

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**ENSURING THE RIGHT TO LEGAL AID FOR
PERSONS WITH DISABILITIES IN VIETNAM**

ABSTRACT OF DOCTORAL DISSERTATION

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INTRODUCTION

1. Urgency of the topic

The right to legal aid (LA) plays a crucial role in ensuring access to justice and promoting human rights. The right to LA is recognized in international law and affirmed as a specific right within access to justice, ensuring fairness and equality before the law.

In Vietnam, LA is a humanitarian policy of the Party and the State aimed at vulnerable groups, including persons with disabilities (PWDs). Vietnam has incorporated the right to LA of PWDs into its domestic legal framework in accordance with the principles of the United Nations (UN), the Convention on the Rights of Persons with Disabilities (CRPD), and Vietnam's practical conditions through policies, legislation, and law enforcement mechanisms to ensure the right to LA of PWDs. However, ensuring the right to LA of PWDs in Vietnam still faces numerous difficulties and challenges, both theoretically and practically. In addition, from an academic perspective, there remains a lack of in-depth, comprehensive, and systematic research on ensuring the right to LA of PWDs from the perspective of human rights law. Therefore, the doctoral researcher has selected the topic "Ensuring the Right to Legal Aid of Persons with Disabilities in Vietnam."

2. Research Purpose and Tasks

2.1. Research Purpose

On the basis of analyzing and clarifying the theoretical foundations for ensuring the right to LA of PWDs, the dissertation analyzes and evaluates the current situation of ensuring the right to LA of PWDs in Vietnam; thereby identifying viewpoints and proposing solutions to ensure the right to LA of PWDs in the coming period.

2.2. Research Tasks

The dissertation reviews relevant scientific studies; clarifies the theoretical foundations for ensuring the right to LA of PWDs; surveys, analyzes, and evaluates the practice of ensuring the right to LA of PWDs in Vietnam; identifies viewpoints and proposes solutions to ensure the right to LA of PWDs in Vietnam.

3. Research Subject and Scope

3.1. Research Subject

The research subject of the dissertation comprises theoretical and practical issues concerning the guarantee of the right to LA of PWDs in Vietnam.

3.2. Research Scope

In terms of content: The dissertation examines fundamental theoretical issues concerning the guarantee of the right to LA of PWDs from the perspective of human rights law; In terms of geographical scope: The dissertation analyzes the policy and legal framework and administrative data on ensuring the right to LA of PWDs nationwide. Primary data were collected in Hanoi, Ho Chi Minh City, Thai Nguyen, and Thanh Hoa using a non-probability sampling method; In terms of time: From 2015 to the present.

4. Methodology and Research Methods

4.1. Methodology

The dissertation is based on the theoretical foundations of Marxism-Leninism and Ho Chi Minh Thought, as well as several theories, including Justice as Fairness, the human rights-based approach, and the social model of disability.

4.2. Research Methods

The dissertation employs a combination of research methods, including analysis and synthesis, comparison, historical analysis, surveys, in-depth interviews, document research, and systematization.

4.3. Limitations of the Research

The study has not applied the case study method in a real-world context. This limitation is addressed through the use of survey data combined with in-depth interviews, thereby enhancing the practical relevance and reliability of the research findings.

5. New Contributions of the Dissertation

The dissertation contributes to supplementing and clarifying the theoretical foundations of the right to LA of PWDs and the guarantee of this right; establishes a human rights -based approach to studying the guarantee of the right to LA of PWDs; provides a relatively comprehensive analysis and assessment of the current situation of policies, legislation, and practices concerning the guarantee of the right to LA of PWDs in Vietnam; identifies achievements, limitations, and the causes thereof in legal provisions, implementation mechanisms, the capacity of service providers, the accessibility of PWDs, and the conditions necessary for the effective exercise of the right in practice; and proposes viewpoints and solutions for improving legislation, implementation mechanisms, and conditions for ensuring the right to LA of PWDs in Vietnam.

6. Theoretical and Practical Significance of the Dissertation

6.1. Theoretical Significance

The dissertation contributes to the development of the general theoretical framework on the guarantee of human rights, particularly the theoretical foundations concerning the guarantee of the right to LA of PWDs.

6.2. Practical Significance

The dissertation can serve as a reference for state management agencies, educational and training institutions, organizations, and individuals concerned with ensuring the right to LA of PWDs in Vietnam.

