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# **The Right to Education of Children with Disabilities – International Standards, The Law and Practice of Vietnam**

**Assoc. Prof. Dr. Tuong Duy Kien**

*Institute of Human Rights, Ho Chi Minh National Academy of Politics, Hanoi, Vietnam.*

*Email: tuongduykiem@yahoo.com*

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## **Abstract**

Children with disabilities are the most vulnerable group of children. They have equal rights to enjoy fundamental rights and freedoms like all other children, but in reality, they have to suffer many disadvantages in life. The right to education is one of many children's legal rights that aren't fully enforced. The article analyzes in depth international standards, laws and practices of Vietnam on the right to access education for children with disabilities, draws out results, limitations and proposes solutions to implement the principles, international standards, guidelines, regulations, policies and laws of Vietnam on the right to access education of children with disabilities in Vietnam today.

**Keywords:** Children, disability, right to access to education.

## **1. International Standards on The Right to Education of Children with Disabilities**

Children with disabilities (CWD) have all the same basic rights and freedoms as any other child, but the physical, mental, intellectual or sensory impairments induce barriers to the full and effective participation of children in society, making it difficult to fully realize their rights on an equal basis with other children. Therefore, to overcome these hindrances, the international community has developed common international standards as the ground for countries to implement.

The basic concept of the right to access education for CWD is reflected in the following aspects:

### **First, Equal Access to Quality and Free Education**

CWD have the same right to access education as all other children, to fully enjoy this right without any discrimination and to be treated fairly and equally in terms of opportunities.

Clause 2, and Clause 3(c), Article 24 of the United Nations Convention on the Rights of Persons with Disabilities (PWD) stipulates that ensuring that the education of individuals, especially children, who are blind, deaf, or deafblind is provided in the most appropriate languages, modes, and means of communication for the individual, and in circumstances that promote academic and social development.

For a country where education is compulsory, it should be implemented for all girls and boys with disabilities, of all types and levels, including the most severe cases (section 4). And special attention should be paid to the following subjects: (a) Very young CWD; (b) The preschool-age child has a disability; (c) disabled adults, especially women [1] (Section 5).

*Second, inclusive and child-centered education*

The Salamanca Statement and Framework for Action on Special Needs Education [2] emphasizes the necessity for a child-centered educational approach to ensure the academic success of all children and education within the regular education system in the inclusive orientation is the most effective means to combat discriminatory attitudes, create welcoming communities, build inclusive societies and achieve education for all.

The Framework requires schools to accommodate all students regardless of physical, intellectual, social, emotional, linguistic, or other difficulties. This includes disabled and gifted children, street and working children, children in distant places or nomadic groups, ethnic minorities (linguistic, ethnic, or cultural), and underprivileged or marginalized children [3].

The State Parties are obliged to:

- Develop a national action plan on education, based on the principle of inclusion, integration and participation;
- Legislation should recognize the principle of equal opportunity for children, youth and adults with disabilities to receive education at primary, secondary and tertiary levels of education to the fullest extent possible in an environment of integration;
- Education policy at all levels, from central to local levels, should stipulate that CWD can attend local schools, that is, the school they would attend if they were not disabled.
- Implementing “inclusive” education for CWD is an integral part of the national plan to achieve education for all. Even in exceptional cases, when children are placed in specialized schools, their education should not be completely segregated. Children should be encouraged to attend half-time in regular schools... Particular attention should be paid to ensuring equality of opportunity for girls and women with disabilities [4].
- Attention should be paid to girls, because in general, girls with disabilities are often more disadvantaged than boys with disabilities [4].

The Action Program of the Decade of Disability in the Asia-Pacific region (1993-2002) notes that in the field of education, countries must ensure the integration of children and adults with disabilities into national formal and non-formal education. There are distinctive targets for girls and women with disabilities who are beneficiaries of national programs and projects on education and literacy;

- Support children and adults with different types of disabilities to integrate into the education system through many measures such as: Developing family and community-based early intervention services for CWD; educating parents and families of CWD [5].
- Countries need to hire Braille and sign language-qualified teachers, especially teachers with disabilities, to train education professionals and personnel at all levels.

## 2. Vietnamese Law And Practice on The Right to Access Education of Children with Disabilities

Currently, in Vietnam, there are about 8 million PWD, accounting for 7.8% of the population, of which there are 2,264,000 CWD, accounting for 28.3% of the total number of PWD [6]. Vietnam has made great efforts to improve institutions and strengthen measures to ensure the implementation of the right to access education for CWD.

*First of all, in terms of institutions,* the 2013 Constitution and many other legal documents promulgated in the past time have internalized the CRC, the CRPD.

