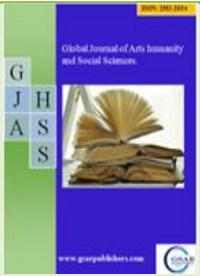
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RIGHTS OF ACCESS AND PARTICIPATION IN SOCIAL ACTIVITIES OF PERSONS WITH DISABILITIES ACCORDING TO THE INTERNATIONAL CONVENTION (CRPD) AND SOME RECOMMENDATIONS FOR LEGALIZATION IN VIETNAM

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Abstract

The right to access and participate in social activities of persons with disabilities is stipulated in the Convention on the Rights of Persons with Disabilities, to ensure that they are treated equally, integrated and not discriminated against. The Convention requires member states to create conditions in terms of laws, infrastructure, and support services so that persons with disabilities can fully participate in social life, including education, employment, culture and politics. In Vietnam, although there has been some progress in developing policies and laws to protect the rights of persons with disabilities, there are still many challenges in implementation and social awareness. To effectively internalize the United Nations Convention on the Rights of Persons with Disabilities, it is necessary to supplement and amend current legal provisions in a more detailed and practical direction, raise public awareness, and strengthen monitoring of implementation. At the same time, it is necessary to build a comprehensive access environment, from infrastructure to public services, to ensure that people with disabilities are truly integrated and develop equally.

Keywords: Access, participation, people with disabilities, international convention

I. PROBLEM STATEMENT

Persons with disabilities (PWDs) are one of the subjects that exist in society, however, they often face barriers in participating in social activities. The Convention on the Rights of Persons with Disabilities (CRPD) adopted by the United Nations General Assembly on December 13, 2006 has created an international legal framework to protect the rights of PWDs to access and participate in all areas of life, including education, labor, culture, and politics. Vietnam's signing of the CRPD in 2007 and ratification of the CRPD in 2014 is an important step forward, demonstrating its commitment to ensuring equality and inclusion for PWDs. However, the implementation of the provisions of the Convention in practice still has many limitations, especially in the field of internalization and implementation in Vietnam. Many current legal regulations are not consistent, leading to difficulties in implementing the rights of PWDs, especially in accessing infrastructure and public services. Therefore, researching and proposing specific recommendations to internalize the Convention and ensure the right of PWDs to participate in social activities is an urgent task to promote an inclusive, non-discriminatory society.

II. RESEARCH CONTENT

2.1 Concept of disabled people.

According to the Americans with Disabilities Act of 1990 (ADA), "A disabled person is a person who has a physical or mental impairment that significantly affects one or more major life activities. According to the classification of the World Health Organization, there are 3 levels of impairment: impairment, disability and handicap".

"Disabled people are one of the most vulnerable groups in society. Disability and prejudice in societies often cause them to suffer double harm. That is why disabled people often face many difficulties in exercising their human rights". According to the CRPD adopted by the United Nations General Assembly on December 13, 2006, it is clearly stated that: Persons with disabilities "include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others". Thus, the development of a system of concepts related to PWDs based on a social approach



and a rights-based approach is a key factor affirming the importance and necessity of the CRPD Convention as an international legal document containing comprehensive international standards related to the issue of disability and PWDs.

According to Article 2 of the 2010 Law on Persons with Disabilities in Vietnam, PWDs are defined as: "Persons with disabilities are those who have impairments in one or more body parts or functional impairments manifested in the form of disabilities that cause difficulties in work, daily life and study".