7. Structure of the Dissertation

In addition to the Introduction, Conclusion, References, and Appendices, the dissertation consists of 4 chapters (12 sections).

Chapter 1. OVERVIEW OF RELEVANT RESEARCH ON THE DISSERTATION TOPIC

1.1. Overview of Relevant Domestic Research

1.1.1. Research on Legal Aid

Research projects and programs on legal aid conducted by the Institute of Legal Science under the Ministry of Justice include: Organizational and Operational Models of Legal Aid and Directions for Implementation under Current Conditions (1999); Scientific and Practical Foundations for Developing the Ordinance on Legal Aid (2004); Scientific and Practical Foundations for Amending and Supplementing the Law on Legal Aid (2015); and Report on the Study of Foreign Experiences in Legal Aid (2015).

Doctoral dissertations include: State Management by Law of Legal Aid Activities in Vietnam Today (2007); Legal Regulation of Legal Aid in Vietnam under the Conditions of Reform (2008); Implementation of the Law on Legal Aid under the Conditions of Building a Rule-of-Law State in Vietnam (2012); Legal Aid Activities under Current Vietnamese Law (2019),...

1.1.2. Research on Persons with Disabilities and the Rights of Persons with Disabilities

Books and textbooks: Nguyen Thi Bao: Law on the Rights of Persons with Disabilities in Vietnam (2011); Nguyen Thi Que Anh et al., School of Law, Vietnam National University, Hanoi: Rights of Persons with Disabilities (2019); Nguyen Hien Phuong: Commentary on the Rights of Persons with Disabilities under the International Convention and the Status of Domestic Incorporation in Vietnam (2021); Textbook on Vietnamese Disability Law, Hanoi Law University (2011); Theory and Law on Human Rights, School of Law, Vietnam National University, Hanoi (2011); Theory and Law on Human Rights, Ho Chi Minh National Academy of Politics (2021).

Research studies: Vu Cong Giao and Nguyen Anh Duc: The Concept of Disability and a Rights-Based Approach in the Rights of Persons with Disabilities (2019); training materials on the CRPD issued by the Ministry of Labour, Invalids and Social Affairs (2018); doctoral dissertations: Ensuring the Rights of Persons with Disabilities in Vietnam Today (2021), The Rights of Persons with Disabilities in Vietnamese Social Security Law (2022); ministerial-level research project: Ensuring the Rights of Persons with Disabilities in Vietnam in the New Context (2025); Independent Report on the Implementation of the CRPD in Vietnam (2020); Chu Thi Thuy Hang: Developing an Index on the Rights of Persons with Disabilities in Vietnam (2025).

1.1.3. Research on Ensuring the Right to Legal Aid of Persons with Disabilities

Representative studies include: Tran Thai Duong: Ensuring the Right of Access to Justice and the Right to Legal Aid of Persons with Disabilities: Compatibility of Vietnamese Law with International Law (2014); Nguyen Minh Tam and Vu Cong Giao: The Impact of Ensuring

the Right of Access to Justice on the Rights to Employment and Vocational Education of Persons with Disabilities: The Case of Vietnam, in *Some Contemporary Human Rights Issues* (2023); Nguyen Hai An and Tran Mong Binh: *Ensuring the Right of Access to Justice of Persons with Disabilities in Vietnam in the Context of Globalization and International Integration* (2022); Vu Cong Giao and Hoang Thi Bich Ngoc: *Ensuring Justice for Persons with Intellectual Disabilities in Criminal Proceedings*; Nguyen Ngoc Lan: *The Right of Access to Justice of Persons with Disabilities in International and Vietnamese Law*; Nguyen Ngoc Chi: *The Rights of Persons with Disabilities in the Field of Criminal Justice, in Rights of Persons with Disabilities* (2019); Tran Thai Duong: *Ensuring the Right of Access to Justice of Persons with Disabilities in Vietnam Today: Theory, Law and Practice, in Justice and the Right of Access to Justice* (2018); Huynh Thi Hong Nhlen: *Law on the Rights of Persons with Disabilities in Selected Countries and Lessons for Vietnam* (2023); Nguyen Hien Phuong and Huynh Phuong Anh: *The Right of Access to Justice of Persons with Disabilities under the CRPD and Its Incorporation into Vietnamese Law, in Commentary on the Rights of Persons with Disabilities under the International Convention and the Status of Domestic Incorporation in Vietnam* (2021).

