

# **Finding a Political Voice:** **Comparative Study on the Participation of Disabled People in the** **Welfare Policymaking of Asian Countries**

Ryoko TAKAHASHI<sup>†</sup>

<sup>†</sup>Department of Human Sciences, Kanazawa University, Kakuma, Kanazawa, 920-1192 Japan

E-mail: [†takahasi@staff.kanazawa-u.ac.jp](mailto:†takahasi@staff.kanazawa-u.ac.jp)

## **Abstract**

In Asian countries there is often a gap between rapid economic growth and the development of welfare policies. Moreover, political systems are not always democratic. In order for disabled people in Asia to form disabled people's organizations (DPOs) and participate in policymaking, it will no doubt be necessary to establish special conditions, while referring to the experience of Western countries. I begin the article by outlining the strong Japanese and Korean disabled citizens' movements and their influence on policymaking. Then, I study the process of formulating policies for the disabled and the advocacy of DPOs in Vietnam. I suggest that the experiences of these countries have shown the importance of networking with no differentiation according to type of disability, as well as the importance of strategies devised with the political situation in mind. In particular, making the most of the pressure for international cooperation through measures such as the ratification of the United Nations Convention on the Rights of Persons with Disabilities is necessary for reforming the welfare systems and enabling networking among DPOs. The case study of Vietnam also reveals a need for collaboration between domestic DPOs and overseas NGOs, based on the relevant domestic political systems.

**Keywords:** disabled people's organizations; advocacy; Asian countries; Japan; Korea; Vietnam

## **1. Introduction**

There is a global trend towards increasing participation of disabled people in welfare policymaking. It has been about ten years since the United Nations Convention on the Rights of Persons with Disabilities (CRPD) was adopted for the purpose of guiding and supporting disabled persons with regard to their participation in society, particularly in the field of welfare policymaking. Many disabled people's organizations (DPOs)<sup>1</sup> are playing an active role in the world, carrying out exchanges and networking with other DPOs.

While there have been numerous case studies on the activities and achievements of DPOs in individual countries, there have been few comparative studies investigating the conditions of successful advocacy activities on the part of DPOs, especially in developing countries in Asia. I have conducted comparative

research projects on the relationship between the improvement of welfare policies for the disabled and the development of advocacy activities carried out by DPOs in Western and Asian countries to identify the conditions required for successful advocacy work that furthers the participation of disabled people in the process of welfare policymaking. I reviewed and compared the advocacy carried out by DPOs in Western countries and Japan, with regard to their histories and ways of participating in the policymaking process, their relationship to government, as well as their role and influence with respect to finding universal and special conditions for advocating for disability rights. DPOs in Western countries have actively participated in policymaking regardless of the welfare regime typology (social democratic regime, liberal regime and conservative regime) from the 1980s at the latest; governments bring their advocacy work into the process of policymaking and incorporate it more or less. Meanwhile, DPOs in Japan achieved real participation in policymaking quite recently, despite their long history of active advocacy work (Takahashi, 2017). Heyer pointed out that the disability rights movement led by the Japanese DPOs faces the difficult challenge of translating rights-based principles that clash with Japanese cultural norms into Japanese social policy and legislation (Heyer, 2015:165,166).

The West's political background is such that DPOs developed through incorporation of their advocacy activities into policymaking. In Asian countries including Japan, however, this type of political background is weak or has developed quite recently. Moreover, there is often a gap between rapid economic growth and the development of welfare policies in Asia. Although we should not assume there is an "Asian welfare state model" without taking into account diversity among Asian countries, most of them are emerging countries, and their processes of drawing up and improving domestic welfare policies are affected to varying degrees by international cooperation or development support. Japan was the earliest country in Asia to develop, however it began its industrial development process later than western countries. Although the Japanese government modeled their welfare system on the Western system in order to catch up, they gave economic growth priority over the implementation of the welfare system. Japan and other Asian countries historically share this attitude towards welfare policy (Hiroi, 2003). In order for disabled people in those countries to form DPOs and participate in policymaking, it will no doubt be necessary to establish special conditions, while referring to the experience of the West.

The aim of this article is, therefore, to identify specific conditions of disabled people's advocacy through forming DPOs and participating in welfare policymaking in Asian countries. To this end I will review and compare the histories of disabled people's movements and improvements in welfare policy with regard to the disabled in Japan, Korea and Vietnam. First, I will focus on the cases of Japan and Korea, which developed economically ahead of the rest of Asia, and where strong disabled citizens' movements have been growing and influencing policymaking. I will briefly outline the history of the

disabled people's movements, and analyze features of their advocacy activities in Japan and Korea. Then I will investigate the history of welfare policies related to the disabled and the evolution of DPOs in Vietnam. I focus on the Vietnamese case because it is not only a typical developing country in Asia, but also a unique socialist state that has developed social welfare systems with international development support, especially continuous technical assistance from DPOs and NGOs of Western countries including the U.S. Using additional data from my interviews carried out in Hanoi in March 2017, I will examine the advocacy activities of DPOs in Vietnam, and identify similarities and differences between Vietnam and the other countries with regard to their social systems and the support they receive from DPOs and NGOs in developed countries. Based on the research I have carried out so far, I will consider the conditions required for the development of DPO advocacy activities in Asian countries.

## **2. Japan and Korea**

Japan and Korea are economically developed countries with welfare policies, as well as members of the Organization for Economic Co-operation and Development (OECD). Japan developed national mandatory insurance systems such as a health insurance system and a nursing-care insurance system earlier than Korea, and Korea referred to the Japanese systems in developing theirs. The two countries have similar welfare systems for the elderly and the disabled, in that family members are expected to be the primary caregivers. In recent years, the Japanese and Korean welfare systems have been criticized for not corresponding to one of the three types of Esping-Andersen's welfare regime typology, and there has been an argument for adding the familistic welfare regime as a fourth type (Shinkawa, 2005:267-279). Examination of the welfare regime typology in Asia is not the main purpose of this paper, but as part of my conclusion, I will add a little analysis of Japanese and Korean DPOs from this viewpoint.

