
Vietnam's Policies And Laws For People With Autism Towards The Goal Of Sustainable Development

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Abstract

Even before the 2010 Law on People with Disabilities and when Vietnam has not yet ratified the International Convention on the Rights of Persons with Disabilities, the idea of respecting and protecting the legitimate rights and interests of people with disabilities has been regulated in the Constitution and various legal documents. That demonstrates the State's strong commitment to ensuring that people with disabilities can fully participate in all social activities and enjoy basic rights equally. Proof of this is that Vietnam has issued specific and practical policies and laws for people with disabilities, which encourage and enable people with disabilities to have equal economic, political, cultural, and social rights, and develop their abilities to help them stabilize their lives. Specifically, along with the promulgation of the Law on People with Disabilities in 2010, Vietnam has gradually improved its legal system and policies on people with disabilities through the development of nearly 20 sub-law documents, i.e. Decrees and Circulars guiding the implementation of the Law on Persons with Disabilities. However, currently, one of the shortcomings of the Disability Law on Persons with Disabilities 2010 is that it has not yet confirmed the legal status of people with autism. It can be said that this is not a great limitation of the Law on People with Disabilities 2010 but people with autism should be protected by the law of the State. Because this is the object recognized and protected by the Disability Laws of many countries. In addition, to achieve the Sustainable Development Goal of "leaving no one behind" set by the United Nations, it is necessary for Vietnam to research and evaluate to perfect its legislation on autism in the near future. The article explains the legal adjustment requirements for people with autism; points out the shortcomings of the current Vietnamese law on people with disabilities in general and people with autism in particular; proposes solutions to improve policies and laws on autistic people towards sustainable development in Vietnam in the coming time.

Keywords: People with disabilities; People with autism; Policies and laws for people with autism; Sustainable Development.

Introduction

The Necessity for Legal Regulations on People with Autism in Vietnam

Derived from international requirements. According to the United Nations Universal Declaration of Human Rights 1948 and the Convention on the Rights of Persons with Disabilities (CRPD), regardless of the severity of the disability, everyone has the right to education, the right to freely participate in the cultural life of the community... Member States have an obligation to address problems and respect the needs of persons with disabilities, including autism. In addition, it should be mentioned that Resolution 67/82 was adopted by the United Nations General Assembly on 12/12/2012 on "Addressing the socioeconomic needs of individuals, families and societies affected by autism spectrum disorders (ASD) developmental disorders (DD) and associated disabilities"³. This decision suggests a number of issues related to the autism spectrum - one of the important issues adopted by the World Health Organization in the Dhaka Declaration on Autism Spectrum Disorders and Developmental Disabilities⁴, approved by the civil society organizations from South Asia and Southeast Asia on July 25, 2011). Accordingly, it calls on member states of the United Nations to "enhance access to appropriate support services and equal opportunities for inclusion and participation in society by training public managers, service providers, careers, families and non-specialists in *the needs and rights of people with autism spectrum*

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³ Addressing the economic needs of individuals, families and societies affected by autism spectrum disorders, developmental disorders and associated disabilities, <https://digitallibrary.un.org/record/746488> .

⁴ Dhaka Declaration on Autism Spectrum Disorders and Developmental Disabilities
,<https://apps.who.int/iris/bitstream/handle/10665/129384/RC67-22%20Agenda%209.8%20-Management%20of%20Autism.pdf?sequence=1&isAllowed=y> .

*disorders*⁵. International organizations defined **autism spectrum status** (ASC), later known as **autism spectrum disorder** (ASD), *as a set of neurodevelopmental conditions characterized by deficits in communication, social interaction and unusually restricted interests, beginning in childhood and lasting throughout life*⁶. Autism is associated with adverse educational and employment outcomes⁷. It is because of the difficulty of control and the consequences that international organizations pay special attention to and emphasize this issue nowadays.