Studies on the legal framework for the right to legal aid and the practice of ensuring the right to legal aid of persons with disabilities in Vietnam include: Institute for Sustainable Development Research: *Report on the Analysis of the Context for the Implementation of the Rights of Persons with Disabilities in Vietnam* (2023); Institute of Human Studies: *Report on the Assessment of the Law on Persons with Disabilities in Comparison with the CRPD and the Experiences of Selected Countries* (2020); National Committee on Persons with

Disabilities of Vietnam: Report on Activities to Support Persons with Disabilities in 2016; Government of Vietnam: Report on Issues Related to the Initial Report on the Implementation of the CRPD (2017); Nguyen Van Nguyen: Legal Aid for Persons with Disabilities: From Law to Practice (2023).

Studies addressing viewpoints and solutions to promote and protect the rights of persons with disabilities include: Nguyen Thi Bao: Law on the Rights of Persons with Disabilities in Vietnam (2011); Hanoi Law University: Vietnamese Disability Law (2011); Ministry of Justice: Training Materials on Legal Aid Skills for Persons with Disabilities (2020); Nguyen Thuy Duong: State Obligations to Ensure the Rights of Persons with Disabilities under International and Vietnamese Law, in Rights of Persons with Disabilities (2019); Nguyen Van Nguyen: Legal Aid for Persons with Disabilities and the Role of Lawyers (2017); Do Hung: Issues of Access to Law and Legal Aid for Persons with Disabilities (2025); Mekong Development Research Institute (MDRI): Assessment of the Inclusion of Persons with Disabilities in Local Governance in 2024; Ho Chi Minh National Academy of Politics and MDRI: Rapid Assessment of the Current State of Public Service Provision in the Context of the Two-Tier Local Government Model (2026); Institute for Sustainable Development Management (MSD): Report on the Digital Capacity Survey of Persons with Disabilities in Vietnam (2026).

1.2. Overview of Relevant International Research on the Dissertation Topic

1.2.1. Research on Legal Aid

Raman Mittal “Legal Aid: Catalyst for Social Change” (2012); United Nations Office on Drugs and Crime (UNODC) “Early access

to legal aid in criminal justice processes: A handbook for policymakers and practitioners” (2015); United Nations Development Programme (UNDP) and UNODC “Global Study on Legal Aid Global Report” (2016); UNODC “Model Law on Legal Aid in the Criminal Justice System with Commentaries” (2017); Open Government Partnership (OGP) “Open justice: Justice II-Legal aid” (2020); Simon Rice “Reasoning a human right to legal aid” (2017); Catrina Denvir, Jacqueline Kinghan, Jessica Mant and Daniel Newman “Legal Aid and the Future of Access to Justice” (2023); Luodan Liang, Liuxi Jiang, Zhang Linghao “Legal Design for Legal Aid: Rethinking Inclusivity and Trust in the Digital Age” (2025).

1.2.2. Research on Disability and the Rights of Persons with Disabilities.

Lee Ann Bassar, Marcia H. Rioux, Melinda Jones “Critical Perspectives on Human Rights and Disability Law” (2011); WHO & WB “World report on disability” (2011); Committee on the Rights of Persons with Disabilities “General comment No. 1 (Article 12)” (2014); Giuseppe Palmisano, Rachele Cera, Valentina Della Fina, Institute for International Legal Studies (ISGI) “The United Nations Convention on the Rights of Persons with Disabilities: A Commentary” (2017); CRPD Committee “General comment No. 6 (Equality and non-discrimination)” (2018); CRPD Committee “General comment No. 2 - Accessibility”; Queensland Advocacy Incorporated (QAI - Australia) “Human Rights Indicators for People with Disabilities - A Reference for Disability Activists and Policy Makers” (2015).

1.2.3. Research on the Right to Access to Justice, and the Rights to Access to Justice and Legal Aid of Persons with Disabilities

1.2.3.1. Research on the Right to Access to Justice

World Justice Project “Global insights on access to justice” (2019); The Task Force on Justice “Justice for All” (2019); Organisation for Economic Co-operation and Development (OECD) “Legal needs surveys and access to justice” (2019); OGP “Justice policy series, part I: Access to justice” (2019); American Bar Foundation “State of the art in civil legal needs surveys” (2025); OECD “Toolkit for access to justice and people-centred justice systems” (2025).

