

UNIVERSAL PERIODIC REVIEW (UPR 18)

A Stakeholders report prepared by Lao Disability Network, Lao PDR

Coordinated by: Lao Disabled People's Association (LDPA)

List of Organizations Participated in Developing this Report

1. Lao Disabled People's Association (LDPA),
2. Intellectual Disabilities Unit (LDPA)
3. Ban Saine Souk Cerebral Palsy Service Unit (LDPA)
4. Association for the Deaf (AFD)
5. Association of the Blind (LAB)
6. Lao Disabled Women's Development Centre (LDWDC)
7. Association for Autism (AFA)
8. Aid Children with Disability Development Association (ACDA)

Contact person:

Nouanta Latsavongxay

Vice President – Lao Disabled People's Association

Phonesavang Village, Chanthabuly District

Ph: +856-21 562 963, Fax: +856-21 562 964

Mobile: +856-20 97555 456

Email: info@ldpa.org.la



<http://www.ldpa.org.la>

<http://www.laodeaf.org>

<http://www.laodisabledwomen.com>

<http://www.laoautism.org>

<http://www.acdalaos.weebly.com>

<http://www.lablao.org>

I. Introduction:

- 1) Over 2 days (24-25 April 2014) 8 Disabled People's Organizations (DPOs) met to discuss the situation of people with disabilities in Lao PDR. The group identified key areas of concern, good practices and recommendations that would form the basis of this report. Participants agreed that LDPA would draft the report based on the workshop outcomes. The draft report was sent to the DPOs and on the 28 May 2014 a further meeting was held to review the draft report and incorporate suggested changes. A final draft was sent to the organizations for approval prior to submission.

II. General situation:

- 2) There is a limited and inaccurate statistics and data on disability in Lao PDR. The 2005 National Housing and Population Census identified around 79,000 persons with disabilities (1.4% of the population) but these figures underestimate the reality due to the insufficient quality of the questions. In its 2004 report, WHO estimated the prevalence rate of disability in Lao PDR to be 12.7% of the population.
- 3) There are a number of growing and newly established disabled people's organizations (DPOs) in Lao PDR. These organizations have improved their coordination - they meet regularly to ensure better understanding of their roles and responsibilities and find ways to support each other to meet their common goals. However, all DPOs have limited capacity and do not receive core funding. There is high competition in seeking funding between DPOs. This impacts on the function and operation of their organizations to exercise their role to represent their members at a policy level with government.

III. Data about persons with disability in Lao PDR

- 4) The upcoming *Fourth Population and Housing Census 2015 of Lao PDR* is an opportunity to collect more accurate information about persons with disability that is comparable across countries. The Lao Statistics Bureau has consulted with DPOs and disability stakeholders who have advocated for inclusion of the Washington Group Short Set of questions on disability, and has made an effort to accommodate the recommendations made by DPOs. But the census form has not yet been modified based on these recommendations. There is a lack of understanding and capacity of both of the Lao Statistics Bureau, DPOs and disability stakeholders on how the Washington Group Short Set can provide accurate data and how this data can be used in policy development.

Recommendation:

- 5) Capacity development is required for the Lao Statistic Bureau, DPOs and disability stakeholders on identifying disability prevalence, and how census tools and processes

can be used to identify people who experience difficulties in basic actions and barriers to participation. Support and encouragement is required for the Lao Statistic Bureau to revise the questionnaire to include the Washington Group Short set on disability for the upcoming *Fourth Population and Housing Census 2015 of Lao PDR*.

- 6) A national disability survey should be conducted in Lao PDR to provide an accurate picture of the situation of persons with disabilities. This should be coordinated by National Committee of Disabled and Elderly (NCDE).

IV. Legislation and coordination

- 7) Currently there is limited legislation that supports rights of persons with disabilities. At a national level, the Decree on Disability no. 137/PM, which outlines the rights of persons with disability in line with the United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD) was approved by the government on the 18th April, 2014. The government of Lao PDR involved DPOs and other disability sector stakeholders in the process of developing and revising the decree through consultation workshops and technical group meetings. Each DPO had opportunity to provide useful comments to improve the comprehensiveness of the decree. The decree is an important first step, but there is still significant progress needed in developing national policy and actions plan that translate the decree into actions.
- 8) There are a number of policies which include participation of persons with disabilities as a cross cutting issue for every sector¹. Where policies do exist (e.g. national policy on inclusive education), there is a lack of awareness of the policy, lack of ownership and lack of funds to implement the policy.
- 9) The current National Committee for Disabled People and Elderly (NCDE) is the body in charge of coordination of disability sector at policy level and is supported by a secretariat office². It is anticipated that this body will be involved in translating the Decree into policy. The committee consists of representatives from government departments and three of the Mass organizations; the Lao Women's Union, the Lao People's Revolutionary Youth Union and the Lao Trade Union. But there is no DPO representative included. However, there is disability focal points nominated at government departments who are responsible for coordination of work related to

¹These include: The constitution, national policy and strategy on inclusive education, labour law (updated version), law on the construction, master plan on social welfare ministry of labour and social welfare, and master plan of Ministry of public health.

