

มาตรการทางกฎหมายในการส่งเสริมอาชีพ คนพิการในอนุภูมิภาคแม่น้ำโขง The Laws for Persons with Disabilities in Promoting Occupation in Greater Mekong Sub Region

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บทคัดย่อ

บทความนี้เป็นการกล่าวถึงกฎหมายที่เกี่ยวข้องกับการในการส่งเสริมอาชีพคนพิการของประเทศในอนุภาคลุ่มน้ำโขง ซึ่งประกอบด้วย พม่า ลาว กัมพูชา เวียดนาม และไทย ซึ่งพบว่ามี การลงนามความร่วมมือในอนุสัญญาว่าด้วยสิทธิคนพิการเช่นเดียวกัน แต่มาตรการกฎหมายในระดับประเทศมีความแตกต่างกัน โดยประเทศไทยมีมาตรการทางกฎหมายที่โดดเด่นที่สุด เพราะมีตัวบทบัญญัติที่ชัดเจน ส่งผลให้คนพิการนั้นได้รับโอกาสในการจ้างงานและการมีอาชีพอิสระมากกว่าคนพิการคนพิการใน 4 ประเทศดังกล่าว ส่วนในด้านที่แตกต่างกันอย่างชัดเจนที่สุด ได้แก่ ประเทศพม่าเพราะมีปัญหาทางการเมืองติดต่อกันมายาวนาน จึงไม่มีกฎหมายเฉพาะสำหรับการจ้างคนพิการ โดยกระบวนการส่งเสริมอาชีพคนพิการของประเทศไทย เน้นการพัฒนาศักยภาพให้คนพิการพึ่งพาตนเองตามฐานสิทธิ์ของตนที่มีอยู่ในกฎหมาย อย่างไรก็ตาม ประเทศในอนุภาคลุ่มน้ำโขงทั้ง 5 ประเทศมีปัญหาเหมือนกัน คือ การบังคับใช้กฎหมายที่ยังขาดความเป็นธรรม และบทความนี้ได้ให้ข้อเสนอแนะเพื่อนำไปสู่การเพิ่มมาตรการและการบังคับใช้กฎหมายให้มีประสิทธิภาพยิ่งขึ้น

คำสำคัญ: คนพิการ, การส่งเสริมอาชีพ, อนุภาคลุ่มน้ำโขง

Abstract

This article is to mention about the law related to the promotion of the occupations of disabled people in Greater Mekong sub region which consists of Myanmar, Laos, Cambodia, Vietnam, and Thailand. The whole countries signed in the Convention on the Rights of the Persons with Disabilities (CRPD). But the legal measures at the national level are different. Thailand has the most outstanding legal measures because of the obvious provisions resulting more opportunities of employment and freelance careers than the disabled people in those 4 countries. The process of the disabled people's occupation promotion in Thailand focuses on developing the disabled people's potential to be self-reliant based on their rights existing in the law. While Myanmar has not any specific laws in employing the disabled people because they have continuously longstanding political problems. However, the 5 countries in Greater Mekong sub region have the same problem and obstacle is the enforcement of the law without justice and this article has provided the suggestion involved role adjustment of disabled people government agency in the country and develop cooperation and network for share international knowledge within region that leading to the increase of effective measures and law enforcement.

Keywords: Disabled people, The promotion of occupation, Greater Mekong sub region

Introduction

Purpose of this article to present the legal measures of each country on the promotion of disabled people's occupation, analyze and suggest in terms of development so that whoever is related to the Greater Mekong sub region can develop the interesting strength points or issues in their own country. These information were received from studying documents and interviewing the director, the disabled people, and the relevant persons in the private section that promotes the occupation of disabled people in 5 countries about 15 persons which are a part of the dissertation in the topic of The Role of the Organization for disabled people in the promotion of disabled people's occupation in Greater Mekong sub region. Scope of legal measures in this article cover the Convention on the Rights of the Persons with Disabilities (CRPD) and legal measures related to the promotion of the occupations of disabled people in Greater Mekong sub region.