1.2.3.2. Research on the Rights to Access to Justice and Legal Aid of Persons with Disabilities

Eilionóir Flynn “Disabled Justice? Access to Justice and the UN Convention on the Rights of Persons with Disabilities” (2016); Anna Lawson “Disabled people and Access to justice. From disablement to enablement”, in Peter Blanck & Eilionóir Flynn (Eds), Routledge Handbook of Disability Law and Human Rights (2017); Rosmalinda, Arif, Institute for Research and Services, University of Sumatera Utara, Medan, Indonesia “Legal aid for people with disabilities in accessing justice” (2018); Institute for Lifecourse and Society, National University of Ireland “Final Report Access to Justice of Persons with Disabilities” (2019); WB “A tool for justice: Cost-benefit analysis of legal aid” (2019); Cambodian Legal Aid Institute - UNDP “A practical guide to legal aid for people with disabilities in criminal justice” (2020); Catherine Ryan “Disability Rights and the Law” (2021); Nur Paikah “Problems of Inclusive Legal Services of Person with Disabilities” (2024).

1.3. General Assessment of Research Related to the Topic and Issues to Be Further Examined by the Dissertation

1.3.1. General Assessment of Research Related to the Dissertation Topic

1.3.1.1. Issues Clarified by Previous Studies That Can Be Inherited and Further Developed by the Dissertation

Previous studies have addressed the theoretical foundations of the right to LA of PWDs; assessed the legal framework and practice of ensuring the right to LA of PWDs in Vietnam; and proposed a number of viewpoints and solutions to ensure the right to LA of PWDs.

1.3.1.2. Issues Related to the Dissertation Topic That Have Not Been Comprehensively Addressed

Certain concepts, such as the right of access to justice and the right to LA of PWDs, have not been sufficiently clarified; previous studies have initially identified the strengths and limitations of the law and practice concerning the rights of PWDs in general; and there remains a lack of comprehensive analysis of the requirements for ensuring the rights of PWDs, particularly the right to LA of PWDs in Vietnam.

1.3.2. Issues Requiring Further Research by the Dissertation

The dissertation examines the concepts, content, methods, and factors affecting the guarantee of the right to LA of PWDs; assesses the current situation of ensuring the right to LA of PWDs in Vietnam based on the content and methods of rights protection; and proposes viewpoints and solutions to ensure the right to LA of PWDs in the new context of Vietnam.

1.4. Research Hypothesis and Research Questions

1.4.1. Research Hypothesis

Although certain achievements have been made, the guarantee of the right to LA of PWDs in Vietnam remains ineffective because the legal framework and implementation mechanisms have not fully met the requirements of a human rights-based approach and the specific needs of PWDs. Improving the system toward a PWD-centered approach would contribute to ensuring the right more substantively and effectively.

1.4.2. Research Question

Overarching research question: How should the right to LA of PWDs in Vietnam be recognized and guaranteed to comply with international standards on the rights of PWDs while taking into account the country's specific context?

Chapter 2. THEORETICAL FOUNDATIONS FOR ENSURING THE RIGHT TO LEGAL AID OF PERSONS WITH DISABILITIES

2.1. Concepts, Characteristics, and Role of Ensuring the Right to Legal Aid of Persons with Disabilities

2.1.1. Concept of Ensuring the Right to Legal Aid of Persons with Disabilities

2.1.1.1. Concepts of Legal Aid and the Right to Legal Aid

Concept of legal aid: the provision of free legal services to eligible persons in accordance with State regulations, including legal advice, legal assistance, representation, and defense, with the aim of helping them access justice and protect their lawful rights and interests.

Concept of the right to legal aid: the entitlement of individuals in special circumstances, as provided by law, to request and receive free, timely, quality, and needs-based legal services provided by legal aid organizations and providers within the framework of the State's

responsibility to guarantee such rights, in order to protect their lawful rights and interests and ensure their ability to access justice.

2.1.1.2. Concept of the Right to Legal Aid of Persons with Disabilities

Concept of persons with disabilities: persons with long-term impairments or differences in physical, intellectual, mental, psychological, social, or sensory functioning which, in interaction with attitudinal, environmental, informational, communicational, legal, institutional, or social barriers, may hinder their full, effective, and equal participation in community life.

