
Improve The Effectiveness of Law Dissemination and Education for People with Disabilities in Vietnam Today

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Abstract

In order to popularize the views and guidelines of the Party, policies and laws of the State into real life, legal education is identified as the first stage of law enforcement activities. One of the subjects that the Party and State pay special attention to during this period is people with disabilities (PWDs). Over the past time, albeit state agencies have been active, proactive and responsible in carrying out the work of law dissemination and education for PWDs, however, from practical implementation, this activity has been not really effective. Accordingly, the article analyzes a number of theoretical issues on legal dissemination and education for PWDs and the practice of law dissemination and education for PWDs in the past time, thereby proposing some solutions to improve the effectiveness of law dissemination and education for PWDs in Vietnam in the coming time.

Keywords: law dissemination and education; PWDs; Vietnam.

Introduction

Improving the effectiveness and efficiency of law enforcement, including advancing the effectiveness of law dissemination and education, is one of the orientations affirmed by our Party through the congresses. At the 13th National Party Congress, the Party continued to assert: “Strengthening the improvement of the law in association with improving the effectiveness and efficiency of the organization of law enforcement,...”ⁱ. In addition, with the object of legal dissemination and education being PWDs, our Party has policies to promote this work with many forms, methods and means suitable for each type of disabilities.

Currently, along with the socio-economic development of the country and the strong development of science and technology, to overcome the limitations in law dissemination and education for PWDs over the past time, it is required competent state agencies to adopt solutions to upgrade the effectiveness of law dissemination and education for PWDs, thereby helping them, on the one hand, have equal conditions and opportunities to integrate into the community; and on the other hand, contribute to ensuring political security, social order and safety; dedicate to building and perfecting the socialist rule of law Vietnam State of the People, by the People, for the People in the new period.

Contents

Some theoretical issues on law dissemination and education for PWDs in Vietnam today

The concept of legal dissemination and education for PWDs

In Vietnam, the work of law popularization and education play a critical position and role in bringing the views, guidelines and legal policies of the Party and State into practice, contributing to

raising awareness of law observance for all subjects in society, thereby ensuring political security, social order and safety.

The introduction of the Law on Legal Popularization and Education in 2012 has marked the completion of the “mechanism” ensuring the right to be informed about the law and recognizing and warranting the citizen’s responsibility to learn and study the law. Accordingly, legal propaganda and education are understood as “an organized oriented activity of the subject of legal education that affects the object of education for the purpose of forming their legal knowledge, legal sentiments and appropriate behaviours in accordance with the requirements of the current legal system”ⁱⁱ. Legal dissemination and education help the subjects to formulate legal knowledge (know, understand and apply the law), nurture “belief” in the law, thereby raising their awareness of performing the right acts as prescribed by the law.

Furthermore, Vietnam joined the United Nations Convention on the Rights of PWDs on November 22, 2007, with commitments to ensuring and promoting fundamental human rights and freedoms for all persons with disabilities, without discrimination of any kind on the basis of disabilityⁱⁱⁱ. To ensure the implementation of international commitments and institutionalize the Party’s views and policies and concretize the provisions of the 1992 Constitution (amended and supplemented in 2001) on policies related to people PWDs, thereby, creating a legal environment, equal conditions and opportunities for PWDs in society, the Law on PWDs 2010 was approved by the 12th National Assembly (effective from January 1, 2010). January 2011). Clause 1, Article 2 of the Law on PWDs 2010 defines: “Person with a disability is a person who has a defect in one or more body parts or a functional impairment manifested in the form of a disability that makes working, living, learning difficult”. At the same time, the Law also identifies 6 types of disabilities, i.e. movement disabilities; hearing and speaking disabilities; vision disability; neurological and mental disabilities; intellectual disability; other disabilities; and 3 levels of disability, i.e. people with extremely severe disabilities, people with severe disabilities and people with mild disabilities^{iv}. To guarantee the rights of PWDs, including the right to be informed about the law, the Law on Legal Dissemination of Education 2012 (Article 20) classifies PWDs as one of the six special groups^v, and specifies content and methods of legal popularization and education in compatibility with each type of disability.