- *Ensure the equal right to access quality and free education,* based on the principles of international law that is equality, non-discrimination and the best interests of the child [7], the Constitution and Vietnamese laws and regulations stipulate that all citizens have equal access to education. CWD are entitled to children's rights and disability rights under the law without discrimination. The 1991 Law on Universalization of Primary Education and the 2019 Law on Education state that: primary education is compulsory from grade 1 to grade 5 for all Vietnamese children from 6 to 14 years old [8], without collecting tuition fees by the State; step-by-step universalize secondary education; develop higher and vocational education; and implement the scholarship and reasonable tuition fee policy [9].

For CWD, the State prioritizes and creates conditions for learners who are CWD to exercise their learning rights and obligations. Due to a defect in one or more body parts or a functional impairment, the Law on PWD stipulates that the access to education of CWD is different from that of children without disabilities. Specifically, CWD are allowed to be admitted at the age higher than the prescribed age for general education; prioritized in enrollment; be exempted or reduced from some subjects or educational contents and activities that they cannot participate in due to their limited capacity; be exempted from tuition fees, training costs and other contributions; be considered for scholarships, support means and school supplies [10]. People with hearing and speaking disabilities are taught in sign language, and people with visual impairments are taught in Braille according to the provisions of the Law on PWD [11].

- *Implement inclusive and child-centered education:* The current legal system of Vietnam stipulates that the learning of CWD can be carried out according to inclusive education methods [12], semi-inclusive education [13] and specialized education [14]. PWD, parents or guardians of PWD have the right to choose an educational method suitable to the individual development of the person with a disability. However, the special education is applied only in cases where it is not enough conditions for PWD to learn in an inclusive way. The policy of educational development for CWD prioritizes inclusive education, which is defined as an educational approach designed to meet the diverse needs and abilities of learners; ensure equal learning rights, education quality, in compatibility with learners' needs, characteristics, and abilities; respect the diversity and differences of learners; and refrain from discrimination [15].

Since 2006, the Decision No. 23/2006/QĐ-BGDĐT has been issued on *regulating inclusive education for the disabled persons and PWD and disabilities with the goal of* (1) Helping PWD enjoy the same educational rights as other learners; (2) Enabling PWD to learn culture and vocational skills, rehabilitate and develop their own abilities to integrate into the community. At the same time, strengthen the contingent of teachers and educational administrators on student-inclusive education, through the issuance of a training program for teachers and administrators; professional training program [16].

Implement policies and laws on the right to education, as of December 2020, Vietnam has established a system of centers to support the development of inclusive education at the provincial and district levels. Up

to now, more than 20 out of 63 provinces and cities have established the centers; there were 107 special education institutions and 12 education centers for CWD. These institutions implement inclusive education at all levels of general education. The number of CWD attending school in Vietnam has increased tenfold over the past two decades. According to the National Survey on PWD, the rate of CWD attending primary school at the correct age is about 88.7%, and 33.6% in upper secondary school [17].

In order to intensify the teaching staff and comply with the provisions of the law, pedagogical training institutions have paid attention to this work. Currently, there are 4 pedagogical universities and 3 colleges in the country that have established the Faculty of Special Education and opened the codes for training teachers to teach CWD. Annually, these schools train nearly 600 teachers to teach CWD; provide training for 600 - 700 managers and 2,000 - 2,500 teachers of pre-schools, junior high schools and high schools in 63 provinces/cities on inclusive education for students with disabilities so that these people can conduct training and guide other local teachers on inclusive education, further develop a network of teachers to teach CWD throughout the country [18].

In addition to the achieved results, ensuring children's right to education face certain limitations that are not in line with international regulations, for example, Vietnam only guarantees free primary education. For other levels of education, the new rule just requires schools to consider impaired students for reduced or waived tuition fees and other contributions. Under this provision, disabled people are only eligible for reduction or exemption, but not free education.

Many educational institutions do not have sign language interpreters for the deaf, Braille for the blind or accessible facilities for PWD such as walkways and toilets that wheelchair users can access. The survey and assessment report on support for PWD 2012-2020 show that, out of every 100 schools, only 3 schools have an appropriate design (2.9%), 8 schools have walkways for PWD (8.1 %) and 10 schools have toilet facilities suitable for CWD (9.9%). Only 1 out of 7 primary and secondary teachers are trained to teach students with disabilities (14.1%). The lack of supporting materials and equipment is also one of the major barriers for PWD in inclusive education. Especially, in the current context where the textbooks of the general education program are being revised and supplemented, so there is a lack of learning materials for PWD. Programs and textbooks for CWD are basically incomplete. Currently, a framework program for primary school children with visual and hearing impairments has only been developed, while at the lower secondary level, the framework program of the secondary school supplementary system has been applied. But there is no program specifically for autistic children and mental retardation. There is no unified set of textbooks for all types of disabilities. Hearing-impaired students, after finishing primary and secondary school, have not had the opportunity to go to high school. Materials and textbooks for hearing-impaired children are available, but not commensurate to their needs. Moreover, the cost of publishing materials and learning materials (such as braille) is very high. Thus, this is also one of the challenges in ensuring access to materials and training programs for PWD.