Right to legal aid of PWDs: a fundamental human right whereby PWDs are guaranteed by the State access to and use of free legal services or appropriate legal support to protect their lawful rights and interests, ensure equality before the law, and exercise their right of access to justice.

2.1.1.3. Guaranteeing the Right to Legal Aid of PWDs

Guaranteeing the right to LA of PWDs refers to the State's responsibility to recognize, respect, protect, and ensure the exercise of the rights of PWDs by establishing and operating legal mechanisms that enable PWDs to access and use free legal services or receive appropriate support when participating in legal relations.

2.1.2. Characteristics of Ensuring the Right to Legal Aid of Persons with Disabilities

Ensuring the right to LA of (PWDs is approached from a human rights model rather than a charity or social protection model; has specific characteristics arising from the interaction between disability and barriers to access to justice; requires reasonable accommodation and appropriate procedural adjustments; is interdisciplinary,

interconnected, and involves multiple stakeholders; and takes into account the diversity and intersectionality of vulnerable groups.

2.1.3. Role of Ensuring the Right to Legal Aid of Persons with Disabilities

Ensuring the right to LA enables PWDs to access justice, exercise equality, protect their rights, and serves as an indicator of the State's fulfillment of its human rights obligations.

2.2. Content and Methods of Ensuring the Right to Legal Aid of Persons with Disabilities

2.2.1. Content of the Right to Legal Aid of Persons with Disabilities

2.2.1.1. Right to Access Information on Legal Aid: PWDs have the right to receive timely and accessible information on policies, legislation, the addresses of relevant agencies, and the forms, processes, and procedures for requesting LA.

2.2.1.2. Right to Request and Access Legal Aid Services: All PWDs have the right to equal access to State-provided legal aid organizations, including access to information and technology, physical access, and access to procedures.

2.2.1.3. Right to Free, Timely, and Quality Legal Aid Services: PWDs are entitled to appropriate forms of LA, such as legal advice, participation in legal proceedings, and out-of-court representation, free of charge, in a timely and quality manner, provided by professionally competent persons and tailored to their legal needs.

2.2.1.4. Right to Reasonable Accommodation and Appropriate Support During the Provision of Legal Aid: The State should organize support measures such as sign language interpretation, communication support, easy-to-read materials, assistive tools, and adjustments to the time,

location, methods, and procedures to enable PWDs to participate effectively in legal aid services.

2.2.1.5. Right to Respect for Dignity, Confidentiality, and Non-Discrimination: PWDs must have their dignity, privacy, personal information, cases, will, and wishes respected throughout the entire legal aid process. All forms of discrimination, disrespect, or exploitation of PWDs for personal gain are prohibited.

2.2.1.6. Right to Lodge Complaints, Provide Feedback, and Participate in the Evaluation of Legal Aid Quality: PWDs have the right to provide feedback and lodge complaints regarding the denial of legal aid, delays, poor service quality, inappropriate attitudes, or conduct that violates their rights. PWDs and their organizations should be consulted in the development, monitoring, and evaluation of legislation on legal aid.

2.2.2. Methods of Ensuring the Right to Legal Aid of PWDs

Improving legislation; strengthening the capacity of the legal aid system and its personnel; ensuring adequate conditions and resources; establishing coordination and monitoring mechanisms; and enhancing communication, legal education, and international cooperation to improve the effectiveness of ensuring the right to legal aid of PWDs.

2.3. Factors Affecting the Guarantee of the Right to Legal Aid of PWDs

These factors include: political and legal factors; economic factors and resources; organizational structure and the capacity of legal aid personnel; social awareness and legal culture; science and technology and digital transformation; and international integration and human rights cooperation.

2.4. International Standards and Experiences of Selected Countries in Ensuring the Right to Legal Aid of PWDs – Requirements and Reference Values for Vietnam

2.4.1. International Standards on Ensuring the Right to Legal Aid of PWDs - Requirements for Vietnam

2.4.1.1. International Standards on Ensuring the Right to LA of PWDs

The international legal basis for ensuring the right to legal aid of PWDs is reflected in the CRPD (Articles 12 and 13), as well as international treaties to which Vietnam is a party, including the ICCPR (Articles 2, 14, and 26), ICESCR (Article 2), CEDAW, and CRC; General Comments, concluding observations, and recommendations of treaty bodies, including General Comments Nos. 1, 2, 6, and 9; and international and regional declarations, principles, and guidelines, including the UDHR, declarations on the rights of PWDs, the Principles and Guidelines on Access to Justice for PWDs; ASEAN declarations and plans on strengthening the role of PWDs and promoting the inclusion of the rights of PWDs by 2025; and reports on access to justice for PWDs in Asia and the Pacific.