From the regulatory experience of several countries. Currently, a number of countries have issued different policies and plans for autism, all with the same goal of inclusive education for people with autism to develop full function⁸. For example, in the European Union EU, although there are laws on persons with disabilities in the countries of the union and most of the countries are parties to the Convention on the Rights for Persons with Disabilities, but at the European regional level, due to the special circumstances of individuals with autism, they are recognized and protected by a higher legal framework than people with disabilities in general. In other words, the rights of people with autism (people with disabilities) are recognized and protected more broadly than the rights of people with disabilities in the CRPD⁹. It is the right of people with autism in particular and people with disabilities in general to be protected, provided by two important human rights instruments: the European Social Charter ESC and the European Union Charter of Fundamental Rights CFREU. Accordingly, ESC and CFREU are both legal instruments and both recognize equal rights; safety for people with disabilities; no one shall be discriminated against on the basis of age, nature or origin of disability; commitment to effective implementation of social integration, the participation of people with disabilities in community life; promote access to their work through all measures; encourage employers to hire and keep people with disabilities in a normal working environment and adjust working conditions to suit their needs, arrange comfortable work for people with disabilities, etc.

Derived from reality in Vietnam. People with autism are inherently characterized by difficulties and deficits in social interaction, verbal and nonverbal communication, and repetitive patterned behaviors and interests. Therefore, autistic people face many problems in life. Over the past 10 years, the number of children with autism has increased significantly and adult autistic people are still unable to integrate into the community, which is a social problem of great concern. According to epidemiological studies on autism spectrum disorder in countries around the world, the prevalence is about 1% of the population¹⁰. In Vietnam, there are currently no accurate statistics on the proportion of autism in the community. According to the 2016 National Survey of People with Disabilities, Vietnam has more than 6.2 million people with disabilities aged 2 years and over, of which about 1 million people have neurological and mental disabilities and more than 0.8 million people have communication disability...¹¹. Unfortunately, at the time of 2016 statistics, Vietnamese law did not have a regulation on autism as a type of disability, so it was not possible to separate the data of autistic people in this disability statistics. Currently, autism spectrum disorder has only been indirectly recorded in Circular No.01/2019/TT-BLDTBXH, effective from March 15, 2019 regulating the identification of disability levels performed by the Council determining the degree of disability. In which, autism spectrum disorder was identified as another form of disability. But that is not enough, autism needs to be recognized as a separate form of disability. The delay in recognizing autism spectrum disorder as a disability in the law makes it difficult for children to access the system of facilities for early diagnosis, early intervention, specializing and inclusive education for children with autism spectrum disorder. Adult autistic people also find it hard to engage in vocational training and find a job suitable to their own characteristics, and have not yet fully enjoyed the support regimes and policies of the state. Even at the present time, when autism spectrum disorder has been classified as another type of “disability”, autistic people still face many barriers. Awareness of families, communities and society about this syndrome is incomplete or even misleading. Education and rehabilitation care for children with congenital autism are still very limited, not

⁵ Giuseppe Palmisano, The Protection of People with Autism in the Framework of the Council of Europe and the European Union, https://link.springer.com/chapter/10.1007/978-3-319-13791-9_2.

⁶ World Health Organization WHO, International Statistical Classification of Diseases and Related Health Problems, 10th Revision [Internet]. 2016 [cited 2018 Nov 15]. Available from: <http://apps.who.int/classifications/icd10/browse/2016/en#/F84.5>.

⁷ Shattuck PT, Narendorf SC, Cooper B, Sterzing PR, Wagner M, Taylor JL, Postsecondary education and employment among youth with an autism spectrum disorder, *Pediatrics*. 2012; Available from: <http://pediatrics.aappublications.org/content/early/2012/05/09>

⁸ Autism and the right to education in the EU: Policy mapping and scoping review of the United Kingdom, France, Poland and Spain, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6116926/>, accessed today 30/8/2018.

⁹ Giuseppe Palmisano, The Protection of People with Autism in the Framework of the Council of Europe and the European Union, https://link.springer.com/chapter/10.1007/978-3-319-13791-9_2.

¹⁰ Nicholas, JS et al., (2009), "Autism Spectrum Disorders in Preschool-Aged Children: Prevalence and Comparison to a School-Aged Population", *Ann Epidemiol*, 19(11), pp. 808-14.

¹¹ GSO. 2016. The National Survey on People with Disabilities 2016 (VDS2016), Final Report. Ha Noi, Vietnam: General Statistics Office, p.15-16

suitable for the needs of children with autism. The number of institutions that educate, care for or nurture people with autism is small. The mechanism and policies of social support for children and their families are still inadequate and not suitable for the needs of children with autism.