From the above explanations, it can be understood *that legal dissemination and education for PWDs is an activity of a competent state agency in accordance with the law to ensure the right to legal information of PWDs, thereby giving them equal conditions and opportunities in society.*

Content and form of legal dissemination and education for PWDs

Firstly, content of legal dissemination and education for PWDs.

The 2012 Law on Legal Dissemination and Education and the Government’s Decree No. 28/2013/ND-CP dated April 4, 2013, detailing a number of articles and measures to implement the Law on Legal Dissemination and Education apparently stipulate the contents of legal dissemination and education for PWDs, such as: legal regulations on the rights of PWDs; regimes, policies of the State, responsibilities of the State and society in facilitating and supporting PWDs and other provisions of law related to PWDs^{vi}.

Moreover, Article 13 of the Law on PWDs 2010 stipulates the information, communication and education on disability issues in order to prevent and reduce disability; raising awareness, changing attitudes and behaviors on disability issues; against stigma and discrimination against PWDs. Disability issues include^{vii}:

- (1) Rights and obligations of PWDs;
- (2) Orientation, guidelines and policies of the Party and laws of the State on PWDs;
- (3) Responsibilities of agencies, organizations, individuals and families towards PWDs;
- (4) Causes of disability and measures to prevent and minimize disability;

(5) Combating stigma and discrimination against PWDs.

Second, the form of popularization and legal education for PWDs.

Due to a wide range of disabilities, therefore, according to the law, the legal dissemination and education for PWDs are carried out by different forms, methods, means and documents, ensuring suitability for each type of disability.

The common forms of legal dissemination and education are: Press conference, press release; Direct law dissemination; legal advice and guidance; providing information and legal documents; Through the mass media, loudspeakers, internet, billboards, posters, posters; publishing in the Official Gazette; posting legal information on the website; posting up at the he

State agencies, organizations and individuals, when conducting law dissemination and education, must ensure compliance with the principles of accuracy, completeness, clarity, understandability and practicality; ensure timely, regular, concentrated and focused. Besides, for each subject with disabilities, it is necessary to diversify forms to suit the needs, ages and levels of education attainment of the subjects to be disseminated and educated, in line with good traditions, customs and practices of the nation; etc.

To evaluate the effectiveness of law dissemination and education for citizens (in general), including PWDs, the Ministry of Justice has issued Circular 03/2018/TT-BTP dated March 10, 2018 of the Ministry of Justice regulating a set of criteria for evaluating the effectiveness of law dissemination and education. These are: Criteria for performing the state management function on law dissemination and education (maximum 30 points); Criteria for implementation of law dissemination and education activities (maximum 20 points); Criteria on conditions to ensure the implementation of law dissemination and education (maximum 20 points); Criteria for assessing the effectiveness of the impact of law dissemination and education on society (maximum 20 points); Other criteria (maximum 10 points)^{viii}.

Current status of legal dissemination and education for PWDs in Vietnam today

Over the past time, the Party's stance on legal dissemination and education has been institutionalized to assure the rights of PWDs, especially Directive No. 39-CT/TW dated November 1, 2019 of the 12th Party Central Committee Secretariat on strengthening the Party's leadership in the work of PWDs. The State has established a legal corridor on legal dissemination and education for PWDs, such as the Law on Legal Dissemination and Education in 2012, the Law on Access to Information in 2016; Law on PWDs 2010; The law legal Aids, the law on lawyers and guiding documents.

In Vietnam, according to 2016 statistics, PWDs account for about 7.2% of the national population^{ix}. Together with the Law on PWDs 2010, the Law on Legal Dissemination and Education of 2012 has created a legal framework for the work of law dissemination and education for PWDs to be implemented synchronously and uniformly nationwide. In 2020, the Prime Minister signed and promulgated Decision No. 753/QĐ-TTg dated June 3, 2020 on the plan to organize and promote the work of information, propaganda and dissemination of policies and laws on PWDs. Thereby raising awareness and responsibility among cadres, party members, civil servants, public employees and people of all walks of life regarding the work of PWDs in tandem with the effective implementation of legal documents on PWDs and the United Nations Convention on the Rights of PWDs; enabling PWDs to access policies on health care, education, vocational training, employment, credit, social protection, cultural activities, physical training, sports and entertainment, travel, commuting; motivating and encouraging PWDs who have the ability to study and work to overcome difficulties, rise to independent living, integrate into society, contribute to socio-economic development and help other PWDs; Promoting the socialization of activities to help