Thus, PWDs are individuals who have physical, intellectual, or mental impairments that cause limitations in their ability to perform normal activities of daily living. Disabilities may be present at birth (congenital) or arise during life due to accidents, illnesses, or other causes. Common types of disabilities include: (1) Motor disabilities (Due to loss or impairment of motor function, resulting in difficulty in moving, standing, walking, or grasping). (2) Hearing and speech disabilities (Including people who are deaf or mute, making them unable to hear or communicate verbally). (3) Visual disabilities (People who are blind or severely impaired, causing difficulties in perceiving the world around them). (4) Intellectual disabilities (Relating to a decline in the ability to learn, think, or understand). (5) Mental disabilities (Psychological, emotional or behavioral disorders that greatly affect the ability to self-manage and socialize). According to the report of the Conference summarizing activities in 2024 and setting out the direction and tasks for 2025 of the National Committee on December 30, 2024: "Currently, the whole country has over 8 million people with disabilities, accounting for 6.11% of the population aged 2 and over, of which 28.3% are children, equivalent to nearly 2 million, about 10% of people with disabilities are from poor and near-poor households; there are about 1.7 million people with severe and severe disabilities receiving monthly social benefits in the community, and over 3 million people with disabilities have been granted disability certificates"

2.2 The right to access and participate in social activities of persons with disabilities according to the International Convention on the Rights of Persons with Disabilities

2.2.1 The right to access of persons with disabilities according to the International Convention on the Rights of Persons with Disabilities

The CRPD was adopted in 2006 to promote, protect and ensure the human rights of persons with disabilities worldwide. One of the important principles of the Convention is the right to access, ensuring that persons with disabilities have equal opportunities to participate in activities in all areas of social life.

According to Article 9 of the CRPD, member states commit to take appropriate measures to ensure that persons with disabilities have full access to the physical environment, transportation, communications, as well as public or private services available to

the public. These measures include identifying and removing barriers to access in all aspects of social life.

"Accessibility of the physical environment" means that public facilities such as buildings, streets, and other public spaces must be designed to accommodate the needs of people with disabilities. Such regulations require buildings to have wheelchair access, elevators to be designed with appropriate control panels, and signs to be displayed in Braille or other easily understood symbols.

"Accessibility of transportation" requires that public facilities such as buses, trains, and airports must meet accessibility standards for people with disabilities. This includes providing designated wheelchair spaces, assistive services, and audio and visual information systems to assist people with visual or hearing impairments.

"Access to information and communications" means access to information technology, websites, and mass media services. States must promote the use of sign language, Braille, and other assistive technologies to ensure that people with disabilities have equal access to information.

In addition, the Convention also requires countries to raise public awareness of the rights of persons with disabilities, train public officials and develop policies to promote their full participation in society.

2.2.2 The right to participate in social activities of persons with disabilities according to the International Convention on the Rights of Persons with Disabilities

Articles 29 and 30 of the CRPD specifically mention the right to participate in social activities, including political, cultural, recreational and sporting life. Accordingly, persons with disabilities have the right to participate in political decision-making, including the right to vote and stand for election, through support measures such as information materials in Braille, sign language or assistive technology. Member States are responsible for ensuring an enabling environment for persons with disabilities to exercise these rights without any obstacles.

In the cultural field, the Convention encourages States to facilitate access and participation of persons with disabilities in artistic activities, cultural preservation and community development. This includes creating accessible facilities, ensuring access to cultural products such as books, films or performances in accessible formats.

In addition, the right to participate in recreational and sporting activities is also promoted. The CRPD requires countries to ensure the equal representation of people with disabilities in community sports activities, including as professional athletes. Measures such as designing stadiums, recreation centres or providing appropriate assistive equipment are necessary to meet the needs of this group.

The Convention also emphasizes the principle of "universal design", requiring member states to adopt policies that ensure inclusion and equality in all aspects of social life. In addition, raising public awareness of the rights of people with disabilities

through education and communication is also one of the important priorities to eliminate prejudice and social barriers.

The responsibility of States extends beyond policy making to implementation and monitoring. They must regularly report to the CRPD Committee on progress and challenges in promoting the right to participation of persons with disabilities. This ensures that all States are working towards the common goal: building a just society where every individual is respected and has the opportunity to develop their potential. Thus, the CRPD Convention not only recognizes the right to participation of persons with disabilities but also sets out specific commitments for member states. Strict implementation of these provisions will contribute to building an inclusive world where everyone has equal opportunities to live, contribute and develop.