Thus, in the current specific conditions of Vietnam, the development and completion of the law on autistic children is very important in ensuring the rights of people with autism, towards the goal of educational inclusion for autistic people to reach their full potential.

Inadequacies in Policies and Laws on Autistic People in Vietnam

Define “Autism” Or “Autism Spectrum Disorder”

The legal system on children with autism needs to precisely define the concept of “autism” or “autism spectrum disorder” to serve as a legal basis for determining the type of disability that children face. The identification of autism as a disability will be an important basis for countries to issue policies on education, health, vocational training, career guidance, employment, social security, etc. for people with autism. Most countries around the world have apparently defined autism as a form of disability and people with autism are the object of social policy.

On November 22, 2007, Vietnam was the 118th member to sign the Convention on the Rights of Persons with Disabilities in 2006. In 2010 the Law on Persons with Disabilities was promulgated (currently in force) without recognizing the term “autism”. More than eight years later, there is absolutely no sub-law document that acknowledges “autism” as a type of disability. Consequently, for a long time autistic people are not entitled to the State’s policies for people with disabilities in the fields of health, education, vocational training, employment ... if they are not classified in one of the types of disabilities, i.e. motor, hearing, speech, vision, neurological, and mental disabilities. There are many people who perceive “autism” as a disease, even many people think that the cause of autism “sickness” is due to family care errors... Therefore, not only autistic people are discriminated against, their parents are also blamed. The lack of accurate identification of the specific disability refrain people with autism from receiving appropriate and effective support.

Recently, autism spectrum disorder has been indirectly recorded in Circular No. 01/2019/TT-BLDTBXH regulating the determination of disability level by the Disability Determination Council. In which, autism spectrum disorder has been identified as “other disability”, rather than an intellectual disability or neurological or mental disability. This is the only current legal regulation on autism. But that is not enough.

The Law on People with Disabilities 2010 needs to be amended and added a new type of disability, i.e. developmental disability. Around the world, many countries have recognized the nature of autism as a developmental disability, including autism spectrum disorders, emotional and behavioral disorders, attention deficit hyperactivity disorder, and specific learning disorders, communication disorder, movement disorder. This is an important legal basis for building a unified strategy at the national level on policies on education, health, vocational training, career guidance, employment, social security, etc. for people with autism.

Inadequacies In The Implementation Of Policies And Legal Regulations On Education , Vocational Training, Employment And Social Security For Autistic People

Firstly, the assurance of the right to education for people with disabilities in general and people with autism in particular still encounters many barriers in the implementation process. Children with autism have the right to a free and appropriate education that is tailored to their unique individual needs. That allows children with autism to progress in their education. The challenge here is to define what is “appropriate”. Depending on their needs, children with autism, like any other child with disabilities, have the right to special education or the right to experience “the least restrictive environment” known as inclusive education. Inclusive education is where children have the greatest opportunity to interact with children without disabilities.

Currently, the Law on People with Disabilities 2010 dedicates a chapter on Education for People with Disabilities (articles 27 to 31 of the Law on People with Disabilities) which emphasizes the responsibility of the state in ensuring the integration of people with disabilities in education for people with disabilities. Furthermore, there are many other legal documents that also embrace provisions related to the education of children with disabilities. The Law on Persons with Disabilities specifically stipulates how to educate people with disabilities, support policies for teachers and support staff for people with disabilities to learn, responsibilities of educational institutions and development support centers in terms of inclusive education. In fact, centers to support the development of inclusive education and the department to support inclusive education have been established and effectively operated nationwide; educational programs and materials for students with disabilities were developed. In 2019, in the whole country, about 20,000 people with disabilities at the primary level (under 3 months) were

enrolled in these educational programs. And 1,508 million workers are recruited, of which about 10% were people with disabilities¹².