2.4.1.2. Requirements for Vietnam

Requirements include the full and consistent incorporation of international obligations into domestic law; improvement of organizational mechanisms and institutional capacity; ensuring financial resources and accessible infrastructure; enhancing social awareness and the culture of the rule of law; and strengthening monitoring and accountability.

2.4.2. Experiences of Selected Countries in Ensuring the Right to Legal Aid for PWDs - Reference Values for Vietnam

2.4.2.1. Experiences of Selected Countries in Ensuring the Right to Legal Aid for PWDs

First, Australia's experience: Ensuring the right to LA of PWDs should be integrated into the broader framework of human rights protection policies, while mechanisms for coordination, implementation, and ongoing engagement with organizations of PWDs are also necessary.

Second, Sweden's experience: Developing and improving policies and legislation to ensure the right of access to justice in accordance with the orientation of the CRPD, providing a foundation for designing mechanisms for legal aid, access to justice, and support for PWDs.

Third, Japan's experience: Establishing a legal system that places PWDs at the center of policies on human rights protection and access to justice through their participation in monitoring and implementing the recommendations of the CRPD.

Fourth, Indonesia's experience: Effectively promoting the socialization of legal aid services, mobilizing the role of communities, and ensuring access to justice for vulnerable groups at the grassroots level.

2.4.2.2. Reference Values for Vietnam

A human rights-based approach; diversified institutional models; emphasis on improving policies and legislation; development of specialized resources and human resources; application of technology and data; and promotion of international cooperation in ensuring the right to legal aid for PWDs.

Chapter 3. CURRENT SITUATION OF ENSURING THE RIGHT TO LEGAL AID OF PERSONS WITH DISABILITIES IN VIETNAM

3.1. Policy and Legal Framework for Ensuring the Right to Legal Aid of Persons with Disabilities in Vietnam

3.1.1. Achievements of the Policy and Legal Framework

3.1.1.1. Party Guidelines and Policies on Ensuring the Right to Legal Aid of PWDs: The rights of PWDs are recognized in the documents of Party Congresses and Party resolutions.

3.1.1.2. Institutionalization of Party Guidelines, Constitutional Recognition, and Specification of the Constitution on Ensuring the Right to Legal Aid of PWDs: Incorporation of the CRPD into domestic law and institutionalization of Party guidelines through the Constitution and legislation, including the Law on Persons with Disabilities, Law on Legal Aid, Criminal Procedure Code, Civil Procedure Code, Law on Administrative Procedures, Law on Organization of People's Courts, and other relevant legislation.

3.1.1.3. Regulations on the Right to Access Information on Legal Aid: PWDs have the right to receive information on legal aid in appropriate forms (Clause 3, Article 8 of the 2017 Law on Legal Aid), (Clauses 2 and 3, Article 20 of the Law on Access to Information), (Clause 1, Article 71 of the Criminal Procedure Code), and (Clause 6, Article 48 of the Civil Procedure Code).

3.1.1.4. Regulations on the Right to Request and Access Legal Aid Services in Practice: PWDs have the right to access legal aid services under (Clause 3, Article 27; Article 43 of the Law on Persons with Disabilities), (Article 3 of the Law on Information and Communications Technology), (Article 5 of the Law on the Press), (Article 74 of the Law on Information Technology); (Article 10 of the Law on Persons with Disabilities); (Point c, Clause 2, Article 29; Clause 2, Article 10; Articles 31, 32, 33, and 34 of the Law on Legal Aid).

3.1.1.5. Regulations on the Right to Free, Timely, and Quality Legal Aid Services: PWDs have the right to free and timely legal aid under (Articles 8, 27, 11, 12, 17, and 18 of the Law on Legal Aid), (Point b, Clause 1, Article 76 of the Criminal Procedure Code), (Clause 3, Article 9; Article 75 of the Civil Procedure Code), (Clause 1, Article 56; Clause 2, Article 61 of the Law on Administrative Procedures).