The inclusive education program requires schools to have individual plans to exempt and reduce some subjects for PWD, but currently special education programs are available for primary school students only, not for the high school system. There are no teaching aids or resources available in any public educational institutions where students with impairments are enrolled.

Thus, it is a fact that although there are provisions of the law, the implementation of inclusive education is still facing many difficulties due to the lack of trained teachers. In schools and specialized classes for CWD, the number of teachers trained in special education departments in pedagogical schools is still too small and their professional qualifications and skills do not meet the teaching requirements for children with different types of disabilities. Moreover, there is the fact that the regimes and policies for administrators and child rearing staff in social protection centers and teachers in special schools are still unreasonable and inappropriate, which is not suitable for different types of raising and teaching children with special circumstances. Salary and allowances are not commensurate

with the work they are undertaking. Teachers who graduated from Special Education have hardly had the opportunity to work at public educational institutions, most of them work at non-public institutions or intervention centers for CWD.

### **3. Solutions To Ensure the Right of Children with Disabilities to Access Education in Vietnam**

On August 5, 2020, the Prime Minister issued Decision No: 1190/QĐ-TTg approving the Program to assist PWD in the period of 2021 - 2030 with the goal that during period 2021 - 2025, 80% of CWD at preschool and general school age have access to education and in the period 2026-2030, 90% of CWD at preschool and general school age will have access to education. To achieve this goal, the following solutions need to be implemented synchronously:

#### **To Comprehensively and Synchronously Assess the Status of Realizing the Right to Access Education of Children with Disabilities**

For CWD to enjoy inclusive education or if it is not possible to implement inclusive education, they have the right to study in special schools. The first step requires the education sector to clarify the types of disabilities. How many of them can adapt to inclusive education? How many of them need to study in special schools? [19]. Then, how many teachers have been trained to be able to undertake inclusive education, how many is required, and how long to take to train them? From there, develop a human resource training program for teachers to teach CWD. Does the current facility and equipment meet the requirements, if not, what will the new construction plan look like? What are the current curriculum and teaching plans for CWD? Does it respond to requirements? To what extent is the response? When is it expected to respond? Are state funding sources secure? if not, how to mobilize the community, donors?...

#### **To Further Improve Institutions to Ensure Access to Education of Children with Disabilities**

Research to guarantee access to quality and free education not just at the primary level. Amending and supplementing the Law on PWD in 2010 to ensure the principles of accessible education for CWD as a human right in accordance with international human rights standards.

A training plan linked to a job assignment for trainees immediately after graduation, research into and development of standards and criteria for CWD to intervene, support for education for CWD, universalization of lower secondary education for PWD, and promotion of the implementation of preferential policies for teachers and staff educating CWD.

#### **Researching, Formulating and Developing Programs, Textbooks and Learning Materials for People with Disabilities in Preschool and General Education to Meet the Diverse Needs Of People With Disabilities.**

PWD have a variety of disabilities, and because each disability has varying degrees of severity, it is necessary to create programs and textbooks that are acceptable, in line with reality, and compatible with the new general education. Based on this requirement, it is advisable to develop educational programs for CWD, especially in preschool and general education age, in the direction of developing their morality and capacity, to adapt to inclusive education associated with each type of disabilities. Expeditiously compile and publish books on developing specific skills and guiding documents for organizing training on inclusive education for teachers of CWD at all levels. For preschool level, it is necessary to amend the current program, in order to proceed to promulgate a new program in the overall preschool education program. For the educational program and

the compilation of supplementary textbooks for CWD studying in specialized educational institutions to access the 2018 General Education Program.

**Incorporate Inclusive Education Content into Teacher Training Programs at Universities and Colleges That Provide Pedagogical Training.**

The policy of developing inclusive education for CWD is applied for not only special education teachers, but also for all teachers in general. Thus, the Ministry of Education and Training should have a guiding document on the incorporation of inclusive education content in all teacher training programs in all pedagogical universities and colleges. Currently, there are only 4 pedagogical universities and 3 pedagogical colleges in the country that have established special education departments and opened codes for training teachers to teach CWD. In order to achieve the goal of 80% of CWD accessing education by 2026 and 90% by 2030, it is imperative to train human resources for special education. Moreover, the policy of inclusive education development requires teachers of pedagogy to have knowledge and skills in educating CWD.