However, in reality, there are still many children with disabilities who cannot attend school, especially at primary or secondary school age¹³. These children still face a number of barriers: *First, psychological barriers, social barriers*. Propaganda on education policies for people with disabilities is limited in terms of both resources and implementation, leading to people with disabilities not having much information about specialized or semi-inclusive education for children with disabilities who do not have the opportunity to access appropriate forms of education. The community is also not fully aware of the role and responsibility of society in educating disadvantaged children. Especially, some parents of young children with disabilities do not believe in the quality of inclusive education, so they do not send their children to school. Some parents do not accept / do not want children with disabilities to be in the same class with their children for fear of affecting the quality of their children's education. This limits the effectiveness of inclusive education and hinders people with disabilities' access to educational services. *Second, the barrier stems from the lack of educational institutions that are suitable for the needs of children with autism*. The planning of the system of inclusive education support centers and special education institutions should be studied and completed at the soonest. Currently, many provinces and cities do not have special schools, despite the demands to study in special schools for those who cannot adapt to inclusive education. Moreover, the facilities for education with disabilities are poor in quality and lacking in quantity and type, causing children with disabilities to face many difficulties in living and studying. One of the reasons why children with disabilities cannot go to school is the lack of means of transport, especially in rural, remote and isolated areas. There is almost no investment in facilities, equipment, means and specific teaching aids to meet the educational needs of children with disabilities. Roads, toilets and resting places for children with disabilities have not been given due attention. In some localities, special education institutions are also located at the Social Protection Center. In the context that some forms of complex disability such as autism and intellectual disability are complicated, standardization or building an appropriate educational roadmap is of great importance in integrating into the social community. *Third*, the hindrance from the absence of training programs and teachers to meet the requirements of special education and inclusive education for children with disabilities in general, and children with autism in particular. Because the needs of children with autism in learning are very different. Training and retraining programs have not been designed according to levels to meet the needs of human resources. Existing programs do not really satisfy the diverse needs of other groups involved in inclusive education. The teaching staff of inclusive education are not equipped with basic knowledge related to children with disabilities while the psycho-physiological characteristics, knowledge about disability type and degree of disability are important in improving the quality of children's learning. The number of teachers with formal and in-service training in special education with university degrees is still small, which is unable to cover the needs of nearly 50,000 schools from preschool to high school.

All of the above obstacles have resulted in too many children with disabilities not attending school, not completing primary or secondary school, and not claiming their basic right of access to a meaningful education.

Overall, difficulties in inclusive education in Vietnam require a complete, advanced and synchronous system of disability education support services. However, early detection and early intervention services in localities are almost undeveloped, vehicle and equipment support services for children with disabilities are not popular and have not been widely provided in the market. Services of psychological counseling, education, health care for children with disabilities, also stop at spontaneous or less frequent maintenance. In fact, Vietnam does not have an official system for early detection and diagnosis of autistic children provided by the State. Much of the early detection and diagnosis of children with autism are reported by caregivers through the recognition of some signs related to language and behavioral abilities¹⁴. Ministries and departments related to disability have not closely collaborated and adopted a synchronous and unified direction. Approaches and ways of working among relevant departments differentiate in care, education, rehabilitation and vocational training for disadvantaged groups. Data and information on children with difficult circumstances in various fields are incomplete and inconsistent among ministries and sectors from local to central.

Secondly, people with disabilities in general and people with autism in particular still face difficulties in accessing opportunities for vocational training, employment, and job support.

¹² Effective policies to help people with disabilities integrate into the community, <http://consosukien.vn/hieu-qua-chinh-sach-giup-nguoi-khuyet-tat-hoa-nhap-cong-dong.htm> accessed on 18 March, 2021.

¹³ <https://www.unicef.org/vietnam/en/gi%C3%A1o-d%E1%BB%A5c-h%C3%B2a-nh%E1%BA%ADp-cho-tr%E1%BA%BB-button%E1%BA%BFt-t%E1%BA%ADt>

¹⁴ Nguyen Thi Thanh Mai (2021), Situation of autism and some orientations, Journal of Labor and Social Affairs, <http://www.medvnu.edu.vn/tin-tuc/thuc-trang-benh-tu-ky-va-mot-so-dinh-huong/>, accessed August 20, 2022