3.1.1.6. Regulations on the Right to Reasonable Accommodation and Appropriate Support During the Provision of Legal Aid: PWDs have the right to appropriate support in legal aid proceedings under (Article 70 of the Criminal Procedure Code), (Article 20 of the Civil Procedure Code; Article 21 of the Law on Administrative Procedures), (Article 16, Clause 2 of the Law on Organization of People's Courts), and (Article 18 of the Law on Legal Aid).

3.1.1.7. Regulations on the Right to Respect for Dignity, Confidentiality, and Non-Discrimination: PWDs are protected during the legal aid process under (Clauses 1 and 2, Article 14 of the Law on Persons with Disabilities), (Clause 4, Article 8; Clause 1, Article 6 of the Law on Legal Aid).

3.1.1.8. Regulations on the Right to Lodge Complaints, Provide Feedback, and Participate in the Evaluation of Legal Aid Quality: PWDs have the right to request changes to or withdraw their requests for legal aid, and to lodge complaints and denunciations concerning legal aid under (Clauses 5, 6, and 8, Article 8; Article 45 of the Law on Legal Aid); organizations of and for PWDs participate in the development and monitoring of the implementation of policies and legislation under (Article 9 of the Law on Persons with Disabilities).

3.1.2. Causes of the Achievements in the Policy and Legal Framework

3.1.2.1. Subjective Causes

The Party and the State have consistently maintained policies and positions on caring for and protecting PWDs; and pursued the goal of building a socialist rule-of-law state.

3.1.2.2. Objective Causes

The fulfillment of obligations as a State Party to international treaties, including the CRPD, and the guarantee of the rights of PWDs are objective requirements arising from practical circumstances.

3.1.3. Limitations of the Policy and Legal Framework

Vietnam has not yet timely and fully incorporated its international commitments concerning the rights of PWDs, including the right to legal aid, into domestic law; legislation on legal aid for PWDs has not kept pace with technological development; procedural legislation is not fully consistent with legal aid legislation; regulations protecting the rights of PWDs remain fragmented; and policies for ensuring the right to legal aid of PWDs remain largely formalistic and lack practical feasibility.

Chapter 4. VIEWPOINTS AND SOLUTIONS TO ENSURE THE RIGHT TO LEGAL AID OF PERSONS WITH DISABILITIES IN VIETNAM

4.1. Viewpoints on Ensuring the Right to Legal Aid of PWDs in Vietnam

The dissertation identifies the following viewpoints: (1) ensuring the right to legal aid of PWDs must be aligned with the guidelines and policies of the Party and concretize the provisions of the Constitution; (2) it must be consistent with international human rights standards; (3) promoting a rights-based approach; (4) linking the guarantee of this right with digital transformation and social justice; (5) taking into account

the specific characteristics of different groups of PWDs; and (6) ensuring equality and non-discrimination in the provision of legal aid to PWDs.

4.2. Solutions to Ensure the Right to Legal Aid of PWDs in Vietnam

4.2.1. Solutions for Improving Policies and Legislation

Continue to timely and fully incorporate international human rights commitments, including the right to legal aid of PWDs, into domestic law; review and amend existing legal provisions that are no longer appropriate, and supplement specific provisions on the right to legal aid of PWDs.

4.2.2. Solutions for Organizing the Implementation of Law

4.2.2.1. Strengthening Legal Dissemination, Education, and Awareness of Ensuring the Right to LA of PWDs: Thoroughly implement the Party's guidelines on caring for and assisting PWDs; strengthen the dissemination, communication, and education of laws; and enhance awareness of the rights of PWDs.

4.2.2.2. Strengthening Measures to Support PWDs in Accessing Legal Aid: The State should ensure that PWDs can access legal aid services, including access to information technology and physical facilities, and improve processes and procedures to accommodate specific circumstances.

4.2.2.3. Ensuring Human Resources for LA for PWDs: Strengthen legal aid organizations and personnel; provide appropriate training and capacity building for legal aid providers serving PWDs; and mobilize additional human resources to participate in providing legal aid to PWDs.

4.2.2.4. Ensuring Financial Resources and Physical Facilities for Legal Aid for PWDs: The State should effectively

utilize resources to ensure the rights of PWDs to access justice and legal aid, while promoting and mobilizing social resources for legal aid activities for PWDs.