The Greater Mekong sub region consists of the Kingdom of Cambodia, The Lao People's Democratic Republic, Republic of the Union of the Myanmar, Socialist Republic of Vietnam, and The Kingdom of Thailand, or they are called in this article as Cambodia, Laos, Myanmar, Vietnam, and Thai (CLMVT). The people in this sub region have a corresponding background history, living, and main economic around the Mekong basin and another river basin in the country, and also similar religion. But due to the political problems that make the difference and result to the economic and social state up until now. In the aspect of promoting the rights and opportunities including the promotion of the occupation for disabled people, they are emphasized by those 5 countries with the influence from the concept and the role of the international organization.

However, there are provisions and laws that acknowledge the honor of being a human, the promotion of opportunities, equality, and the work of disabled people. But in practical, it contrasts to all of those. The entrepreneur discriminates and do not accept the disabled people in working, even though their skills are equal to the general people, but the general people are preferred to be chosen than disabled people. The establishment do not provide the readiness about the proper places and facilities including tools, appliances and machines in the establishment are not modified for disabled people making them not be able to work. Lacking the common educational background even they are trained in the vocational training and be capable of working, results in rejecting from work. The public

section does not provide a service and place for facilitating the disabled people in the convenient and appropriate transportation concretely. The public transportation feature insufficient facilities for disabled people and it is not in all the areas. Therefore, that was reflects from this article about the legal aspect. Which can be magnified and analyzed further on the situation of employment of disabled people in the Greater Mekong sub region along with the cooperation of the representative from each country in collaboration for the employment of disabled people which would solve the problem of poverty and it is also the significant goal of Sustainable Development Goals: SDGs of the united nation who will left no one behind.

The Universal Declaration on the Rights of Disabled

The universal declaration on the Rights of Disabled, 1975 (The United Nations, 1975) is the declaration mentioning about the Rights of disabled people that must be respected without any disputes in order to emphasize that the disabled people would receive a fully protection, which features the substantial, that is the disabled people must receive the rights without any exceptions and discriminations. They have the rights which is inseparable in the honor of being a human, have the basic rights as same as the citizen in living properly, normally, and completely, have the rights in terms of citizen and politics, the rights of being treated to be self-reliant, the rights in receiving any medical, mental, and physical treatment, medical restoration, social, education, vocational training, and capability restoration, assistance, consulting, any services, have the rights in receiving the economic and social security, have the rights as the capability of finding the job and maintaining the employment or occupation, which contribute to benefits, products, income, and in the joining of the union of labor, the special demand for living life and family, the participation in social activity, have the rights to be protected from exploiting in all patterns, regulations, and any discriminated-like actions, have the rights to receive the benefit from legal assisting from the public section, have the rights to establish the organization related to the disabled people and consulting in the issue about the rights of disabled along with informing any information about the rights of disabled to communities and social.

Later on, there was an announcement about the international year of Persons with Disabilities in 1981 in order that the members across the world would realize the rights of

disabled people by focusing on the equality of the opportunity which means the disabled people must live their lives like the normal people and it is the duty of society or public section to eliminate any barriers so that the disabled people can have a full participation. Then, in 1983 – 1992 A.D., there was the announcement of the United Nations Decade of Disabled Persons along with providing the World Programme of Action as the practical model for the world society so as to realize and urge to proceed on the rights of disabled persons (United Nations, 1981)

In the Asia - Pacific region, the commission of economic and society of Asia - Pacific (ESCAP) declares “the Decade of Disabled Persons of Asia - Pacific 1993 – 2002” (United Nations, 1993). The main point of the declaration is to proceed “the Decade of Disabled Persons Action Programme of Asia - Pacific” and “the declaration on the full participation and the equality of disabled persons in Asia - Pacific region”. The decade of disabled persons in Asia - Pacific region was kept announcing for 3 decades along with the action plan that features different focusing points, that is, the second decade is called the action framework of millennium from the Biwa lake to the integrated society that is free from barriers and based on the rights of disabled persons in Asia - Pacific region, 2003 – 2012 A.D. and currently, it comes to the third decade which is the declaration of the Incheon strategy to “actualize the rights” for the disabled people in Asia – Pacific region, 2013 – 2022 A.D. The latest significant movement is in 2006, there was the Convention on the Rights of Persons with Disabilities: CRPD from United Nations which is the main prototype for the nation members to implement for the rights access of the disabled persons.