² Decree on the organization and operation of National Committee for Disabled People and the elderly (no. 232/PM)

persons with disabilities but there is a regular turnover of focal points due to staff movements which impacts on effective coordination across government departments.

- 10) The Prime Ministerial Decree 232 outlines the functions of NCDE and its secretariat. The secretariat has initiated a disability sector coordination meeting composed of various stakeholders (government representatives, development partners, INGO and disabled people organizations) who meet on regular basis to exchange information and look at ways to improve coordination amongst the sector. However further strengthening in technical, human and financial capacity is required for the secretariat to effectively carry out its function as a coordination mechanism between civil society stakeholders and government and policy development and implementation.
- 11) There has been inconsistent consultation with DPOs across different government departments. There are currently no guidelines for government departments that ensure participation of persons with disabilities in policy processes. DPOs have limited experience and knowledge in policy development and dialogue which limits their ability to communicate at the policy level.
- 12) In order to effectively fulfill their role in representing interests of persons with disability, significant focus and investment must be given to support strengthening of DPOs including core funding. DPOs also require significant support for internal capacity development.

Recommendations

- 13) Dissemination of the Prime Ministerial Decree on organization of the National Committee for Disabled and Elderly People, No 232/PM and Disability Decree, No 137/PM should be prioritised so that all relevant stakeholders are aware of the disability decree and the role and function of NCDE.
- 14) The government should prioritize developing policy that translates the disability decree into practical action plans. Guidelines that support government departments to effectively include persons with disabilities and DPOs in policy processes should be developed and implemented.
- 15) The government should ensure that NCDE secretariat has adequate technical, human and financial capacity and resources to fulfil their functions as outlined Prime Ministerial Decree 232. International organisations should provide technical capacity development

support to NCDE to assist them to effectively coordinate activities and implement the decree on disability. The role of NCDE needs to be recognised by stakeholders and government and line ministries.

- 16) The government should provide opportunities for dialogue with DPOs to assist DPOs to better understand existing policies and policy and legislation processes in Lao PDR. This will assist DPOs to communicate more effectively at the policy level.

V. Accessibility

- 17) There is currently one article in the Law on Construction No. 05/NA, 2009, article 05 paragraph 4th promotes physical accessibility of public facilities. This law provides a clear list of access requirements that must be complied with in all public facilities. Though these access requirements exist construction companies are not always aware of these. There is currently no mechanism in place to ensure that this law is complied with.

- 18) Most public buildings do not have ramps, accessible entrances, toilets, and accessible signage which limited access to public services and employment for persons with disabilities. Public transport infrastructure is also not accessible to many persons with disabilities³ which further impact on access to services as well as economic and social participation of persons with disabilities.

- 19) A recent study completed by Handicap International identified barriers and facilitators to transport for persons with disabilities in Vientiane with a focus on three main types of transport – buses, tuk-tuks and jumbos and private transport and provides concrete recommendations for these different transport sectors to improve accessibility for persons with disabilities⁴.

- 20) Access to information is limited in Laos. People living in rural areas have less access to information due to geography which affects access to commonly used media for information dissemination e.g. TV, telephone and radio signals. In many rural communities lack of literacy skills and use of ethnic dialect further restrict access to written and spoken information. Publically available information is rarely provided in accessible formats, and no sign language interpreter schemes exist in public services. The use of Braille, sign language, and easy-to-read materials such as simplified text and

³ Handicap international (2013), Analysis report: Accessibility and methods of transportation of young persons with disabilities in Vientiane Capital, Lao PDR

⁴ Handicap international (2013), Recommendations: Accessible transport for persons with disabilities in Vientiane Capital, Lao PDR

pictures for those with intellectual and learning impairment is generally not available, even in special schools.

- 21) Basic sign language training for health care staff have been carried out in limited way within an internationally funded project⁵, however there are no policy framework or funding mechanism to support this to be scaled up within government services. However the achievements from the training that has occurred have been significant in enabling communication between community members who are deaf and the government service providers.
- 22) There are a number of DPOs and specific disability service providers that have expertise in provision of accessible formats and development of tools that support accessible information (such as: sign language phone apps and websites⁶ developed by the Association for the Deaf and the Lao IT development company, and the screen reading computer program and braille language developed by Lao Association for the Blind)

Recommendations

- 23) Government should support or encourage international organizations to support DPOs to replicate successes, good practices and ability to create conditions to facilitate access to information for persons with disabilities. Support should be provided to the Association for the Deaf to continue basic Lao Sign language training to all government and private services. Similarly, government and international organizations should work with the Association for the Blind to provide Braille materials.
- 24) Sufficient monitoring and enforcement mechanisms concerning the implementation of accessibility requirements outlines in the Law on Construction No. 05/NA, 2009 for public facilities including schools and transportation should be put in place.
- 25) Development of policy and guidelines to ensure access to information and communication for all so that persons with disabilities have equal access to information, and are able to communicate with service providers.
- 26) Development of a system to be built at all levels to ensure information is reaching all people, including persons with disabilities in rural areas. Resources should be invested

⁵ Lao National Sign Language and Deaf culture training (2011-2013), funded by the French Embassy.