3.1 Current status of access and participation in social activities of people with disabilities in Vietnam

3.1.1 Achievements

In recent years, Vietnam has made significant progress in ensuring the right to access and participate in social activities of people with disabilities. This is reflected in improvements in legal policies, community support programs and increasing social awareness. One of the important steps is the completion of the legal framework to protect the rights of people with disabilities.

On November 28, 2013, the National Assembly of the Socialist Republic of Vietnam passed the new Constitution and devoted Chapter 2 to regulating human rights in general, including the rights of people with disabilities, according to which: "Everyone is equal before the law, no one is discriminated against in political, civil, economic, cultural and social life".

On January 1, 2011, the Law on People with Disabilities officially came into effect. The promulgation of the Law on Persons with Disabilities in 2010 is a special legislative activity of Vietnam in fulfilling its national obligations and being a member of international treaties implementing commitments on the rights of vulnerable groups. The Law on Persons with Disabilities 2010 has established a legal framework and a relatively complete and comprehensive policy system to encourage, facilitate and promote equal opportunities for persons with disabilities to exercise their political, economic, cultural and social rights and promote their abilities to stabilize their lives, integrate into the community and participate in social activities. In addition, "in 2014, the National Assembly of Vietnam ratified the United Nations Convention on the Rights of Persons with Disabilities. In 2019, the ratification of ILO Convention 159 on Vocational Rehabilitation and Employment for Persons with Disabilities further affirmed Vietnam's commitment to ensuring that workers with disabilities are not discriminated against in terms of labor and employment. In 2022, Vietnam will join the Marrakesh Treaty on Facilitating Access to Writing and Works for Persons with Visual Disabilities of the World Intellectual Property Organization". In the field of education, efforts to expand learning opportunities for PWDs have

achieved positive results. "Persons with disabilities are supported with vocational education, job creation and livelihood support, vocational training and employment support. Vocational training facilities for people with disabilities enjoy many financial support and incentive policies. Nationwide, there are 1,130 vocational training facilities that organize vocational training for people with disabilities, including 225 specialized vocational training facilities. Every year, 17,000-20,000 people with disabilities and women with disabilities receive vocational training. On average, each year, employment service centers provide vocational training and job placement advice to about 20,000 people with disabilities and women with disabilities, with a success rate of more than 50%". Along with that, the Ministry of Education and Training has implemented inclusive education programs nationwide for children with disabilities at all levels of preschool and general education; taught about the application of information technology in education for students with disabilities; developed models of care for children with disabilities that cannot lack community elements.

Public infrastructure is also gradually being improved to become more friendly to people with disabilities. In large cities such as Hanoi and Ho Chi Minh City, public works such as train stations, bus stations and administrative areas are installed with ramps, elevators and Braille signs. In addition, Vietnam has implemented a policy of exempting and reducing fares for people with disabilities when participating in public transport according to the provisions of Article 12 of Decree 28/2012/ND-CP: "Minimum reduction of 15% for airplanes; a minimum reduction of 25% for trains, trams, ships, and passenger cars on fixed routes". Thereby, a number of provinces and cities have implemented assistance for PWDs as follows: In 2024, the People's Committee of Can Tho City and bus operators implemented a policy of reducing prices and exempting tickets for more than 200,000 passengers. The People's Committee of Quang Ngai Province has 340 PWDs with severe disabilities exempted from ticket prices, 762 PWDs with reduced ticket prices... At the same time, the Party and the State are also very interested in health care policies and social subsidies for PWDs such as: monthly social subsidies; monthly care funding support or care in social protection facilities depending on the level of disability and their actual condition. According to the report of the Ministry of Labor, War Invalids and Social Affairs, in the first 10 months of 2024, social assistance was provided to more than 3.7 million people nationwide, including 1.667 million people with disabilities and about 91% of people with disabilities in difficult circumstances received timely social assistance, care and rehabilitation.