The substantial of the Convention on the Rights of Persons with Disabilities: CRPD emphasizes on respecting the inborn honor, self-sufficiency, freedom of self-decision, and personal freedom, not discrimination to the disabled persons, having participation, fully and effectively engagement in the disabled society, respect in difference, accepting the disabled persons as a part of the difference of humankind and human being, the equality of opportunity, access and utilization, equality between man and woman, respect the rights of disabled children and their capabilities which have a progress successively, and respect the rights of disabled children for retaining the identity of themselves.

The Universal declaration on the Rights of Persons with Disabilities is developed from the Universal Declaration of Human Rights. It is to extend the protection on the rights

of disabled persons as it appears in the Convention on the Rights of Disabled Persons along with having a campaign so that the nation members across the world can implement these principles in specifying the law, plan and policy, and the commitment for disabled persons.

The legal measures in promoting the occupation of disabled persons in the Greater Mekong sub region.

From the studying of the legal measures in promoting the occupation of disabled persons in the Greater Mekong sub region and the promotion on the occupation of disabled persons which leads to the operation resulted from the legal measures in each country, the conclusion of overall operation in each country is come out as follows

Cambodia

Have proceeded the ratification of the convention on the rights of disabled persons in 2012 and got an international cooperation in establishing a disabled assembly which reinforces the cooperation with regions in order to assist disabled people and organization, and it is corresponding to the Incheon strategy to “actualize the rights” for disabled people in Asia – Pacific region (UNESCAP, 2012), the declaration on the Decade of the disabled persons in Asia – Pacific region, 2013 – 2022 in reducing the poverty and extending the opportunity for work and employment, the promotion on the access of: physical ambience, public transportation, knowledge, information, and communication, the reinforcement on the strength of social protection, the improvement on the reliable disabled information, the modification on the law in the country coherent with the Convention and the development on the cooperation in the sub-regional and interregional scale, the promotion on the occupation of the disabled for increasing income and developing a quality of life in employing the disabled persons who are capable with the supervision on the operation related to the disabled by Ministry of Social Affairs, Veterans and Youth Rehabilitation: MoSVY, and assigning the Disability Action Council: DAC as a coordinator in the national scale and being a main mechanism for the public section in consulting any issues related to the disabled people.

In the part of law, it has been issued about the Protection and the Promotion of the Rights of Persons with Disabilities 1979 which the substantial of law is related to the promotion on the occupation of disabled. It mentions to the employment and the vocational training in Section 34, the juristic person organization and the private section

must employ the disabled persons who are qualified according to the law, in working as in an appropriate quota. In Section 35, the public section must employ the disabled persons who are qualified according to the law, in working as in an appropriate quota. With two of these Section, it indicates that the quota is in accordance with the regulations of sub-orders that are offered by the minister who oversees the Ministry of Social Affairs, Veterans and Youth Rehabilitation, and the Cambodian National Development Board. And the sub-orders on the specification of the quota in employing the disabled, 2010, it indicates that the public section who has employee over 50 persons, must employ the disabled persons as a civil servant for 2%. In Section 6, the juristic person organization and the private section who have the employee over 100 persons, must employ the disabled persons as an employee, staff, or trainee for 1%. The business section who do not employ the disabled persons, can subsidize the organization who is responsible for the disabled persons.

The problem from the operation is that the public section does not have the measures enforcing the law as in the quota of employment in the establishment, the disabled persons lack the vocational training place, the lacking of the personnel who is capable of knowledge conveying, the income of disabled persons is at the low rate, the difficulty of transportation, the public transportation causes the disabled persons lacking of the opportunity of being employed, and the negative attitude from the society and entrepreneur toward to the disabled persons is a weak point causing the disabled persons are not courageous to the society.