### **2.1. Japan**

In the 1960's, a minimum economic security system was established for disabled people. However, government policies were dependent on families and promoted institutionalization of disabled people in spite of the international trend towards normalization and deinstitutionalization. Parent groups also requested the construction of facilities that would provide protected, safe lives for their children even after losing their parents. Around 1970, some leaders of disabled people and their supporters started radical movements to protest the trend towards institutionalization. They carried out activism in opposition to the strong familism and regimented lifestyle of the facilities, which were devoid of privacy

(Tateiwa, 2010a). Their movement came to be connected to the independent-living movement of the 1980's; it corresponded to the philosophy of independent living that originated in the United States. In 1986, the first independent-living center was established by people with disabilities in Tokyo, and the networking among the local independent-living centers led to the formation of the Japan Council on Independent Living Centers in 1991 (Tateiwa, 2010b). Moreover, DPI-Japan officially launched in 1986, and networks grew in the 1990's. In 2002, DPI-Japan hosted the 6th DPI World Assembly in Sapporo. Even though DPOs established domestic and international networks, and gained the power to negotiate with and protest against the government, they had only limited opportunity for direct and substantial participation in policymaking. (Takahashi, 2017:36, 37).

In 2009, there was a major change in the Japanese government, as the ruling party was replaced. The new cabinet established the Committee for Disability Policy Reform under the control of the Ministerial Board for Disability Policy Reform, to which all of the ministers belonged. In order for people with disabilities to be able to actively contribute their opinions and participate in discussions, the new Committee was composed in such a way that more than half of the members (including observers) were people directly concerned (people with disabilities themselves and their families). The Committee held as many as 38 meetings from 2010 through 2012, arrived at a consensus, and presented the Ministerial Board with reports on how policies with regard to people with disabilities should be modified. The legal system was developed based on those reports, for example, through modification of the Basic Act for Persons with Disabilities and the establishment of the Act for Eliminating Discrimination against Persons with Disabilities (Cabinet Office, Government of Japan, 2012, 2014). After these revisions of Acts for the disabled, the CRPD was ratified by the Diet, and in January 2014, Japan became the ratifier of this Convention. This was the result of advocacy on the part of DPOs.

The Japanese government drew up a state party report to explain the implementation of the CRPD and submitted it in June 2016. DPOs are preparing to draw up parallel reports for an investigation that will be carried out by the United Nations Committee on the Rights of Persons with Disabilities. It is thought that this process will promote further networking among DPOs.

## **2.2. Korea**

Next, I will review the situation in Korea, a country that ratified the CRPD earlier than Japan.

The movement for the disabled in Korea was started in the 1980's by people with disabilities who were involved in the democratic movement. Their aim was to achieve social reform by means of radical fighting. In 1986, DPI Korea was established. When the government changed from a military

government to a civilian government in the 1990's, the movement for the disabled divided into two major groups: the disabled people's group that formed as a result of the democratic movement, and the group that aimed to expand the rights of the disabled as a civil movement. It was difficult to integrate the two groups. In the late 1990's, an independent-living movement began, and it expanded rapidly with the support of the Japan Independent Life Center Council (Yun, 2012).

In the 2000's, "Solidarity for Mobility Improvement Rights for the Disabled", a movement to make public transportation barrier-free, expanded, and in 2001 a network that included the two major advocacy groups was formed. As a result of this movement, the Act of Mobility Improvement for the Transportation Disadvantaged was established in 2004. Although the two major groups have the same aim of deinstitutionalization and reform of the welfare systems, they are not integrated. However, they used the method of networking with regard to a specific issue to appeal to the government and continuously influence government policymaking. In addition, they submitted requests to political parties at the time of elections and had persons with disabilities become Diet members. Strategies such as these contributed to rapid improvement of the laws related to persons with disabilities (Sai, 2010; Yun, 2012).

For example, the group "Solidarity for the Prevention of Discrimination against Persons with Disabilities" was formed in 2003 with the aim of establishing the Anti-discrimination against and Remedies for Persons with Disabilities Act, which it succeeded in doing in 2007 (Sai, 2010:35-38). The act has functioned as an essential, comprehensive legal instrument for implementing the Convention domestically. In 2008, the CRPD was ratified. In 2013, a coalition to draw up parallel reports on implementation of the CRPD was formed by the 27 DPOs and civil-society organizations. These also closely collaborated with international organizations in order to familiarize themselves with the flow of the CRPD Committee's monitoring process, as well as key disability issues, and had the opportunity to share experiences and knowledge with NGOs from other countries. In 2014, parallel reports were submitted to the United Nations Committee on the Rights of Persons with Disabilities (Korean DPO and NGO Coalition for UN CRPD Parallel Reports, 2014).

### **2.3. Midterm Summary for the Cases of Japan and Korea**

The experiences in Japan and Korea have shown the importance of networking with no differentiation according to types of disabilities for gaining the power to negotiate with and protest against the government. It is a basic condition for DPOs to be able to talk with the government on an equal footing and to seek a focal point for cooperation.

In Japan, the Committee for Disability Policy Reform was established after the 2009 change of

government, and after a long history of DPO activities. The fundamental institutional base for DPOs to participate in policymaking was established, and the direction to take for the revision of domestic laws for the ratification of the CRPD was determined. In Korea, DPOs developed laws related to disabled people through the creation of solidarity or coalitions among DPOs for each issue that has arisen since the 2000s, and this resulted in the early ratification of the CRPD in 2008. It was important for Japanese and Korean DPOs to have strategies that were devised with the political situation in mind, as well as networks with domestic and overseas organizations.

It is particularly important to make the most of the pressure for international cooperation, through measures such as the ratification of the CRPD, in order to reform welfare systems and enable networking among DPOs.

### **3. Vietnam**

#### **3.1. History of the Legislation and Policies Related to Persons with Disabilities**

First, I will outline the history of the welfare laws for persons with disabilities in Vietnam, and then, I will describe some major domestic DPOs and the way in which cooperation with international NGOs is carried out in Vietnam.