PWDs, mobilizing social resources to actively participate in activities to help PWDs and organizations of PWDs^x. Furthermore, the Minister of Information and Communications issued Circular No. 26/2020/TT-BTTTT dated September 23, 2020 stipulating the application of standards and technologies to assist PWDs in accessing and using information and communication products and services. Accordingly, press agencies are responsible for applying standards and technologies to assist people with hearing disabilities to access general news programs on a daily basis; Other organizations and individuals are also encouraged to apply standards and technologies to assist PWDs in accessing and using information and communication products and services on electronic websites/portals of organizations and individuals.

In the locality, the People's Committees at all levels have intensified law dissemination and education for PWDs. For example, in Vinh Phuc province, according to statistics, there are over 63,000 PWDs (accounting for over 6% of the total population of the province). Annually, the Department of Labour, Invalids and Social Affairs and the provincial State Legal Aid Center collaborate with related sectors to enhance communication on the rights of PWDs, the regimes and policies of the State in facilitating and supporting PWDs, thereby helping PWDs be aware of their rights. Mobilizing people to have the right awareness, attitude, empathy, and willingness to support and help the less fortunate to integrate into the community. From 2016 up to now, 302 communication sessions on legal aid have been organized for 13,077 participants who are officials, members and PWDs; The Legal Aid Center has developed and published legal Q&A books for PWDs; distributed free legal brochures introducing the State's policies and laws towards PWDs at mobile legal aid meetings; organized the installation of information boards on legal aid, free distribution of message boxes, legal brochures at the reception places, the offices of state agencies in the province, helping people in general and PWDs in particular access and easily contact legal aid-providing organizations and legal aid providers to use free legal services and raising awareness of law obedience for people^{xi}.

In addition to the achieved results, there are still some limitations in law dissemination and education activities for PWDs such as:

Firstly, the law on law dissemination and education and the organization of law enforcement still has some limitations.

Despite Article 4 of Law Popularization and legal education in 2012 states "Based on the socio-economic situation of each period, the Government shall specify support policies for agencies, organizations, enterprises and individuals participating in law dissemination and education", there are still no regulations on supporting policies for agencies, organizations, enterprises and individuals participating in the implementation of law dissemination and education, so in practice, it is challenging to mobilize social resources for this work, especially for PWDs.

Next, the current regulations on the responsibilities of specialized agencies under the People's Committee in advising on the implementation of law dissemination and education within the scope of state management are not clear. Consequently, many agencies and units consider the work of law dissemination and education as the responsibility of the judicial branch and have not been proactive and responsible in the dissemination and education of law in the field of state management of the sector.

The forms of legal dissemination and education have not kept up with the actual situation, especially for the specific subjects who are PWDs (it is required to have appropriate regulations on the form of dissemination, education and training for each type of disabilities). A number of coordinated programs on law dissemination and education are not effective and lack coordinated activities. The skills of legal dissemination and education of some legal rapporteurs and propagandists have not matched with PWDs, leading to the ineffective quality and effectiveness of legal dissemination and education.

The funding for legal education and dissemination according to current regulations has not met the requirements of the tasks set out. Especially in case of PWDs, it not only requires costs for people who carry out the dissemination work, but also funds to purchase equipment and tools to support them (according to types and degrees of disability).

Secondly, the shortcomings derive from legal regulation on PWDs and ensuring the rights of PWDs. Currently, the Law on PWDs 2010 (Article 13) stipulates “Information, communication and education on disability issues in order to prevent and reduce disability; raising awareness, changing attitudes and behaviors on disability issues; prohibiting stigma and discrimination against PWDs” and the contents of information, communication and education on disability issues, however, in order to ensure consistency with regulations on law dissemination and education for the people, especially for PWDs, the Law on Persons with Disabilities 2010 needs to be more specific and broader in scope (not only limited to disability issues).

In addition, although there are regulations on the responsibilities of agencies, organizations and People’s Committees at all levels for information, communication and education on disability issues, especially the responsibilities of mass media agencies. However, there are currently no specific regulations on sanctions in case agencies and organizations have not performed well (effectively) affecting the rights of PWDs.