3.2. Existing problems and limitations

In addition to the achievements, there are still many limitations and shortcomings in ensuring the right to access and participate in social activities of PWDs. "In reality, there are still shortcomings in the implementation of policies and laws on PWDs in some localities. PWDs still face challenges such as: Lack of teachers and educational managers trained in teaching methods suitable for PWDs; difficulties in going to school and studying due to inflexible classroom arrangements; difficulty in accessing public

works, lack of equipment and teaching aids; lack of opportunities to access suitable jobs and careers”.

One of the prominent problems is the lack of uniformity in building infrastructure to support PWDs. Although legal regulations require public works to ensure access for PWDs, in reality, many works do not meet these requirements. Dedicated walkways, elevators, appropriate toilets or public transport systems to support PWDs are still very limited. This makes it difficult for them to move, integrate and participate in social activities.

Along with that, the right to access education and employment for PWDs is still not fully guaranteed. Many educational institutions are not ready in terms of facilities, teaching methods and teaching staff to meet specific learning needs. In the field of employment, although the law stipulates priority in recruiting PWDs, in reality, many businesses have not focused on implementing it. Stigma, social prejudice and limited skills have caused the unemployment rate among PWDs to be high. Many people still consider PWDs as “burdens” rather than people who are capable of contributing to society. This attitude makes PWDs feel self-conscious and hesitant to participate in community activities. When businesses need to recruit workers, they often “accidentally” or do not pay attention to recruiting people with disabilities, so they often have quite strict detailed regulations on conditions for candidates for positions such as: appearance, height, face... and businesses also believe that the working ability and work efficiency of people with disabilities are very low, they cannot withstand high work pressure, according to progress, orders... In addition, according to Article 34 of the 2010 Law on People with Disabilities, production and business establishments employing 30% or more of the total number of employees with disabilities are exempted from corporate income tax, and are allowed to borrow capital at preferential interest rates... “However, in reality, the number of production and business establishments employing people with disabilities at a rate of 30% or more of the total number of employees is not much, so a number of production and business establishments employing people with disabilities - but less than 30% of the total number of employees - have not enjoyed preferential policies. State incentives. This is the cause of inequality between production and business establishments that employ people with disabilities (less than 30%) and production and business establishments that do not employ people with disabilities. Although Vietnam has signed and issued many conventions, laws and decrees to protect the rights of people with disabilities, implementation is still ineffective. Policies are often implemented slowly, lacking resources and supervision. Recently, when the Program to support people with disabilities for the period 2021-2030 was approved by the Prime Minister in Decision No. 1190/QĐ-TTg dated August 5, 2020, people with disabilities have had opportunities to access 4.0 technology, and opportunities for communication have been enhanced, which is very good for people with disabilities to integrate into the community, gradually eliminating barriers for people with disabilities. However, the dissemination of laws to PWDs and the community has not been implemented synchronously, leading to many people not knowing or not understanding their rights.

4.1 Some recommendations on the internalization of the United Nations Convention on the Rights of Persons with Disabilities in social activities in Vietnam today

4.1.1 Completing the national legal framework on the rights of persons with disabilities

Vietnam signed the CRPD in 2007 and ratified the CRPD in 2014. This demonstrates a strong commitment to ensuring the rights of PWDs. However, to fully implement these international obligations, it is necessary to complete the national legal framework and at the same time internalize the provisions of the convention to meet practical requirements in social activities.

Currently, the legal framework on the rights of PWDs in Vietnam has made significant progress, with the 2010 Law on PWDs and many related guiding documents. However, in practice, there are still many shortcomings, including the lack of uniformity in regulations, limitations in access to health services, education, employment and public infrastructure. In particular, social awareness of the rights of PWDs has not been raised, leading to discrimination and barriers to community integration.