Article 33 of the Law on Persons with Disabilities 2010 stipulates: “1. The State creates favorable conditions for people with disabilities to restore their work function, receive free job counseling, get a job and work in accordance with their health. and characteristics of people with disabilities. 2. Agencies, organizations, enterprises and individuals must not refuse to recruit people with disabilities who fully meet the recruitment criteria to work or set recruitment standards contrary to the provisions of the law in order to limit employment opportunities. work of people with disabilities. 3. Agencies, organizations, enterprises and individuals employing persons with disabilities shall, depending on specific conditions, arrange work arrangements, and ensure suitable working conditions and environment for persons with disabilities. 4. Agencies, organizations, enterprises and individuals that employ people with disabilities must fully comply with the provisions of the law on labor for employees with disabilities. 5. Job placement organizations are responsible for providing vocational training, counseling and job placement for people with disabilities. 6. Persons with disabilities who create jobs for themselves or households that create jobs for people with disabilities are entitled to loans with preferential interest rates for production and business, and receive guidance on production, technology transfer, and consumption support. products according to the regulations of the Government”. Accordingly, the State enables people with disabilities in general and people with autism in particular to get free job counseling and get a job suitable to their health and characteristics. However, practice shows that people with disabilities in general and people with autism in particular are still having some trouble in accessing job training and employment opportunities. *Firstly, the* law provides for general conditions for vocational education institutions for people with disabilities (Article 4. Conditions for establishment and permission to establish vocational education institutions for people with disabilities of the Decree No. 143/2016/ND-CP stipulating conditions for investment and operation in the field of vocational education), but there is no regulation on the assessment of disability level according to the working ability to choose the education orientation for people with disabilities. Meanwhile, at present, there are only regulations on assessing the type of disability on the basis of health, there is no regulation on assessing the remaining working capacity. Therefore, vocational training for people with disabilities can hardly match their working capacity and the requirements of future careers when people with disabilities have been apprenticed. From the perspective of ensuring the labor and employment rights of people with disabilities, the provisions of Articles 159 and 160 of the Labor Code 2019 invisibly limit the right to choose jobs and occupations of people with disabilities. *Second, the* percentage of people with disabilities who have received vocational training is low, the number of people with disabilities receiving vocational training annually increases at a low speed, mainly training at the primary vocational level with poor and low-quality. The percentage of workers with disabilities who have jobs after training is low. *Thirdly,* job creation support for workers with disabilities has stopped at the stages of job counseling and job placement, there is no close connection between job placement service centers and other businesses, employers and employees, so very few people with disabilities are able to find jobs. *Fourthly, job fairs and* job exchanges that incorporate disabled workers are organized by interested localities, but those sessions are small in quantity and scale and uneven among localities. In provinces and cities, the number of people with disabilities who found jobs in job sessions is still modest. Autistic people do not have a career orientation suitable to their own occupational health characteristics, leading to inappropriate vocational training and difficulty in finding a job. *Fifthly, the* regulations on the employment of labor with disabilities in Clause 1, Article 159 of the Labor Code 2019 are difficult to implement for businesses because it will be very costly. Furthermore, there is an absence of detailed instructions from the authorities to ensure that businesses can properly and fully implement. In particular, the regulation that employers must regularly take care of the health of workers with disabilities is controversial, inappropriate and difficult to execute in practice.

In addition, workers with disabilities in general still find it difficult to access preferential capital sources for job creation, in which part of the difficulty is attributed to regulations on loan conditions and trusted lending, partly due to complicated loan procedures, etc., which leads to a low percentage of people with disabilities accessing preferential loans, and failure to achieve the goal of creating conditions for people with disabilities to create their own jobs.

Thirdly, people with disabilities have not been guaranteed their social security rights for some types of disabilities. The current law prescribes that only people with severe disabilities¹⁵ and people with extremely severe disabilities are granted a free health insurance card. Specifically: according to Point c, Clause 1, Article 9 on the issue of health insurance cards of Decree No. 136/2013/ND-CP on social assistance policies for beneficiaries of social protection. Accordingly, only people with severe disabilities and people with extremely severe

¹⁵ Severe disability: are those who, due to a disability, have a partial loss or impairment of function, do not control themselves or are unable to perform certain activities of walking, dressing, personal hygiene and other tasks. serve the needs of personal daily living but need someone to monitor, help, and take care of. Persons with severe disabilities who are concluded by the Medical Assessment Council are capable of self-help activities if they have partial aids or have a working capacity decrease of between 61% and 80%.