Laos

Have proceeded the ratification of the Convention on the Rights of Persons with Disabilities 2009, by which the Ministry of Labour and Social Welfare: MoLSW oversees the operation related to the disabled persons, the policy on the employment of the disabled persons is in the law about the rights of the disabled persons No. 137 / PM, 2014 Section 27, the disabled persons have the rights to work in any positions of the public and private section as they are capable by receiving allowance, salary, promotion equally like normal people. The entrepreneur has to provide the facilities to the disabled people in working as it is appropriate. The public section should have the policy responding to the demand of the disabled people so that they are employed and have the income for self-support. But the law of the promotion on the occupation of the disabled persons is still not clear in

many Sections for example, there is no indication on the quota of disabled people employment in the public and private section, and Laos faced the problem in the aspects of statistic and information without a legal clearness resulting to the action which makes Laos be like having no serious with the law of disabled persons. There is the National Committees for Disabled and Elderly People: NCDE who drives the policy related to the disabled toward to the operation that supports the government and the Prime minister in coordinating with ministries, administrative sections, and local sections in supporting and developing the disabled in the country. And there is an agency or a disabled organization in the scale of province and district which acts in the protection on the rights and the advantages of disabled people, surveying the disabled statistic information, the type of disabled people, and the help in needs of the disabled people, outlining policies related to the disabled persons and offering to the government for the consideration. From the law Decree No. 18PM of Appointing the National Commission for Disabled Persons (1995), there is a punishment in the order of national disabled persons in Section 40, person, juristic person, or the organization established by the public section and society, provided that this order is infringed, one must be nurtured, warned, fined, punished according to the law.

Since there is the action following to the law in the promotion on the occupation of persons with disabilities, the problems were found, those are, the employer lacked of realization to the measures of disabled people employment and did not have any mechanisms in enforcing seriously, and the disabled people were not trained so that it was a problem of finding jobs, the policies of the public section could not meet the demand of being employed for the disabled persons concretely, there was a limitation on the social service to the disabled persons, and there were no any projects supporting help to the disabled people who were unemployed.

Myanmar

Have proceeded the ratification of the Convention on the Rights of Persons with Disabilities in 2011 by which the Ministry of social Welfare, Relief and Resettlement oversees the operation related to the disabled people. Myanmar has no clear policy of disabled people employment, for example, the number of the quota of disabled people employment in the public and private section. In the regard of the law on the rights of persons with disabilities, it features the substantial about the promotion on the occupation of disabled

persons referring to the disabled people employment, the establishment of the vocational training center for the disabled persons, the National Committee on the Rights of Persons with Disabilities who drives the policy toward to the action, the designation of the national policy collaborating with Ministries and social development organizations for integrating the promotion on the occupation of the disabled people, the collaboration with the international, regional, and national organization for requesting an assist. The law in Section 75 indicates that the employer should not reject the employment of the disabled persons who have potential in that position, should not issue the suspension or the dismissal the disabled employee without any reasons. In Section 76 indicates that the employer should not neglect to send the information of the employee, the number of the employee, the sort of work, and the capability of the disabled employee to the public section, should not obstruct the intention of the public section toward the rights of disabled persons.

In practical, it is found that the law of the disabled persons of Myanmar is still not clear. It is just model that all sections consider implementing as it is appropriate without the enforcement. In this regard, with the political situation in the past as it was a military government who did not see any importance in the issue about the rights and the limitation of the present government.

Vietnam

Have proceeded the ratification of the Convention on the Rights of Persons with Disabilities on February 5th, 2015 by which the Ministry of Labour, Disabled soldier, and Social oversees the operation related to the disabled persons. It is the Ministry being responsible for coordinating the operation in a field of laws and policies relevant to the disabled people issue. The Ministry collaborates with many ministries such as Ministry of Education, Ministry of Public Health, and Ministry of Construction, and the committee in the province, district, and village. The policy of disabled people employment is mentioned in the Ordinance on Disabled Persons 1998. It is the specific law about the disabled persons. This Ordinance on Disabled Persons is the main tool for Vietnamese disabled persons by mentioning the vocational training and the employment. The law in the 4th group which is about the vocational training and the disabled persons employment. In Section 18, it indicates that the public section who establishes the vocational training center and economic organization, should provide the conditions so that the disabled persons can choose and decide to be

