 of the draft law we plan to clearly state the classification type and level of disability.

We will classify 4 types including a testing of health.

Following were some detailed comments from participants at the meeting:

- It was suggested that the Definition of Disability should be changed and it should be based on both a social model and a functional model.
- In article 20 Chapter 4: the order of the words should change to “the vocational training and employment”
- There is a need to add regulations for Employers based on a principle of inclusion.
- The language of article 8 explaining Independent living should be revised
- Chapter 4 on Education: inclusive education and the explanation of semi-inclusive education should be incorporated. The draft law does not mention children with disabilities who do not attend school.
- It should be made clear what percentage of the government budget should go towards PWD.
- Issues such as signature languages and hand writing for blind people were mentioned. The draft law should include rehabilitation issues.
- Chapter 2: Government should consider supplying an insurance card for PWD
- Chapter on Sport Culture: Article 26. 2 Should include regulations for accessibility at sporting events
- In Chapter 6: should include an agreement/ idea of DPI in the design construction
- Chapter 8: Ministry of Industry and Trade was not mentioned in the implementation section. Issuing PWD's driving licenses for cars and motorbike is not regulated.

The Chairman and Mr. Lap expressed their deep gratitude to all participants. On behalf of the drafting team, Mr. Lap stated that all comments and suggestions from today will be taken into account when the team revises the draft law. The key issues included raising awareness of discrimination involving PWD and using a rights-based approach in drafting the law. There was also a particular concern with the mechanisms for implementing and enforcing the law. It was acknowledged that the laws that will be used to punish people who violate the newly enacted legislation were beyond the scope of the current discussion.

Follow up actions:

NGOs can send further comments to the VNAH Office or contact the Social Protection Department at tel: 0437478661.

6. Other updates

6.1. Currently Idea is conducting a survey on legal service to support PWD. Idea will circulate the questionnaire to the mailing list and relevant organizations for feedback on the questionnaire.

6.2 Landmine survivor Network:

LSN expects the DWG will join the workshop on landmines; the workshop concerns victim assistance and the Cluster of Convention (treaty). LSN will circulate the invitation for the workshop to the mailing list afterwards.

7. Discussion and agreement on next meeting, date, theme and chair

Participants discussed and agreed upon the organizations who will be responsible for the upcoming working group meetings. The tentative schedule is below:

- a) Law on Disability (VNAH – already took place in May and all participants will follow up to give additional comments to the Drafting team)
- b) Awareness of People with Disabilities: meeting will be held on 9 July 2009 and be facilitated by Handicap International and Hanoi DPO.
- c) Community Based Rehabilitation (CBR) – meeting will be held on 10 September 2009 –and facilitated by MCNV and LSN
- d. PWD Education – the meeting will be held on 12 November 2009 and facilitated by CRS and HI
- e) PWD accessibility to Information and Communication Technologies (ICT) – the meeting will be held on the second Thursday of January 2010, and facilitated by VNAH
- f) PWD vocational training, employment, and self help – the meeting will be held on the second Thursday of March 2010 and facilitated by VSO and IDE.

The meeting closed at 5 PM