disabilities¹⁶ will be granted free health insurance cards. In addition, based on Point a, Clause 3, Article 4 of Decree 28/2012/ND-CP guiding the Law on People with Disabilities 2010: “3. *For the disabled of whom the self-serving capacity and work capability deficiency have been identified the Medical Examination Council before this Decree takes effect, the Impairment Assessment Council shall determine levels of impairment based on the Medical Examination Council’s conclusions as follows: a) That person is considered suffering from particularly serious impairments when the Medical Examination Council concludes that they are no longer capable of self-serving or at least 81% of their work capability has been lost.; b) That person is considered suffering from serious impairments when the Medical Examination Council concludes that they are capable of self-serving if they are partly assisted by other people or equipment or 61% and 80% of their work capability has been lost*”. However, Article 12 of the Law on Health Insurance (HI) in 2008 listed 25 groups of subjects who are eligible for participation in health insurance cards, but people with disabilities are not specified in the law. The issuance of health insurance cards for people with disabilities is based on target groups according to regulations. Specifically, if people with disabilities still work normally, the labor manager is responsible for purchasing health insurance for the employee. Persons with disabilities who work in the form of households or individuals must purchase health insurance cards by themselves. But if the total annual income of each family member is less than eight million dong, they are either poor or near-poor, and are supported by the State to buy health insurance cards. If people with disabilities are entitled to monthly social protection allowances as prescribed by law, they will be supported by the local budget to buy health insurance cards. And Social Insurance will issue health insurance cards to people with disabilities through a list sent by the Department of Labor, War Invalids and Social Affairs.

Fourthly, people with mild disabilities are not entitled to the benefits and supports of health insurance like people with severe and particularly severe disabilities. According to Clause 8 Article 3 of Decree No. 146/2018/ND-CP, “Persons eligible for monthly social protection allowance as prescribed by law on elderly people, disabled people, social protection beneficiaries” air paid 100% of medical examination and treatment expenses the health insurance fund within the scope of entitlement in case of medical examination and treatment at the registered medical facilities or being referred to other medical facilities other than the registered one, or re-examination as required for treatment or in case of emergency. In addition, according to the provisions of Clause 3, Article 22 of the Law on Health Insurance, amended and supplemented in 2014, in case when people with disabilities go for medical examination and treatment at the provincial and central medical facilities which are different from their registered facility will not be covered by the health insurance fund. In case a person with a disability voluntarily goes to inpatient treatment at the provincial level which is different from the registered medical facility, only 60% of medical examination and treatment costs will be covered by health insurance (until the end of December 31, 2020). In case people with disabilities voluntarily go to inpatient treatment at the central level which is different from the registered medical facility, health insurance will cover 40% of the cost of medical examination and treatment. However, based on Clause 1, Article 44 on social allowance and monthly care funding of the Law on People with Disabilities 2010, the beneficiaries of “monthly social allowance” include people with severe disabilities and people with extremely severe disabilities. Thus, people with mild disabilities (People with mild disabilities have a working capacity decrease of less than 61%) are not entitled to “monthly social allowance” or other benefits.

Fifth, the rule that only people with extremely severe disabilities who are helpless and unable to take care of themselves can be fostered at a social protection facility (Clause 1, Article 45 of the Law on Persons with Disabilities 2010) is not really appropriate as it does not take into account people with severe disabilities. A severely disabled person is a person who, due to his or her disability, is unable to perform certain tasks for personal daily living. If people with severe disabilities are helpless and unable to take care of their own lives, they need to be received, nurtured and cared for by the State and the community.

Sixth, only household with autistic children who are classified in the group of particularly severe disabilities is eligible for financial support for foster care. As for the case of autistic children who have not been classified, or have severe or mild disabilities, their households are neither supported with care costs, nor granted free health insurance cards. This exacerbates the financial burden for families of children with autism while they have to pay many fees during treatment and intervention for their child.

¹⁶ Extremely Severe Disability: Those who, due to a disability, have a complete loss of function, are unable to control themselves, or are unable to carry out their own activities of walking, dressing, personal hygiene and other services. Personal daily living needs that require complete supervision, assistance and care. This is a person who is incapable of self-service or is concluded by the medical assessment panel as no longer capable of self-service or has a decrease in working capacity of 81% or more.