To overcome these limitations, it is necessary to focus on a number of specific solutions: First, it is necessary to amend and supplement legal regulations to synchronize with the CRPD. Contents such as the right to access infrastructure, information technology, equal rights in employment, education and health care need to be specified more clearly and in detail.

Second, it is necessary to strengthen the role of monitoring and enforcing laws related to the rights of people with disabilities. The Government needs to establish independent mechanisms to monitor and handle violations, ensuring that the rights of people with disabilities are protected in practice. At the same time, it is necessary to enhance the responsibility of state agencies, especially in providing support services.

Third, it is necessary to promote propaganda and education to raise public awareness of the rights of people with disabilities. Building a non-discriminatory environment and encouraging the participation of people with disabilities in social activities is an important factor to ensure sustainability in the implementation of rights.

Fourth, it is necessary to promote international cooperation and utilize resources from international organizations to support the process of internalizing and implementing policies. Learning from the experiences of countries that have been successful in implementing the CRPD will help Vietnam achieve effective and practical results.

4.1.2. Strengthening measures to ensure the right to access the physical environment and information

In the context that Vietnam has ratified the CRPD, internalizing the principles of this convention is necessary to ensure the rights and

legitimate interests of PWDs in social activities. In particular, the right to access the physical environment and information is considered a core element, because this is the premise for PWDs to fully integrate into economic, political, cultural and social life. However, in reality, measures to ensure the rights of PWDs in Vietnam are still quite limited, which requires synchronous efforts from competent authorities, the community and PWDs themselves:

Firstly, regarding access to the physical environment, current public infrastructure in many places is not designed appropriately for PWDs. Facilities such as roads, buildings, and public transport often lack basic amenities such as wheelchair-accessible walkways, elevators with raised buttons, or accessible signage. To overcome this, it is necessary to revise and supplement technical construction regulations to ensure that all new public facilities meet accessibility standards for people with disabilities. At the same time, there should be plans to renovate existing facilities to remove physical barriers. This not only requires financial investment but also requires close supervision during implementation.

Second, regarding access to information, ensuring that people with disabilities can fully and easily access information is an important requirement. Currently, many media, public services, and government documents do not have support versions such as Braille, sign language, or audio formats. To improve, it is necessary to apply modern technology, such as artificial intelligence and text-to-speech services, to provide information in various formats. In addition, it is necessary to promote human resource training in sign language and assistive technology to better meet the needs of PWDs.

Along with that, there is a need for specific support policies to raise public awareness of the rights of PWDs. The participation of social organizations and communities plays an important role in promoting the implementation of these support measures. Organizing propaganda campaigns and training courses to raise public awareness of the rights of PWDs not only helps change perceptions but also builds a more equal and tolerant society.

4.1.3 Promoting the right to participate of PWDs in social activities

Promoting the right to participate of PWDs in social activities is not only a fulfillment of international obligations when Vietnam has ratified the CRPD, but also demonstrates the country's commitment to building a just, humane and sustainable society. However, to ensure that PWDs can participate in a substantive manner, specific solutions are needed that are appropriate to the current context of Vietnam:

First, it is necessary to develop and improve the domestic legal system related to the rights of PWDs. Currently, although there are policies and regulations to protect the rights of PWDs, their implementation in practice still faces many limitations. Therefore, it is necessary to fully internalize the principles of the CRPD, including ensuring the right to access, the right to freedom of expression and the right to participate in social activities without discrimination. Legal documents need to specify standards to

ensure that PWDs can access public facilities, information and social services.

Second, it is necessary to strengthen propaganda and raise public awareness of the rights of PWDs. Many prejudices and social barriers against PWDs still exist, making it difficult for them to integrate. Therefore, there is a need for community education programs to change perceptions and encourage the participation of PWDs in all aspects of social life.

Third, it is necessary to ensure financial resources and facilities to support PWDs. Social assistance programs and projects dedicated to PWDs need to be implemented synchronously and effectively, from supporting education and vocational training to creating conditions for them to participate in the labor market. At the same time, it is necessary to promote public-private partnerships to mobilize resources from society.