According to Vasiljev (2003:130), prior to the 1998 Ordinance on People with Disabilities, only war invalids and soldiers disabled by disease were covered by a specific piece of legislation, and less than 20 percent of disabled people were covered by war-invalid policies. Policies for all disabled people were drawn up rapidly from the end of the 1990's. Phan (2017:169) pointed out that the 1992 Constitution of the Socialist Republic of Vietnam specifically addresses the rights of children with disabilities and people disabled by war. At any rate, efforts to develop a legal framework for an inclusive society in which all disabled people have access to the programs and supports necessary for their full participation began with the passage of the Ordinance on People with Disabilities in 1998<sup>2</sup>. This ordinance was the first of a series of initiatives to advance the rights and interests of the disabled, including the establishment of the National Coordinating Council on Disability (NCCD), the enactment of a barrier-free access code and standards for public construction and transport, disability inclusion provisions in the Vocational Training Law, and implementation of a five-year National Action Plan on Disability (USAID, 2013:9). After the Ordinance, the government of Vietnam improved welfare policies for the disabled through a series of measures such as the 2004 Law on Child Protection, Care and Education, the formulation of the National Action Plan to Support People with Disabilities for 2006-2010, the 2007 signing of the CRPD, and promotion of the articulation of disability in the legal system of Vietnam (Phan,

2017: 170).

In the process of implementing this disability legislation, the NCCD was the key coordinator and monitor for disability issues, and played an important role in promoting the status of disability issues in Vietnam. It was established under Decision No. 55/2001/QĐ-BLĐTBXH by the Minister of Labour, War Invalids and Social Affairs (MOLISA) in 2001. It has the role of coordinating, promoting and monitoring the development and enforcement of policies, legislation and action plans concerning people with disabilities in Vietnam. The NCCD is comprised of 23 members including 13 ministries and sectors, and five organizations of/for persons with disabilities including Vietnam Blind Association, Hanoi Deaf Association and Hanoi Disabled People Association (Phan, 2017:175,180). The NCCD holds regular meetings with the participation of all members; in 2010, for example, they were held every three months. The NCCD has also become an information center for disability issues for the United Nations, the Asia-Pacific region and many countries in the world, as well as a center providing foreign and international agencies and organizations with information about Vietnamese persons with disabilities (NCCD, 2010: Foreword, p.5)<sup>3</sup>.

In 2010, the Law on Persons with Disabilities was approved by the National Assembly. It was the result of ten years of implementing the Ordinance on People with Disabilities. As the first comprehensive national law guaranteeing the rights of people with disabilities in Vietnam, it covers all aspects of their daily lives<sup>4</sup> and national commitments to realize the CRPD in practice (Tran & Cho, 2016: 11). The construes of “discrimination against persons with disabilities” and “living independently” (in Articles 2.3 and 2.7), the explanation of “community-based functional rehabilitation” in order to create equality in opportunity and community integration for persons with disabilities (in Article 25), and the chapter on “Responsibilities of State Agencies” (Chapter IX) are provided. I also focus on Article 9, which provides the definition of DPOs and explains their role in participating in the policymaking process;

Article 9. Organizations of persons with disabilities, organizations for persons with disabilities

1. Organizations of persons with disabilities are social organizations set up and operating under law to represent the legitimate rights and interests of their members, who are persons with disabilities, to participate in the formulation and supervise the implementation of policies and laws with regard to persons with disabilities.
2. Organizations for persons with disabilities are social organizations set up and operating under law to carry out activities to assist persons with disabilities.

(Ministry of Justice, 2010)

As Phan (2017:178) indicated, this law officially recognizes the representativeness and responsibilities of DPOs.

Tran & Cho (2016:12) suggest that the term “disability” carries a different meaning under a social model in this law, although there is no specific definition of disability which replaces the terms “persons with disabilities” and “types of disability”. Phan (2017:171) pointed out that this law uses the term “persons with disabilities” in lieu of “handicapped,” which used to be common, although the definition of “persons with disabilities” in Article 2 of the law rather reflects a medical approach to disability.

Although this law is problematic, it is undeniable that the foundation for the ratification of the CRPD was established. The National Assembly ratified the CRPD in November 2014, and the Government of Vietnam deposited the instrument of ratification with the United Nations in February 2015. The government drew up the National Action Plan to Support People with Disabilities for 2012-2020, which was to be carried out in two phases (2012-2015 and 2016-2020), and is in the process of implementing it.

After the ratification of the CRPD, the National Committee on Disability (NCD) was established in October 2015 in accordance with Decision No.1717/QĐ-TTg. The Prime Minister signed a decision to establish this committee. The Committee’s responsibilities are to support the Prime Minister in directing and coordinating the ministries, sectors and localities in order to solve issues with regard to the regime and policies for carrying out work related to persons with disabilities (Uwano, 2018:60). MOLISA is the permanent office of the committee. The Minister of MOLISA is assigned to be the Chairperson of the committee, and the Vice Chairperson is the ministry’s Deputy Minister. Committee members are deputy ministers of related ministries as well as leaders of the Vietnam Fatherland Front Central Committee, the Vietnamese Women’s Union, the Vietnam Federation on Disability (which will be described later in this chapter), the Association for the Support of Vietnamese Handicapped and Orphans<sup>5</sup>, the Vietnam Blind Association<sup>6</sup>, and the Vietnam Association of Victims of Agent Orange<sup>7</sup> (Vietnam News Agency, 2015). All of these organizations, other than the Vietnam Fatherland Front Central Committee and the Vietnamese Women’s Union, are organizations of persons with disabilities or organizations for persons with disabilities, which advocate from the standpoint of the disabled. This committee includes representatives from related ministries who are of a higher level than those working for the NCCD; it is expected that there will be more effective coordination and collaboration among them to promote the implementation of the CRPD.