Inadequacies In Regulations On Incentives For Enterprises Employing Disabled Workers (Including Adult Autistic People)

The policy to encourage and give incentives to enterprises employing people with disabilities also bears some shortcomings:

Firstly, there are no specific incentives for social enterprises when employing people with disabilities. It is inappropriate for social enterprises employing disabled workers to enjoy the same incentives as normal enterprises because: (1) Social enterprises are often small in size, with little investment capital, and do business in the market with low financial returns and it is also difficult for them to achieve efficiency compared to ordinary enterprises; (2) Social enterprises must use at least 51% of their total annual profits to reinvest in achieving social and environmental goals as committed (point c, clause 1, Article 10 of the Enterprise Law 2020).

Secondly, the criteria for enterprises employing people with disabilities to enjoy incentives have not yet encouraged the employment of disabled workers.

Article 34 of the Law on People with Disabilities 2010 stipulates: “Production and business establishments *employing 30% or more of the total number of employees who are disabled people* are supported to improve working conditions and environment suitable for people with disabilities; be exempted from corporate income tax; borrow loans at preferential interest rates for production and business development projects; to be given priority to lease land, premises, water surface and exempt or reduce rent of land, premises and water surface in service of production and business according to the proportion of employees who are disabled and the degree of disability of the employees, and business size”.

Currently, very few enterprises employing persons with disabilities achieve a share of 30% or more of the total number of employees unless it is a sole proprietorship of persons with disabilities. Meanwhile, enterprises must comply with regulations on working time and rest time for employees with disabilities. Enterprises are not allowed to use disabled workers (with working capacity reduction of 51% or more, severe disability or particularly severe disability) to work overtime or work at night (from 10pm until 6 am). The regulation on the rate of 30% of employees with disabilities, regardless of the size of the enterprise, is not appropriate and does not stimulate enterprises to employ people with disabilities.

Proposals to Improve Policies and Laws on Autism towards Sustainable Development in Vietnam in the Coming Time

Completing Policies and Laws on People with Autism

First of all, it is necessary to renew the approach to legal regulation for people with disabilities in general and people with autism in particular. Accordingly, the law not only focuses on meeting the practical needs of people with disabilities such as: food, accommodation, clothing, transportation, medical and healthcare, but also aims to improve the quality of human resources, ensuring jobs and incomes for workers with disabilities, ensuring rights and aiming for integration on the basic principles of education, support and encouragement to rise up; strengthen propaganda about people with disabilities. Support people with disabilities to access education, health care services, health insurance, social insurance and activities to support job creation, promote and renew vocational training in accordance with conditions, health and needs of workers with disabilities. On that basis, the improvement of the law on autism should focus on the following contents:

Firstly, adding the concept of autism in the Law on People with Disabilities 2010 and supplementing the forms of “developmental disability”

The term “autism” should be formally defined in the Disability Law in accordance with the spirit of the CRC and CRPD. This is a regulation that Vietnam aims to specify and quantify types of disabilities, including children with disabilities. In other words, it is the performance of the country’s obligations as committed in the CRC and CRPD. The definition of the term “autism” in the Law on Persons with Disabilities and related documents is to affirm that autism is not a disease but a form of disability. Accordingly, autism is a very complex psychological and neurological disorder, very individual, not a single child with autism has the same condition and ability even though they all have common signs and interventions must also be individualized. Currently, there is no cure for autism, but early detection and treatment can significantly improve symptoms and development. Therefore, it is necessary to identify autism to ensure the rights of autistic children and adults with autism so that they can equally enjoy state policies. *Autism is a lifelong developmental disability caused by a complex disorder of the nervous system that affects the functioning of the person’s brain. This syndrome includes impairments in cognitive abilities, language development, communication skills, social interactions, and limited, repetitive interests and activities.*

Second, perfecting policies and legal regulations on education, career guidance and vocational training for people with autism to ensure that people with autism have the opportunity to access the labor market and find jobs suitable

to their health characteristics. In addition, there should be solutions and policies to remove barriers to employment for people with autism so that they can maintain their existing jobs.

Third, perfecting legal regulations to ensure that people with autism have equal opportunities and enjoy the preeminent policies of the State in the fields (education, employment, social security, etc.) of people with disabilities in general and people with autism in particular.