⁶ www.Handtalklao.org and www.handme.org

at the national, provincial, and district levels to facilitate the development of accessible information.

VI. Access to education

27) A number of key policies and action plans exist that mention inclusion of children with disabilities such as the *Education Sector Development Plan (2011-2015)*, *National Policy for Inclusive Education (2010)*, *National Strategy and Plan of Action on Inclusive Education (2011-2015)*. A new *Action plan for Learners with disabilities (2016-2020)* is currently in draft form.

28) Development of human resources has not been adequately addressed in previous plans, however, the draft *Action plan for Learners with disabilities (2016-2020)* includes actions to develop human resources.

29) The Inclusive Education Centre acts as a coordination body for inclusive education and is located within the Ministry of Education and Sport (MOES). The gender, inclusion and disability technical working group is convened by MOES and has representation from the technical departments from MOES and development partners. The working group provides advice on how to ensure that inclusion of children with disabilities is prioritized within the frameworks and implementation of the Education Sector Development Plan (2011-2015), the National Inclusive Education Policy (2011-2015) implementation, and other relevant Strategic Plans of the Ministry of Education and Sports. DPOs have not been consistently invited to participate in this working group, and NCDE does not appear to be a member. There is no accurate information about number of school age children with disabilities in and out of school which means it is more difficult to advocate for inclusion of children with disabilities in formal education and influence policy making processes to support children with disabilities to access education. It also makes it difficult to set targets and monitor progress in action plans. For example the *draft action plan for learners with disabilities (2016-20)* sets a target that 30% of children with disability will be going to school. This lack of data makes it difficult to know whether this target is achievable and whether it is in line with the target set out in the Incheon Strategy⁷ to “Halve the gap between children with disabilities and children without disabilities in enrolment rates for primary and secondary education”.

⁷<http://www.unescap.org/resources/incheon-strategy-%E2%80%9Cmake-right-real%E2%80%9D-persons-disabilities-asia-and-pacific>

- 30) There is little understanding of, and information available about the rights of children with disabilities to access mainstream education. Capacity of teachers to support children with disabilities in mainstream school is low, and there is a lack of resources for schools. There is limited training and support for teachers in inclusive education. The high pupil-to-teacher ratio further limits the ability of teachers to support children with different learning styles including children with disabilities. Special schools are still viewed as the most appropriate places for children with disabilities by many teachers and families.
- 31) There is disparity between urban and rural areas in access to education for children with disabilities in terms of accessibility and availability. Though education law promotes inclusion of children with disabilities in mainstream schools, most schools remain physically inaccessible, and do not provide accessible formats, or adapt teaching methodology. There are a number of special schools that cater for children with hearing impairment, and vision impairment. These are based in provincial capitals.

Recommendations

- 32) Government and donor support is required for the implementation of the draft *Leaners with Disabilities Action Plano* to ensure a comprehensive approach to access to education for children with disabilities.
- 33) There should be a formal mechanism for Government to coordinate more effectively with DPOs in strategic planning processes and action plan development. DPOs have expertise in barriers that persons with disabilities face, awareness raising and have well development networks in which can be utilized for broader consultation and information dissemination.
- 34) The secretariat of NCDE needs to be involved in coordination and communication mechanisms across ministries and departments and other stakeholders to ensure a comprehensive approach to inclusive education such as accessible infrastructure, linkages and referrals between rehabilitation and education and accessible formats.

VII. Access to work and employment

- 35) The disability decree outlines the rights of persons with disabilities to work and employment (section 7). Article 26 in the Lao law on Labour states that priority must be given to persons with disabilities for job placement in the private and the public sector.

There is little awareness of this article by employers, and no enforcement mechanisms for this article. There are no resources available for employers to ensure that their workplaces are accessible and inclusive of persons with disabilities. Additionally, article 45 in the Lao law on the tax provides for tax exemption on income from wages and salaries for persons with disabilities approved by the “respective bodies”. There is little awareness of this article amongst persons with disabilities and employers, and no enforcement of this. Furthermore, it is not clear who the respective bodies are who can approve this exemption.