trained in order to be employed or be able to work from home as it is a proper way to the health and potential in working. In this regard, the disabled persons who are trained should receive the exception on the tax and the allowance which is allocated by the government, organization, or person in all economic parts which is going to employ or allocate any works as though. It should respond to various policies issued by the law of Labour with Section 19 indicating that the vocational training center who gains the disabled people into the training or reserves the rights especially for the disabled people, the rights in reducing the tax. In Section 20 indicates the disabled persons who are employed or undertake their own business from home, have the rights to take on loan with a low rate interest and the employment service centre must provide helps, deductions, or exempt from collecting service charges with the disabled persons who want to train or are finding jobs. In Section 21 indicates that the director or any organizations must not reject the candidates who are disabled but skilled completely as specified conditions.

The distinctive point of the law of the promotion on the occupation of persons with disabilities in Vietnam is that the disabled persons who are capable and have the potential which is trained or practiced particularly and is able to work in an industrial business sections, is compulsory to employ the disabled persons 2% in the business sections of electricity production, metal, chemical, geology, mapping, petroleum and oil, mine, mine exploration, construction, and transportation. There must be the employment 3% in another business sections and the National Coordinating Council on Disability of Vietnam: NCCD who drives the policy toward to the action which is established in January 2001, and subjects to the Ministry of Labour, Disabled soldier, and Social. Its duties are to coordinate in the country in order to support the disabled people. In the job about the promotion on the occupation of persons with disabilities, It has been considered the assessment on the effectiveness of the policies, projects, activities related to the disabled persons by which the government, private section, society, and organizations, offered suggestions to the development plan and additional amendment of regulations on the vocational training and the disabled persons employment, assessed each situation and the helps in need for the disabled persons under the collaboration from the provinces and any representatives so as to develop the project or activity of assisting the disabled people in the aspect of the occupation. But as the matter of fact, the Vietnam has still not support the disables persons employment as it could be.

Thailand

Have signed the ratification of the Convention on the Rights of Persons with Disabilities on 29th July 2008. In the part of Thai law, there is the first version of the law on the disabled persons – The Act of the Efficiency Restoration of Persons with Disabilities, 1991. It has been specified the quota on the employment of the disabled persons as 200 per 1. There were assignments, those are, the Department of Skill Development must provide the disabled persons the vocational training with the normal people along with improving the curriculum, personnel, building to be proper to the disabled people, the Department of Employment extends the services and supports the employment for the disabled persons, and the Ministry of Education improves the curriculum, personnel, and building so that the disabled people can access to the vocational training. After that, there was an improvement of the law by assigning the Empowerment of Persons with Disabilities Act, 2007 and the additional amendment (2nd version) 2013, the substantial was shown in the Section 33 indicating that the employer, entrepreneur, and public agency must employ the disabled people 1%. In Section 34, unless they employ the disabled persons according to the Section 33, they must subsidize to the Empowerment of Persons with Disabilities Funds with the lower hiring rate multiplying 365 and the number of the disabled people employed by those agencies. In Section 35, it provides the employer or entrepreneur the optional way in the promotion on the occupation of the disabled persons, provided that they do not want to subsidize the funds according to the Section 34 such as job training for disabled persons, providing the franchise, buying products or services from the disabled persons, etc. In this regard, the significantly distinctive point of an enactment on the updated version of the law of the disabled persons is that the assignment of quota is compulsory, in other words, if the employer or entrepreneur does not follow the law, the public agency can seize properties and fine the non-governmental business section. There is the measure benefiting or punishing to any agencies whether they follow the law or not, for example, public announcement, promotion the special rights about tax, rewarding or any vouchers.

For the Empowerment of Persons with Disabilities Funds, it has been utilized in the promotion of the occupation, not only but limited to vocational practice, preparation and employment service, promotion on the undertaking of the business of the disabled persons, including taking a loan for making a living each 60,000 – 120,000 baht by being free from

interests in reimbursement duration about 5 years, when have paid back, it can be borrowed again. Furthermore, according to the law, it also specifies the measure of efficiency restoration on the occupation, the standard service, the protection of labour, the measure for employment including being promoted on the freelance and media service, facilities and technologies or any assists along with receiving any essential facilities and services for the disabled people.