Implementation of policies and laws with regard to persons with disabilities, carried out with the assistance of various overseas agencies, is a major characteristic of policymaking for the disabled in Vietnam. I will give an explanation of Vietnam Assistance for the Handicapped (VNAH) and United States Agency for International Development (USAID). According to its website, the VNAH is a U.S.-



based NPO founded in 1991, which provided technical assistance and other support to the Vietnamese Government for the development of disability policies. It receives a support fund from the USAID and many non-governmental organizations. According to Ueno (2018:110-112), the activities of the VNAH began with direct support such as the provision of wheelchairs to sick and wounded soldiers who had fought in the Vietnam War, and expanded to include policy recommendations for increased participation in society for Vietnamese disabled persons. There is now an office in Hanoi with a Vietnamese staff.

USAID is a U.S. government agency that receives U.S. government financial support. Its website explains that USAID has improved the lives of persons with disabilities in Vietnam, strengthened the government of Vietnam's capacity to provide services to those in need, and provided rehabilitation services for persons with disabilities, as well as education and vocational training including information technology, job placement, support of parent associations to expand advocacy for disability issues, and support for the development of legal codes to improve physical accessibility to public buildings for persons with disabilities.

VNAH and USAID were very involved with the founding of NCCD and the establishment of the Law on Persons with Disabilities in 2010. In addition, they have been supporting the projects of domestic DPOs and the formation of their network.

### **3.2. Domestic DPOs in Vietnam**

Since Vietnam is a country with a socialist system, the possibilities for the formation of NGOs and DPOs, and for exchanges with NGOs in other countries are limited<sup>8</sup>. The first DPO in Vietnam was the Vietnam Blind Association, which was established in 1969 as a member organization of the above-mentioned NCD. The Vietnam Blind Association was incorporated by Ho Chi Minh, former President of Vietnam, who was concerned about persons with disabilities. Apparently, until the beginning of the year 2000, it was just about the only organization of persons with a disability (Gondo, 2014: 92). Despite constraints due to the political system, advocacy activities of DPOs, especially organizations of persons with disabilities, have flourished recently with the ratification of the CRPD. I will look at two examples of DPOs (organizations of persons with disabilities) in Hanoi and the umbrella organization for DPOs.

#### **3.2.1. Hanoi Association of People with Disabilities (DP Hanoi)<sup>9</sup>**

DP Hanoi is a local NGO that was established under Decision No. 266/QD-UBND dated January 16, 2006 of the Chairman of the City People's Committee of Hanoi. In April 2012 it had 46 member

organizations with 6,000 members, including 24 district associations, three centers, and 19 clubs and groups<sup>10</sup>. Its objectives are:

- To encourage and help people with disabilities to strive for better education, vocational training and life independence
- To increase societal awareness of people with disabilities and disability-related issues with the aim of moving towards an inclusive, barrier-free and rights-based society

DP Hanoi's main activities are:

- To develop the associations of people with disabilities at the district and commune levels
- Education, training and capacity-building for the association staff and members
- Participation in the disability-related law- and policy-making process
- Vocational training and job creation
- Communication and dissemination of laws and policies, and raising of community awareness
- International cooperation and fundraising

As an example of participation in the policymaking process, DP Hanoi requested that the government involve specialists in medicine, psychology and education in the process of determining a person's degree of disability through the Disability Degree Determination Council established by the Chairman of the People's Committee at the commune level<sup>11</sup>. In addition, with their member organizations and district associations, they conduct various activities such as translation of the CRPD into Vietnamese and making brochures to disseminate the CRPD vision to their members and to society at large.

Among the members of DP Hanoi, there are people who were members of Bright Future Group, which was founded in 1988 and consists of people with and without disabilities carrying out self-help and volunteer activities, and people who had been involved with the operation of Hanoi Independent Living Center together with the NCCD, with financial aid from the Japan Fund in the early 2010's (Gondo, 2014:85-88). With branch offices in each administrative division (districts and communes), DP Hanoi covers the entire city. It is one of the leading local DPOs, and has long-time elderly members who joined at the beginning of the disabled people's movement in Vietnam.

### **3.2.2. Action to the Community Development Center (ACDC)<sup>12</sup>**

ACDC is a local NGO that was established in late 2011 as an organization of and for people with disabilities<sup>13</sup>. The founding director is Ms. Nguyen Thi Lan Anh<sup>14</sup>, a wheelchair user, and the other founding members are from various other kinds of organizations that carry out strong advocacy with the

mission of constructing a barrier-free society and protecting the rights of Vietnamese persons with disabilities. Their visions are:

- To act as a professional organization providing legal consultancy and assistance for local DPOs and people with disabilities
- To act as a reliable and trustworthy organization that connects government agencies, NGOs, businesses, local communities and people with disabilities
- To act as a reliable and trustworthy organization for people with disabilities in Vietnam

ACDC's staff, including attorneys at law and people with degrees in social work and psychology, are using their expertise to carry out the following programs:

- Improving education for children of single women with disabilities
- Empowering youth with disabilities
- Providing legal advice to PWD via email, phone, online, or at the office in Hanoi
- Improving the reproductive and sexual health of women with disabilities

The special features of ACDC are its legal advocacy activities — it provides free legal advice and support for people with disabilities and their family members, and the reproductive healthcare it provides for women with disabilities with the collaboration of international NGOs.

The reason why they focus on legal consultation is that there are many people with disabilities and their family members who do not know how to receive the support that is available, and cannot understand the information. Although ACDC's period of activity is short, they have branches in rural areas and conduct programs and research for disabled people and other DPOs in collaboration with overseas NGOs. They are raising the profile of DPOs in Vietnam<sup>15</sup>.

### **3.2.3. Networking among DPOs and Other Organizations in Vietnam**

In the 1990s, domestic organizations of and for people with disabilities were growing, projects to assist disabled people with their daily lives through international NGOs were being developed, and the Vietnamese government's interest in these projects was increasing. The government, international NGOs and DPOs came to recognize the need for increased cooperation and communication among DPOs in order for projects to be sustainable and effective. This situation led to the establishment of the first umbrella organization, Disability Forum, in 2000, which was initiated by the U.S. NGO Health Volunteers Overseas. Disability Forum dealt with a wide range of disability issues including rehabilitation, health services, employment, education, consciousness-raising and barrier-free access to

public places. The activities of Disability Forum included organizing workshops and providing information on policies related to the disabled, as well as empowering people with disabilities (Vasiljef, 2003:142-144 and Phan, 2007:178).