Fourth, more research is needed on self-care and working ability for autistic people in order to have a scale to evaluate the rate of working capacity decline appropriately. People with autism have many unique characteristics that are very different from those with normal disabilities. It is required to continue researching policies to support people with mild disabilities who have difficult circumstances to enhance their ability to integrate into society, avoiding cases where people with mild disabilities but in difficult circumstances might become severely disabled without timely support.

Fifth, assess the current situation and study the needs and necessity to admit adults with severe autism who have no support and cannot take care of their own lives to a social protection facility to nurture and care for at social protection establishments. Currently, only people with severe disabilities have this right.

Solutions To Improve The Effectiveness Of The Implementation Of Policies And Laws On Autistic People

First, it is necessary to build a unified nationwide database of people with disabilities (total number, health status, disability type, number of people of working age; number of people who need vocational training, employment and jobs fitting the needs and health of people with disabilities...) to lay a foundation for policy formulation and policy implementation. Monitoring, statistics and reporting will set the basis for determining the criteria in the annual labor and employment, labor supply-demand, and poverty survey.

Second, research to amend and supplement regulations related to vocational training and ensure employment rights of people with disabilities. Vocational training for people with disabilities in the coming time needs to pay attention to the quality of training. The training aims to find a job and to do a job. Avoid superficial training that is spread out and run after quantity. It is essential to research and develop detailed vocational training plans for people with disabilities. It should study and adjust policies and regulations on organization of vocational training for people with disabilities in accordance with the actual conditions of localities to ensure the feasibility of vocational and educational programs. It is recommended to study the Circular guiding vocational training for people with disabilities and directing localities on building economic and technical norms for the list of training industries and occupations in general and people with disabilities in particular.

Third, organize a review of vocational training models associated with job creation for people with disabilities to draw experience and replicate the model. To guide localities on the use of the Fund to help people with disabilities (including regulations on supporting means, tools, production materials for people with disabilities to create jobs for themselves, etc.). In addition, it is necessary to mainstream the issue of employment for people with disabilities into poverty reduction and hunger eradication programs, and create jobs for rural workers. Funds for vocational training to create jobs for people with disabilities must be separated, not to be mixed with funding to support farmers. To facilitate and prioritize consumption and to find outputs for quality products manufactured by people with disabilities, similarly to giving priority to roads and parking spaces for people with disabilities.

Fourth, focus on developing policies to encourage vocational training for people with disabilities in the community in the most appropriate and convenient ways. Invest in capacity building and providing the workers with disabilities with knowledge and skills, and enabling them to reach their full potential. For people with disabilities in remote, rural and remote areas, it should consider and upgrade to a national level strategy to implement the “On-the-spot job creation program”, facilitating self-employment among people with disabilities and their families.

Fifth, create conditions for the formation and development of an inclusive education system, a system of facilities eligible for early detection and early intervention. That helps to facilitate access to inclusive education for children with autism, which promotes tolerance and allows for social cohesion. Inclusive education has many benefits for children with autism.

The formation of an early detection and early intervention system for children with autism helps early detection and autistic children’s families can choose appropriate interventions to promote educational activities. Early detection makes the intervention more convenient and effective.

Conclusion

In 2014, Vietnam ratified the United Nations Convention on the Rights of Persons with Disabilities. In 2019, Vietnam ratified Convention No 159 of the ILO on vocational rehabilitation and employment for people with disabilities. Vietnam is committed to ensuring the rights of people with disabilities across all sectors, in line with

the 2030 Agenda for Sustainable Development adopted at the United Nations Summit in September 2015 and the Inchoen Strategy on realizing the rights of people with disabilities in the most effective way. In addition, in order to realize international standards, the Prime Minister issued Decision No. 622/QĐ-TTg dated May 10, 2017, which clearly stated 17 sustainable development goals of Vietnam until 2030 including 115 specific goals, corresponding to the global sustainable development goals. The aim is to ensure that people with disabilities in particular and all people in general can promote their full potential, participate and equally enjoy the fruits of development, and build a peaceful, prosperous, democratic, fair, civilized and sustainable Vietnam. Facing these major undertakings and decisions, perfecting the system of policies and laws related to people with disabilities in general and people with autism in particular is the immediate task in the current period./.

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