In order to embody inclusive education concept in teacher training programs for universities and colleges with pedagogical training, it is required that the universities and colleges develop educational programs, which form a separate compulsory subject and allocate it the necessary credits, in accordance with the requirements of those establishments.

**E) Develop Documentation and Organize Training on Professional Education for Individuals with Disabilities for Teachers, Administrators, And Educational Support Staff Involved in Educating Children and Adolescents with Disabilities in Preschool and Elementary School**

Pedagogical education and training institutions shall develop educational materials, especially instructional documents for teachers of pedagogy; at the same time, organize training courses for teachers, administrators, and support staff for PWD on the most basic contents of inclusive education.

The development of educational materials must be appropriate to the target audience, such as materials for preschool, primary school, secondary and high school; materials for managers, staff supporting the education of PWD of different ages. Embrace basic contents to help learners understand the concept of children and CWD; rights of CWD and classification of CWD; Models of educational experiences for CWD; Inclusive education in the world and in Vietnam; methods and practical skills for educating CWD, including 3 modes, i.e. inclusive education, semi-inclusive education and special education; Convention on the Rights of PWD and Vietnam's regulations, policies and laws on PWD...

**Research And Build a Central-To-Local Support System and Educational Model for People with Disabilities That Meets Their Various Needs and Those of Educators.**

First of all, it is necessary to adopt different approaches in developing the educational support service system for PWD and CWD, which must be based on the ability and educational support needs of learners and their families and especially the ability to meet this assistance need of support service providers, and educational support services for PWD.

Models of service organizations to support PWD in general and to support education for PWD in particular must be developed in parallel in public and non-public establishments; not only in big cities but also in localities across the country. State management agencies need to develop standards/criteria for establishment and operation of establishments; in terms of facilities, management organization, personnel, educational support programs, etc.

The State creates conditions in terms of resources, especially human resources, to provide support services for education of PWD because this is always a central issue to ensure the quality of support services, in which attention is paid to train, foster and develop human resources; develop standards for job titles and positions and provide professional training and retraining according to the requirements of the job position; conditions for ensuring the quality of training and retraining institutions (especially in terms of training and retraining programs; training qualifications and experience of staff; facilities, means and equipment;...).

## **H) Review, Update, And Manage Special Educational Needs Data in The Education Support System for Individuals with Disabilities Management Software.**

Develop database and management software for education of PWD and the rationale for planning a system of specialized facilities for PWD and centers to support the development of inclusive education; Vocational training and development of specific skills for people with different types and degrees of disabilities; Model of early intervention, early detection, semi-inclusive education, inclusive education, special education, education of PWD at home and in the community, distance education.

## **Conclusion**

The right to access education is a basic right of everyone, however, CWD are the most vulnerable group, so without special policies, it is very difficult for CWD to access education. Stemming from the vulnerable nature of CWD in accessing education, international standards on children's rights and rights of CWD have been developed with the basic contents of ensuring the rights and equality and ensuring the principles of inclusive education of CWD.

As one of the signatories of international treaties on children's rights and the rights of PWD, Vietnam has made great efforts in perfecting the mechanism and enforcing to ensure equal opportunities for all CWD to access education, striving that by 2026, 80% and by 2030, 90% of CWD will have access to education. To achieve this goal, it is necessary to conduct synchronous solutions in perfecting the institution, training human resources, developing and perfecting documents, textbooks and manuals and especially timely incorporation of inclusive education content in teacher training programs for universities and colleges with pedagogical training throughout the country.

## **Citation Material**

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4. Human rights and disabled people, Labor and Social Publishing House, Hanoi, 2001, p. 120.
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6. On the page [ The current situation of CWD in Vietnam (ktktlaocai.edu.vn) ]. Accessed August 14, 2022.
7. Nternational Convention on the Rights of the Child 1989.

8. Article 1, Law on universalization of primary education in 1991; Article 14 of the Education Law 2019.
9. Education Law 2019.
10. Clause 2, Article 27 of the Law on People with Disabilities 2010.
11. Clause 2, Article 11 of the Education Law 2019.
12. Inclusive *education* is the main mode of education for people with disabilities. This is a form of joint education for people with disabilities with people without disabilities in educational institutions.
13. Semi-inclusive education, also known as integrated *education* , is a combination of inclusive education and special education for people with disabilities in an educational institution.
14. Special education - (*segregated education*) is education exclusively for people with disabilities in educational institutions.
15. Clause 1, Article 15 of the Education Law 2019.
16. The Minister of Education and Training, issued Decision No: 49/2007/QĐ-BGDĐT dated August 29, 2007 on the Training Program for teachers and administrators on inclusive education for disabled students. disabilities, lower secondary education. On March 24, 2009 BGD-DT issued Circular No. 05/2009/TT-BGDĐT on the Professional Training Program on Inclusive Education Management.
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