4.2.2.5. Strengthening Coordination and Monitoring Mechanisms for the Exercise of the Right to LA of PWDs: Effectively coordinate the implementation of relevant policies and legislation; strengthen coordination and the monitoring role of social institutions.

4.2.2.6. Strengthening International Cooperation on LA for PWDs: Create opportunities for Vietnam to learn from international experience, models, and good practices in legal aid for PWDs; mobilize resources; and promote the incorporation of international standards on the rights of PWDs and access to justice into domestic law.

CONCLUSION

The dissertation “**Ensuring the Right to Legal Aid of Persons with Disabilities in Vietnam**” has undertaken a systematic study from both theoretical and practical perspectives.

The dissertation has analyzed and evaluated domestic and international studies related to the right to legal aid and the rights of PWDs, thereby identifying research gaps and affirming the necessity, scientific significance, and practical relevance of the research topic.

The dissertation has developed and clarified the concepts, characteristics, and role, as well as the content and methods of ensuring the right to legal aid of PWDs from the perspective of human rights law; analyzed international, regional, and national standards and principles concerning the guarantee of the right to legal aid of PWDs, thereby identifying relevant experiences for Vietnam; and analyzed influencing factors as a theoretical foundation for assessing the current situation and proposing solutions to ensure the right to legal aid of PWDs in Vietnam.

The dissertation has comprehensively assessed the situation of ensuring the right to legal aid of PWDs in Vietnam in recent years; identified the achievements, limitations, and their causes in the policy and legal framework and in the actual implementation of the right to LA of PWDs.

The dissertation has proposed a system of viewpoints on ensuring the right to legal aid of PWDs and put forward comprehensive groups of solutions to improve the effectiveness of exercising this right in the coming period. The research findings are not only scientifically significant but also have practical value in promoting human rights, particularly the right of PWDs to access justice, thereby contributing to the building of a socialist rule-of-law state in Vietnam./.

LIST OF PUBLICATIONS RELATED TO THE DISSERTATION TOPIC

1. Trịnh Thị Tuyết Mai (2024), “Quyền được trợ giúp pháp lý của người khuyết tật theo pháp luật Việt Nam” [The Right to Legal Aid of Persons with Disabilities under Vietnamese Law], *State Management Review* (online), 8/2024, ISSN: 2815-5831.
2. Trịnh Thị Tuyết Mai (2025), “Nghiên cứu, vận dụng và phát triển sáng tạo tư tưởng Hồ Chí Minh về bảo đảm quyền trợ giúp pháp lý của người khuyết tật” [Researching, Applying, and Creatively Developing Ho Chi Minh’s Thought on Ensuring the Right to Legal Aid of Persons with Disabilities], *State Management Review*, No. 354, 7/2025, ISSN: 2354-0761.
3. Vũ Công Giao, Trịnh Thị Tuyết Mai (2025), “Quyền của người khuyết tật trong Luật nhân quyền quốc tế” [The Rights of Persons with Disabilities in International Human Rights Law], *Law and Development Review*, 8/2025, ISSN: 0866-7500, pp. 30-39.
4. Trịnh Thị Tuyết Mai, Cầm Thị Lai (2025), “Bảo đảm quyền của người khuyết tật ở Việt Nam: Khung pháp luật và giải pháp thúc đẩy” [Ensuring the Rights of Persons with Disabilities in Vietnam: Legal Framework and Solutions for Promotion], *Law and Development Review*, 8/2025, ISSN: 0866-7500, pp. 51-61.
5. Trịnh Thị Tuyết Mai (2025), “Quyền tiếp cận công lý của người khuyết tật trong pháp luật quốc tế và thực trạng nội luật hóa trong pháp luật Việt Nam” [The Right to Access to Justice of Persons with Disabilities under International Law and the

Current Status of Its Incorporation into Vietnamese Law], *Legal Profession Review*, 11/2025, ISSN: 1859-3631.

6. Trịnh Thị Tuyết Mai (2025), “Quyền trợ giúp pháp lý của người khuyết tật trong pháp luật quốc tế và gợi mở giá trị tham khảo cho Việt Nam” [The Right to Legal Aid of Persons with Disabilities under International Law and Implications for Vietnam], *Journal of Human Rights Law*, No. 51 (12/2025), ISSN: 2615-899X.