The Vietnam Federation on Disability (VFD) was established in 2011 to develop a nationwide network among all of the DPOs operating independently of each other with the assistance of VNAH and USAID (Lynch & Kiet, 2013:24). VFD is expected to contribute to the development and implementation of national disability laws and policies and the CRPD. It consists of organizations of and for people with disabilities, and operates nationwide under the state management of MOLISA and other relevant ministries. The founding member organizations of VFD included: Vietnam Red Cross Society, Vietnam Blind Association, Vietnamese Association of Victims of Agent Orange, Vietnamese Rehabilitation Association, Association for the Support of Vietnamese Handicapped and Orphans, as well as the Associations of Disabled People in cities (e.g., Hanoi, Ho Chi Minh City) and provinces (Phan, 2017:179). VFD is a member organization of the NCD mentioned above, and includes organizations for people with disabilities. It does not necessarily seem to be a strong federation of bottom-up-type organizations of people with disabilities.

While networks among Vietnamese DPOs seemed to be formed not only because of the interest of the DPOs themselves, but also because of various interests and demands on the part of international NGOs and the government, they play an important role in empowering people with disabilities, providing them with important information on the policies related to them, including foreign affairs, and improving opportunities to participate in policymaking.

### **3.3. The Control System for Foreign NGOs in Vietnam**

Although overseas NGOs and supporting agencies have been very active in recent years, as shown in 3.2.3, the Vietnamese government limits their activities by means of the following systems<sup>16</sup>.

Overseas NGO activities in Vietnam are under the control of the Committee for Foreign NGO Affairs (COMINGO). COMINGO, a national committee established in 2001, was mandated by the Vietnamese government to support and promote overseas NGO activities. Under COMINGO, the Vietnam Union of Friendship Organizations (VUFO) (a standing agency) and the People's Aid Coordinating Committee (PACCOM) are working to support overseas NGO activities. VUFO runs the VUFO-NGO Resource Center, and holds forums and meetings with working groups from different fields to share experiences with overseas NGOs. Coordination and management of the working group are done by the core group,

which is made up of international and local NGOs.

Support from overseas NGOs and exchanges with them are increasing. VUFO-NGO Resource Center organized 13 working groups in 2015. As one of these groups, the Disability Working Group has been instrumental in the networking of domestic and overseas DPOs and NGOs. For example, both DP Hanoi and ACDC were involved as members of the core group, as coordinator and manager in the Disability Working Group, and collaborated actively with overseas NGOs in 2015. (VUFO-NGO Resource Centre, 2015).

#### **4. Conclusion and Further Discussion**

Based on a comparison of the development of advocacy activities in Japan, Korea and Vietnam, and on an outline of the history of the main legislation related to disabled persons, I conclude my article as follows.

The importance of networking with no differentiation according to type of disability, with regard to domestic DPOs gaining the power to talk with the government on an equal footing, seems to be shown in the case of Vietnam. The Vietnam Federation on Disability (VFD) joined the National Committee on Disability (NCD), which was established in 2015, and has maintained a close relationship with the government. It seems that VFD was not necessarily formed based on the spontaneous will of Vietnamese DPOs, but close attention should be paid to the way in which the VFD framework is used for the development of Vietnamese policies for disabled persons. For example, information should be gathered on the role that VDF plays in the government-issued state party report and the parallel report drawn up by civil society submitted to the United Nations Committee on the Rights of Persons with Disabilities after the ratification of the CRPD. I would also like to see whether or not organizations of disabled people are increasing their presence in VFD. Another matter of interest is the spontaneous development of the relationship among the DPOs that make up VFD after the assistance provided by VNAH and USAID when it started. Further research is needed.

Strategies that were devised with the political situation in mind have been outlined as well. In particular, making the most of the pressure for international cooperation through measures such as the ratification of the CRPD is more necessary for DPOs in Vietnam, not only for the modification and establishment of domestic laws related to policies for the disabled, but also for creating a closer relationship between the government and other stakeholders, as well as more opportunities to reform the welfare system for the disabled.

It was important for Japanese and Korean DPOs to have strategies that were in keeping with the

political situation, such as a change of government, as well as networks with domestic stakeholders and international organizations. The case study of Vietnam revealed a need for collaboration between domestic DPOs and international organizations including NGOs, based on the domestic political systems determining the relationship between them. During the past 20 years, domestic DPOs, international organizations and the Vietnamese government have been mutually beneficial. The Vietnamese government controls its relationships with overseas NGOs, and makes use of them to create systems for the disabled, as well as to carry out projects for disabled persons. Further analysis is required with regard to the influence that this position has on the advocacy activities of domestic DPOs, from the viewpoint of development studies. There is also a need to investigate the social systems and economic situations in various Asian countries other than Vietnam.

Finally, I would like to touch on the special characteristics and issues that are common to the welfare systems for the disabled in the Asian countries of Japan, Korea, and Vietnam. One of the problems to be solved is the burden on families resulting from the welfare systems. In recent years, the Japanese and Korean welfare systems have been criticized for not corresponding to one of the three types of Esping-Andersen's welfare regime typology, and there has been an argument for adding the familistic welfare regime as a fourth type (Shinkawa, 2005:267-279). Vietnam also has a welfare system that is based on the premise that care for the disabled is the responsibility of the family. This is evident in the Law on Persons with Disabilities 2010, which still assigns responsibilities to families of the disabled in Article 8:

#### Article 8. Responsibilities of families

1. Families shall educate and create conditions for family members to raise awareness about disability issues; apply measures to prevent and minimize congenital disability, disability caused by injury or disease and other causes of disability.
2. Families of persons with disabilities shall:
  - a) Protect, nurture and care for persons with disabilities;
  - b) Create conditions for persons with disabilities to have healthcare, exercise their rights, and perform their obligations:
  - c) Respect the opinions of persons with disabilities in deciding on matters related to their own lives and their family;
  - d) Implement Clause 1 of this Article.