For entities responsible for assisting PWDs to access information (in general) and information about the law in particular through information and communication technology applications, there are currently no regulations on sanctions when these subjects fail to perform or improperly perform their responsibilities. For example, there are 6 types of disabilities, while news and art programs with sign language for them are rare, broadcast time is short, etc., which hinders PWDs from accessing legal information through information and communication technology in an effective manner.

Third, the responsibility and awareness of some actors in disseminating and educating PWDs in the law (state agencies, competent persons, and individuals assigned tasks) still have some inadequacies. Therefore, the work of leadership, administration and implementation of legal education is incomplete, lack of attention and coordination among departments, agencies and mass organizations.

Fourth, the physical conditions, equipment, and human resources to support PWDs in accessing legal information and funding for legal dissemination and education for PWDs are still inappropriate.

Currently, the regulations on funding for propaganda and law dissemination for PWDs when socializing are not clearly defined, leading to the fact that organizations and individuals who carry out this work on a voluntary basis, so that effectiveness and quality are not high.

In addition, facilities and means to assist PWDs in accessing legal information have not been adequately invested; policies to support and create conditions for PWDs to use high-tech devices are imprecise. For example, at the time of the 2016 national survey of PWDs, the percentage of households with PWDs owning media was lower than that of households without PWDs, specifically: Television (87, 7% vs. 94.4%); internet subscribers (16.8% vs 30.9%); computers (13.7% vs 28.6%) and phones (84.7% vs 96.2%). There is a large gap in mobile phone usage rates between PWDs and those without disabilities (38.85% versus 73.09%)^{xii}.

Some solutions to improve the effectiveness of legal dissemination and education for PWDs in Vietnam today

Firstly, bolster the Party’s leadership in law dissemination and education for PWDs.

Over the past time, state agencies from the central to local levels have actively developed, seriously and effectively implemented Directive No. 39-CT/TW dated November 1, 2019 of the Central

Secretariat. However, up to now, agencies need to conduct a preliminary review of 3 years of implementation of the Directive, thereby assessing the advantages and disadvantages in working with PWDs. Thereby, under the leadership of the Party, advancing the roles and responsibilities of all levels and branches, i.e. the Government and ministries, ministerial-level agencies, Governmental agencies, People's Committees at all levels in the work of PWDs in general and in disseminating and educating PWDs in particular.

Second, continue to review, amend and supplement provisions of the law on legal dissemination and education for PWDs and related legal documents, such as:

(1) Competent state agencies should review 10 years of implementation of the Law on Legal Dissemination and Education in 2012. This revision is to ensure consistency among laws on recognition, respect, protection and assurance of the rights of PWDs.

Furthermore, it is necessary to study and amend the Law on Dissemination and Legal Education in 2012 in the direction of clearly defining the responsibilities of agencies in propaganda and education on the issue of PWDs; supplementing regulations on applying sanctions to competent agencies and individuals that refrain people from accessing legal information; further innovating the form of legal dissemination and education for PWDs (in line with 6 types of disabilities and their degrees of disability) in accordance with actual conditions when information technology develops rapidly with various forms and means of transmitting information to people and PWDs.

(2) Research on amending and supplementing the Law on PWDs 2010 in the direction of clearly defining the responsibilities of the press and media agencies in facilitating access to information for PWDs (abolishing the incentive regulation), thereby ensuring the right to legal information of PWDs in practice; adding regulations on sanctions for entities responsible for assisting PWDs to access information when they fail to perform or improperly perform their responsibilities as prescribed by law.

Third, foster the effectiveness and efficiency of the implementation of the Law on Legal Popularization and Education, Law on PWDs and guiding legal documents.

State agencies need to develop and enforce programs and plans to ensure the best and necessary conditions for PWDs to exercise their right to legal information quickly, accurately and in accordance with their health status. For example, portals/websites of agencies, departments and sectors should incorporate an application/gateway to access information for people with hearing, speaking and vision disabilities; at the same time, there should be training programs on communication skills, sign language for officials and civil servants who are in charge of disseminating and educating PWDs, etc. By dint of that they can understand and respond to the requests for legal information of PWDs. Besides, it is essential to continue researching modern technologies and produce utilities to support PWDs to access information and communication technology in the most timely manner.