- 36) Lack of access to education, and mainstream training providers make it more difficult for persons with disabilities to gain the appropriate skills and qualifications required for wage employment. Though there are a number of vocational training centers that are inclusive of persons with disabilities that are run by the Ministry of Labour and Social Welfare, there is no specific policy and action plan to support pathways for employment for persons with disabilities from training to employment.
- 37) There is limited disability specific vocational training available to people with disabilities. Generally the qualifications provided by these services are not accredited or officially recognized at the same level as other government vocational training programs.
- 38) There are limited services that support persons with disabilities to gain and maintain work and employment. The *Linking Employers to Employees with Disability (LEED) program*⁸ is the first program in Lao PDR to support both employees with disability to find employment and support to employers to ensure that their workplace is supportive of persons with disabilities (including making workplaces friendly and accessible for employees with disabilities). This program is operating without government funding.
- 39) There are a number of NGO run projects to support persons with disabilities to engage in income generation activities (IGA). These projects have improved income for persons with disabilities who do not have opportunities to attend school and find wage employment. The good practices learnt in these projects could be used in mainstream IGA programs.
- 40) Current social protection programs support war veterans who are unable to work, or those who have acquired an injury at work and cannot continue to work, however there are no social protection programs to support other persons with disabilities who are unable to work.

⁸This service is provided by LDPA, with support from Handicap International and funding from the European Union.

Recommendations

- 41) Development of specific policy and action plan to support pathways from training to employment for persons with disabilities.
- 42) The government should provide clear information and awareness related to the decree on disability, and specific labour and tax laws that relate to persons with disabilities, targeting persons with disabilities, their family and employers.
- 43) The Government should take responsibility to fund services that support persons with disabilities to gain and maintain work and employment (such as LEED). The government should also take responsibility to ensure that non-formal employment such as IGA should be inclusive of person's disabilities.
- 44) Social protection programs should be extending to include all persons with disabilities.

VIII. Access to healthcare and rehabilitation

- 45) Though there is basic health infrastructure available at the village cluster level, more substantial health services are located at a district or provincial level. Most of these are not physically accessible to persons with disabilities. Persons with disabilities often need to travel long distances to receive services, which typically entails additional transportation costs making it very difficult for persons with disabilities living in the rural areas to benefit from them.
- 46) Most healthcare providers such as doctors and nurses are inadequately trained on how to communicate, and better serve patients with disabilities. People who are Deaf are particularly disadvantaged due to communication barriers. As a result many persons with disabilities do not receive the same level of care as other members of the community.
- 47) All 5 rehabilitation centers (Centre for Medical Rehabilitation- CMR) are located in the city and provincial towns. In addition, rehabilitation services are operating in national and provincial hospitals only. Persons with disabilities often need to travel long distances to receive services, which typically entails additional transportation costs making it very difficult for persons with disabilities living in the rural areas to benefit from them. In its long term strategic plan, the Ministry of Public Health is planning to open rehabilitation services at "inter-district hospital" level.

- 48) Where rehabilitation services do exist, there is limited availability of specialized services. The most commonly provided services are for persons with physical disabilities and sensory disabilities (hearing and vision), but there are very limited services and human resources for services targeting people with intellectual, developmental or psychosocial disabilities.
- 49) Policy exists that provides for free prosthetic and orthotic (P&O) services and limited rehabilitation in relation to the P&O services for all people with disabilities. Currently the policy does not support free services for other types of rehabilitation and assistive devices which results in variations of cost for services and assistive devices across Lao PDR for those who require more than P&O services.
- 50) Many persons with disabilities, particularly those living in rural areas, have limited access to information about healthcare and rehabilitation services, which are available to them.

Recommendations

- 51) Policy on healthcare and relevant action plans must address specific barriers that persons with disabilities face in accessing healthcare (including physical, attitudes, communication, policy and economic). The upcoming Master Plan on Health (2016-2020) provides opportunity to ensure that inclusive health care is planned and budgeted for. Persons with disabilities and DPOs must be included in development of this plan, implementation and monitoring and evaluation of this plan.
- 52) Ensure that health workers are trained on communication and service delivery so that persons with disabilities receive the same quality of care as everyone else.
- 53) The government should consider programs and mechanisms that remove financial barriers to health care and rehabilitation for persons with disabilities. Additionally, where existing social security and health insurance programs are in place, these need to include persons with disabilities. Where they are not in place, they should be developed.
- 54) Expand the CMR network to improve coverage of rehabilitation services across all provinces and expand the Ministry of Public Health referral system to all provinces to facilitate free access to basic rehabilitation and assistive devices, including transportation costs.

55) Information about the healthcare and rehabilitation services available, including costs, should be made available to all persons with disabilities in accessible formats, particularly those living in rural areas, so that persons with disabilities can make informed decisions about accessing healthcare and rehabilitation services.