(Ministry of Justice, 2010)

In welfare systems according to which family members such as parents are expected to protect the

disabled person and advocate fully for her/his benefit, it is necessary for persons with disabilities themselves to devise strategies for advocating for themselves and participating in the policymaking process. Moreover, for family members, liberation from the burden of caregiving and advocacy seems to be a problem. In the case of Japan, the article in the Basic Act for Persons with Disabilities assigning responsibilities to the families of the disabled was deleted in 2004. However, in Japan, even now, there are not enough welfare services to allow persons with disabilities to live independently, without the assistance of family members; families bear a lot of responsibility for care. The situation is the same in Korea. Is it possible for families to not only form organizations for disabled persons and participate in policymaking as advocates, but also to demand freedom from the responsibility of care? In addition to furthering research into the DPOs of the countries discussed in this article, it would be useful to investigate the Western countries that conform to Esping-Andersen's welfare regime typology.

### **Acknowledgements**

Earlier versions of this article were presented at the 6th Annual Conference of ALTER (European Society for Disability Research) 2017 in Lausanne (Switzerland) and the 14th APSA (Asia Pacific Sociological Association) Conference 2018 in Hakone (Japan). This work was supported by a JSPS Grant-in-Aid for Scientific Research (KAKENHI) Grant Number JP26380675.

### **Notes:**

1 A "disabled people's organization" (DPO) is an organization that advocates and acts for the protection of the rights of disabled people. There are two types of DPOs: organizations of disabled people, the members of which are the disabled themselves, and organizations for disabled people, the members of which are mostly people other than the disabled (family members, specialists, concerned citizens, etc.). In this article I used the term mainly to refer to the former group, but when there is a need to emphasize which group I am referring to, or a need to distinguish the two groups, I will specify the type of organization.

2 The statement in the preamble of the Ordinance was as follows ;

To protect, care for and create conditions for the disabled to integrate with the community are activities of deep economic, political, social and humanistic significance and a fine tradition of our nation; Pursuant to Article 59, Article 67 and Article 91 of the 1992 Constitution of the Socialist Republic of Vietnam; Pursuant to the Resolution of the National Assembly, Xth Legislature, 2nd Session on the program of elaborating laws and ordinances in 1998; This Ordinance provides for the responsibility of the family, the State and society toward disabled persons, and the rights and obligations of disabled persons.

3 The NCCD's various functions and missions were described as follows (NCCD, 2010: p.6):

- Building programs and action plans which are related to the social inclusion of and support for persons with

disabilities;

- Leading and coordinating with members of the NCCD, ministerial units, and domestic and international organizations to develop, proliferate and supervise the implementation of laws and policies on persons with disabilities;
- Leading and coordinating with domestic and international agencies, units and organizations which work on persons with disability-related issues in organizing specialized conferences, conducting professional training, visiting, conducting surveys, exchanging experiences, improving staff capacity for partners, organizations of and for people with disabilities.
- Implementing programs, and projects for supporting people with disabilities which aim to mobilize resources and provide technical assistance related to the rights of people with disabilities;
- Implementing campaigns for programs and projects carried out by international organizations in order to support funding for the activities of people with disabilities, as well as transferring the programs and projects to localities for their implementation;
- Organizing supervision, investigation and research with regard to the legal rights and obligations of people with disabilities;
- Promoting the implementation of recommendations by the Asia-Pacific Decade of People with Disabilities;
- Implementing annual and ad hoc meetings of the Coordination Committee, and ensuring the permanent operation of the NCCD's Office; collaborating with relevant units to consolidate and supplement members of the Coordination Committee;
- Conducting financial and asset management as stipulated by the current law;
- Conducting quarterly, annual and ad hoc reporting on assigned issues.

4 For example, in Article 4.1 (d) of the law; Persons with disabilities are guaranteed the right to be provided with healthcare, functional rehabilitation, education, vocational training, employment, legal assistance, access to public facilities, means of transport, information technology and cultural, sports, tourism and other services suitable to their forms and degrees of disability (Ministry of Justice, 2010).

5 The Association in Support of Vietnamese Handicapped and Orphans was established on 25 April 1992. According to its website, there are 46 associations at the provincial and city levels, 281 at the district level, 1,852 at the commune or ward level, 1,483 affiliate associations at the residential-area level, and by the end of 2016, the Association had 4,999 organization members and 556,825 individual members. (<http://asvho.vn/vec-the-association-in-support-of-vietnamese-handicapped-and-orphans>) Accessed 30 January, 2019.

6 The Vietnam Blind Association was established in 1969 (Phan 2017).

7 The Vietnam Association of Victims of Agent Orange was established in 2004. (<http://vava.org.vn/> ,Accessed 30 January, 2019). According to the website of Vietnam Agent Orange Relief & Responsibility Campaign, the U.S. government used Agent Orange from 1962 to 1971, as part of their war in Vietnam. Agent Orange contains dioxin, one of the deadliest substances known, and continues to cause death and sickness to millions of Vietnamese and to many U.S. veterans of the Vietnam War. Even now, more than thirty years after the war, Agent Orange remains in the land and water of Vietnam, and has caused horrific birth defects to several generations of children (<https://www.vn-agentorange.org/about.html> ,Accessed 30 January, 2019).

8 According to Kerkvliet (2003:1,5), in the 1990s, various groups and associations that appeared to be NGOs or called themselves NGOs started to be seen in Vietnam. Researchers called them “civic organizations” and pointed out that



some of them were not exactly “non-government” organizations. The typologies of civic organizations were, for example, mass organizations, professional associations, issue-oriented organizations, development and social-work groups, non-state research institutes, etc. In this article, I examine the history of the DPOs as local NGOs after the establishment of laws related to Vietnamese NGOs.