It should have policies to support socialization, propaganda and legal education for PWDs. Synchronously, intensify inspection and supervision and handling violations of the law for subjects who commit violations or fail to properly and fully fulfill the mandatory obligations towards PWDs.

Fourth, enhance the responsibility of the subject of law dissemination and education, the responsibility of organizations... in ensuring the right to information about the law of PWDs.

"Legal dissemination and education is the responsibility of the entire political system, in which the State plays a pivotal role." (Article 3 of the Law on Law Dissemination and Education 2012), according to which, the responsibilities of state agencies, competent individuals and assigned tasks (subjects of law dissemination and education for PWDs) should be enhanced to ensure the right to legal information of PWDs. Advance the roles and responsibilities of the Law dissemination and education Coordination Council; the role of the Fatherland Front and its member organizations in this work.

In addition, competent state agencies should boost their responsibilities in investing in facilities and supporting means, as well as arranging human resources to help PWDs access legal information.

Conclusion

In Vietnam today, in order to protect and ensure human rights and citizens' rights, including the right to legal information of PWDs, as well as contribute to ensuring the effectiveness and efficiency of law enforcement in social life, the work of law dissemination and education for people, especially PWDs is always one of the requirements and contents during the course of building and perfecting the State of rule of law of the People, by the People, for the People. Therefore, on the basis of a number of theoretical and practical issues of popularizing and educating PWDs over the past time, the synchronous implementation of the above solutions, on the one hand, contributes to raising the awareness of voluntarily obeying the law in the whole society, on the other hand, dedicates to changing perceptions, attitudes, sense of responsibility of agencies, organizations and the whole community towards PWDs, helping them to truly integrate into the community./.

ⁱ See : Clause 2, Article 59 of the 2013 Constitution.

ⁱⁱ Ho Chi Minh National Academy of Politics (2014), *State and Law*, Advanced Textbook of Political Theory, Political Theory Publishing House, Hanoi, p.144.

ⁱⁱⁱ See : <https://lsvn.vn/xa-hoi-hoa-cong-tac-pho-bien-Giao-duc-phap-luat-doi-voi-nguoi-khuyet-tat-va-nguoi-dan-toc-thieu-so1630230657.html> , accessed August 30, 2022.

^{iv} See: Articles 2 and 3 of Decree No. 28/2012 dated April 10, 2012 of the Government detailing and guiding the implementation of a number of articles of the Law on PWDs.

^v See: Law on Dissemination and Legal Education 2012 (from Article 17 to Article 22) stipulates 6 specific target groups, including: people in ethnic minority areas, mountainous areas, remote and border areas, borders, coastal areas, islands, regions with extremely difficult socio-economic conditions and fishermen; employees in enterprises; domestic violence victims; PWDs; persons who are serving prison sentences, persons who are being applied the measure of sending to reformatories, compulsory educational establishments, compulsory detoxification establishments; persons who are being applied the measure of education in communes, wards or townships, persons sentenced to prison shall enjoy suspended sentences.

^{vi} See: Article 20 Law on Law Dissemination and Education 2012.

^{vii} Article 13 Law on PWDs 2010.

^{viii} Article 4 of Circular 03/2018/TT-BTP dated March 10, 2018 of the Ministry of Justice stipulating the set of criteria for evaluating the effectiveness of law dissemination and education.

^{ix} Linked to: <https://lsvn.vn/xa-hoi-hoa-cong-tac-pho-bien-Giao-duc-phap-luat-doi-voi-nguoi-khuyet-tat-va-nguoi-dan-toc-thieu-so1630230657.html> , accessed August 30, 2022.

^x See: Decision No. 753/QĐ-TTg dated June 3, 2020 of the Prime Minister promulgating the Plan to organize and promote the work of information, propaganda and dissemination of policies and laws on PWDs

^{xi} See : <http://pbgdpl.vinhphuc.gov.vn/ContentDetail/NewsDetailView?NewsId=114dc3eb-1974-4086-8471-6f3415fac0e2> , accessed on August 30, 2022.

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