In short, promoting the participation of PWDs in social activities is not only the responsibility of the State but also a common task of the whole society, contributing to building an inclusive and sustainable Vietnam.

4.1.4 Improving the quality of education and vocational training for people with disabilities

In the context of Vietnam implementing its commitment to internalize the CRPD, improving the quality of education and vocational training for this group of people plays an important role. Education is not only a basic right but also a tool for people with disabilities to integrate into society, be independent in life and contribute to the overall development of the country. However, currently, the implementation of education and vocational training policies for people with disabilities still faces many challenges.

First, it is necessary to ensure that all people with disabilities have access to quality education, appropriate to their abilities and individual needs. To achieve this, building an inclusive, non-discriminatory learning environment is a core factor. Educational institutions need to be equipped with modern facilities and support equipment to meet the specific learning needs of each group of disabilities. In addition, the curriculum also needs to be flexibly designed, including content supporting life skills, communication skills and developing independence.

Second, the team of teachers and support staff need to be trained in-depth in inclusive education. They must clearly understand the psychology, abilities and difficulties that people with disabilities encounter. At the same time, the organization of professional training courses and specific pedagogical skills needs to be maintained regularly to improve teaching effectiveness.

Third, vocational training for people with disabilities needs to be linked to the needs of the labor market. Training programs must focus on occupations suitable to the abilities of each group of disabilities, while ensuring opportunities for practical practice and support in finding jobs after training. The government and social organizations need to coordinate with businesses to create effective vocational training models, supporting people with disabilities to

develop their abilities and have the opportunity to integrate into the working environment.

4.1.5 Strengthening medical support and rehabilitation for people with disabilities

In the context of Vietnam's efforts to implement the CRPD, strengthening medical support and rehabilitation for people with disabilities has become an urgent task to ensure equal access to health and social services. This is not only the responsibility of the State but also a common task of the whole society, contributing to promoting integration and sustainable development:

First, the Vietnamese legal system needs to be improved to comply with the principles of the CRPD, especially in ensuring that people with disabilities have access to quality health services without discrimination. There needs to be more detailed regulations on financial support policies and health insurance specifically for people with disabilities, including exemptions and reductions in medical examination and treatment costs, support for long-term treatment costs, and provision of rehabilitation support equipment.

Second, medical facilities need to be upgraded in both facilities and service quality. Many health facilities in Vietnam do not meet the requirements for supporting PWDs, especially in rural and remote areas. Therefore, the State needs to prioritize investment in building specialized health centers, and at the same time train health workers with professional skills in rehabilitation and psychological support. Integrating rehabilitation services into the basic health system is a feasible solution, helping PWDs easily access them locally.

Third, it is necessary to increase social awareness of the rights and health needs of PWDs. Through communication and community education programs, people will better understand the importance of health and rehabilitation support, thereby contributing to reducing prejudice and discrimination against PWDs.

Fourth, it is necessary to promote international cooperation and learn from the experiences of countries that have successfully implemented health support models for PWDs. Utilizing international resources and applying advanced technology will help Vietnam quickly achieve the goals set by the CRPD.

III. CONCLUSION

Ensuring the right to access and participate in social activities of PWDs according to the CRPD is not only a legal responsibility but also a factor demonstrating social progress. In Vietnam, the

process of internalizing this Convention has made important progress, but there are still many challenges. Barriers in infrastructure, social awareness and limitations in policy implementation prevent PWDs from truly participating equally in social activities. To overcome this, it is necessary to improve the legal system, especially to develop detailed regulations on the right to access, financial support and create a favorable environment for PWDs. At the same time, it is necessary to strengthen propaganda, raise public awareness and closely monitor policy implementation. Successfully legalizing the Convention not only ensures the rights of persons with disabilities but also promotes a just, humane and sustainable society.

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