9 The information in this section is based on interviews conducted at the office of DP Hanoi on March 14, 2017 and on leaflets obtained at that time.

10 According to DP Hanoi’s website, its organizational network (as of November 2017) consists of 47 member organizations with more than 10,000 people with disabilities. <http://dphanoi.org.vn/vi-vn/> (Accessed 30 January, 2019)

11 The process of disability certification is set out in Articles 15-20 of the Law on Persons with Disabilities of 2010 (Ministry of justice, Vietnam, 2010).

12 The information in this section is based on interviews conducted at the office of ACDC in Hanoi on March 13, 2017 and on their Annual Report (ACDC, 2015).

13 Even though ACDC is formally registered as a civil society organization rather than as a DPO (Lynch and Kiet, 2013: 34), it is recognized as a DPO (USAID , 2015: 17).

14 She is introduced as one of Vietnam’s female leaders in Ohler and Duong (2016:71-77).

15 According to Nguyen Thi Lan Anh’s Facebook page, she has been Chief of Foreign Department of Vietnam Federation on Disabilities (VFD) since December 2017 and Technical Member of National Council on Disability (NCD) since January 5, 2017. <https://www.facebook.com/lananhdf> (Accessed 31 January, 2019)

16 The information in this section is based on the VUFO-NGO Resource Centre website, <http://www.ngocentre.org.vn/print/book/export/html/80> (Accessed 25 November, 2017).

## References

Action to the Community Development Center (ACDC). (2015). *Annual Report 2015*.

<http://www.acdc.org.vn/en/component/jdownloads/send/1-root/47-annual-report-acdc-2015?Itemid=0> (Accessed 4 December, 2017)

Association in Support of Vietnamese Handicapped and Orphans. <http://asvho.vn/vec-the-association-in-support-of-vietnamese-handicapped-and-orphans> (Accessed 30 January, 2019)

Association of People with Disabilities (DP Hanoi). <http://dphanoi.org.vn/vi-vn/> (Accessed 30 January, 2019)

Cabinet Office, Government of Japan. (2012) *Annual Report on Government Measures for Persons with Disabilities (Summary)* . <http://www8.cao.go.jp/shougai/english/annualreport/2012/index-pdf.html> (Accessed 25 November, 2017)

----- . (2014) *Annual Report on Government Measures for Persons with Disabilities (Summary)* .

<http://www8.cao.go.jp/shougai/english/annualreport/2014/index-pdf.html> (Accessed 25 November, 2017)

----- . (2015) *Annual Report on Government Measures for Persons with Disabilities (Summary)*.

<http://www8.cao.go.jp/shougai/english/annualreport/2015/index-pdf.html> (Accessed 25 November, 2017)

Disabled Peoples’ International Japan. <http://www.dpi-japan.org/> (Accessed 25 November, 2017)

Gondo, M. (2014). Establishment of Vietnam Hanoi Independent Living Center and Problems of Its Management and

- Prospects. *Core ethics*. 10, pp.85-95. Ritsumeikan University. (in Japanese)
- Heyer, Katharina (2015). *Rights Enabled: The Disability Revolution, from the US, to Germany and Japan, to the United Nations*. University of Michigan Press.
- Hiroi, Yoshinori (2003). Asia no Shakaihosho no Gaikan, In Y.Hiroi and K.Komamura (Eds.), *Asia no Shakaihosho* (pp.3-46). University of Tokyo Press. (in Japanese)
- Kerkvliet, B.J.T (2003). Introduction: Grappling with Organizations and the State in Contemporary Vietnam, In J.Benedict, K.Kerkvliet, H.K.Russel and D.Koh (Eds.), *Getting Organized in Vietnam: moving in and around the socialist state* (pp. 1-24). Singapore: Institute of Southeast Asian Studies.
- Kham, T.V & Cho, H.S.(2016). *Social Welfare Policies for People with Disabilities in Vietnam and South Korea*. GRIN Verlag, Open Publishing GmbH. <http://www.grin.com/en/e-book/334448/social-welfare-policies-for-people-with-disabilities-in-vietnam-and-south> (Accessed 25 November, 2017)
- Korean DPO and NGO Coalition for UN CRPD Parallel Report. (2014). *Parallel Report for the UN Committee on the Rights of Persons with Disabilities*.  
[https://tbinternet.ohchr.org/Treaties/CRPD/.../KOR/INT\\_CRPD\\_CSS\\_KOR\\_18207\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRPD/.../KOR/INT_CRPD_CSS_KOR_18207_E.doc) (Accessed 4 December, 2017)
- Lynch, E. and Kiet, P.H.T. (2013). *Disability Projects Review Assessment and Analysis Report*.  
[https://www.usaid.gov/sites/default/files/documents/1861/Final\\_Disability\\_Assessment\\_and\\_Analysis\\_7-2013\\_FINAL.pdf](https://www.usaid.gov/sites/default/files/documents/1861/Final_Disability_Assessment_and_Analysis_7-2013_FINAL.pdf) (Accessed 2 December, 2017)
- Ministry of Health, Labour and Welfare (Japan). (2012) *Annual Health, Labour and Welfare Report 2011-2012 (Summary)*. <http://www.mhlw.go.jp/english/wp/wp-hw6/dl/summary.pdf> (Accessed 25 January, 2017)
- Ministry of justice (Vietnam) (1998). ORDINANCE ON DISABLED PERSONS (No. 06/1998/PL-UBTVQH10 of July 30, 1998). [http://www.moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view\\_detail.aspx?itemid=1451](http://www.moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=1451) (Accessed 25 November, 2017)
- Ministry of justice (Vietnam) (2010). LAW ON PERSONS WITH DISABILITIES (No.51/2010//QH12).  
[http://www.moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view\\_detail.aspx?itemid=10482](http://www.moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=10482) (Accessed 25 November, 2017)
- National Coordinating Council on Disability (NCCD). (2010). *2010 Annual Report on the Status of People with Disabilities in Vietnam*.  
[http://nccd.molisa.gov.vn/attachments/221\\_BC%20thuong%20nien%202010%20tieng%20Anh%20cuoi.pdf](http://nccd.molisa.gov.vn/attachments/221_BC%20thuong%20nien%202010%20tieng%20Anh%20cuoi.pdf) (Accessed 25 November, 2017)
- Ohler, I. and Duong, D.T. (2016). *BA TRIEU'S 21st Century Daughters: Stories of Remarkable Vietnamese women*. Women's Publishing House.
- Phan, G. (2017). Understanding CRPD Implementation in Vietnam. In D.L.Cogburn and T.K.Reuter (Eds.), *Making Disability Rights Real in Southeast Asia* (pp.167-184). London: Lexington Books.
- Sai, E. (2010). Kankoku no Shougaisha Housei; Shougaisha Sabetsu Kinshi Hou wo Chushin ni. In M. Kobayashi (Eds.), *Kaihatsu Tojoukoku no Shougaisha to Hou*. (pp.29-64). Japan: Institute of Developing Economies, Japan External Trade Organization (JETRO). <http://hdl.handle.net/2344/00011506> (Accessed 4 December, 2017) (in Japanese)
- Shinkawa, T. (2005). *Nihongata Fukushi-rejime no Hatten to Henyo*. Minerva Shobo. (in Japanese)
- Takahashi, R. (2017). Comparative Study on Successful Advocacy Work to Develop the Participation of Disabled

- People. *Bulletin of the Faculty of Human Sciences, Kanazawa University*, 8 • 9, 30-43.  
<http://hdl.handle.net/2297/46955> (Accessed 25 November, 2017)
- Tateiwa, S. (2010a) *Disability Movement/ Studies in Japan 1:Beginning*. (translation by Robert Chapeskie)  
<http://www.arsvi.com/ts/20100091-e.htm>, <http://www.arsvi.com/ts/20100093-e.htm> (Accessed 28 January, 2017)
- (2010b) *Disability Movement/ Studies in Japan 3*. (translation by Midori Hiraga and Proofread by Yura Okamoto) <http://www.arsvi.com/ts/20100093-e.htm> (Accessed 28 January, 2017)
- United States Agency for International Development (USAID). Who We Are. <https://www.usaid.gov/who-we-are> (Accessed 2 December, 2017)
- Uwano, T. (2018) *Vietnam and Barrier-Free: Tojisha no Koe de Tsukuru Asia teki Inclusive Shakai*. Akashi Shoten. (in Japanese)
- Vasiljev, I. (2003) The Disabled and Their organizations: The Emergence of New paradigms. In J. Benedict, K. Kerkvliet, H. K. Russel and D. Koh (Eds.), *Getting Organized in Vietnam: moving in and around the socialist state* (pp. 126-152). Singapore: Institute of Southeast Asian Studies.
- Vietnam Assistance for the Handicapped (VNAH). (2015). *Inclusion of the Vietnamese with Disabilities - IVWD PROGRAM FINAL REPORT 1 Jan 2006 – 31 Dec 2015*. [http://pdf.usaid.gov/pdf\\_docs/PA00KKVJ.pdf](http://pdf.usaid.gov/pdf_docs/PA00KKVJ.pdf) (Accessed 2 December, 2017)
- Vietnam Assistance for the Handicapped (VNAH). Who We Are. <http://www.vnah.info/about-hayden/> (Accessed 25 November, 2017)
- Vietnam Association of Victims of Agent Orange (VAVA). <http://vava.org.vn/introduction/> (Accessed 30 January, 2019)
- Vietnam Agent Orange Relief & Responsibility Campaign. <https://www.vn-agentorange.org/about.html> (Accessed 30 January, 2019)
- Vietnam News Agency (VNA) (2015). National Committee for Persons with Disabilities established. <https://en.vietnamplus.vn/national-committee-for-persons-with-disabilities-established/82866.vnp> (Accessed 2 December, 2017)
- VUFO-NGO Resource Center Vietnam. COMINGO, VUFO and PACCOM. <http://www.ngocentre.org.vn/print/book/export/html/80> (Accessed 25 November, 2017)
- VUFO-NGO Resource Center Vietnam. (2015). *International NGO Partnerships for Development 2015*. [http://www.ngocentre.org.vn/webfm\\_send/9909](http://www.ngocentre.org.vn/webfm_send/9909) (Accessed 25 November, 2017)
- Yun, S. (2012). Kankoku Shougai Undou no Kako to Genzai. In Kawabata, M., Yoshida, Y. Li, A. (Eds.), *Shougaigaku Kokusai Seminar 2012* (pp.155-188 ). Japan: Research Center for Ars Vivendi at Ritsumeikan University. (in Japanese)

# アジアにおける障害者政策への当事者参加に関する比較研究

高橋涼子<sup>†</sup>

<sup>†</sup> 金沢大学人間科学系 金沢市角間町 〒920-1192

E-mail: <sup>†</sup> takahasi@staff.kanazawa-u.ac.jp

## 要旨

障害のある人々の当事者団体がアドボカシー活動を通して福祉政策形成に参加する仕組みが根づいている欧米に対して、政治風土の異なるアジアについて、いち早く福祉国家化した日本とそれに続く韓国、さらに近年、急速に経済発展し社会主義国でありつつ欧米の DPO・NGO の政策策定支援を受け入れつつ福祉政策を整備するベトナムを取り上げ、当事者参加の条件を検討した。その結果、障害種別を超えたネットワーク形成で発言力を高めるという欧米との共通点に加え、政治状況に柔軟に対応する戦略と、国連障害者権利条約の批准という国際的な潮流と国内外のネットワークの効果的な活用、さらにベトナムに関する検討からは、社会主義体制と開発援助の枠組みをふまえた戦略の重要性を確認した。また社会体制は異なりつつ共通する、障害のある人のケア責任を家族に負わせる福祉システムの変革の必要性を示唆した。

**キーワード：** 障害のある当事者団体 (DPO) : アドボカシー : アジア : 日本 : 韓国 : ベトナム