The promotion on the occupation of the disabled persons in Thailand progresses concretely. The disabled persons utilize the funds for vocational training, making a living. The organization for the disabled people cooperates with the private and public business section. There is a production of products under the trade mark of the group or the organization for the disabled people. The private corporation and public agencies follow the quota on the employment of the disabled people in Section 33, 34, and 35 up to 89% (The Department of Empowerment of Persons with Disabilities, 2018). However, considering in the whole picture of employment of the disabled people across the country, from the disabled people who submit on the identity card for disabled persons 1.8 million people, the employed disabled persons are only 228,000 persons and most of the job is a labor work in rural places with a lower wage or a subsistent level.

From all of what have addressed is the legal measure and the situation about the employment of the disabled people in the Greater Mekong sub region. In the next topic, will present the analysis of the legal measure so that it can be the model reflecting the strong point and suggestion in the next content.

Analysis of the legal measure on the promotion on the occupation of persons with disabilities in the Greater Mekong sub region

From the information in each country in the previous topic can concludes the legal measures, the enforcement, and the disabled persons situation in the greater Mekong sub region as it the table 1 and the analysis as follows.

Table 1 The conclusion of the legal measure, the enforcement, and the disabled persons state in the greater Mekong sub region

Country/ proceeded the ratification CRPD	Law, Policy, National Plan	Law enforcement/ disabled Person State
Cambodia 2012	<ul style="list-style-type: none"> - the Protection and the Promotion of the Rights of Persons with Disabilities law 2009 - the system of the quota on the employment of disabled persons (public section 2%, private section 1%), the business section who do not employ the disabled persons, can subsidize to the organization who work on the disabled persons. - the strategic plan for National Development (2006 – 2010/2013) connecting to the decade of persons with disabilities of Asia – Pacific region. - Policies/Action plan of providing knowledge about the disabled people through medias and the project of the promotion on the occupation of disabled people 	<ul style="list-style-type: none"> - legal measures cannot enforce public/private agencies to operate the quota on the employment of disabled persons - lack of the vocational training place and personnel - the difficulty of transportation for the disabled people and low income - the employer/society has a negative attitude to the disabled people
Laos 2009	<ul style="list-style-type: none"> - the law about the rights of the disabled persons No. 137 / PM, 2014 specifying as the policy that the public and private section employ the disabled persons equally, providing the facilities for the disabled persons 	<ul style="list-style-type: none"> - the employer lacked the realization to the measures of disabled people employment and did not have any mechanisms in enforcing seriously - the disabled people were not trained about the vocational skill and knowledge - the limitation on the social service to the disabled persons, and there were no any projects supporting help to the disabled people who were unemployed
Myanmar 2011	<ul style="list-style-type: none"> - the law on the rights of persons with disabilities, the promotion on the occupation of disabled persons, disabled people employment and establishment of the vocational training center etc. 	<ul style="list-style-type: none"> - the law of the disabled persons of Myanmar is still not clear. It is just model that all sections consider implementing as it is appropriate without the enforcement

Country/ proceeded the ratification CRPD	Law, Policy, National Plan	Law enforcement/ disabled Person State
Vietnam 2015	<ul style="list-style-type: none"> - the royal decree about the disabled persons 1998, mentioning vocational training and employment along with operation of vocational training center - the quota system for the employment on the disabled people in the private section 2% - 3% depending on the feature of the business and industry 	<ul style="list-style-type: none"> - the law sill is not enforced truly - there are activities promoting the occupation, but the government do not support the employment of the disabled people as it could be
Thailand 2008	<ul style="list-style-type: none"> - the Empowerment of Persons with Disabilities Act, 2007 and the additional amendment (2nd version) 2013 as the main model - a funds that the disabled people can take a loan for making a living each 60,000 – 120,000 baht by being free from interests in reimbursement duration about 5 years - the measure of efficiency restoration on the occupation, the standard service, the protection of labour along with receiving any essential facilities and services for the disabled people - the public agency must provide services to the disabled persons, for example, the Department of Skill Development must provide the disabled persons the vocational training with the normal people, the Department of Employment extends the services and supports the employment for the disabled persons, and the Ministry of Education improves the curriculum, personnel, and building so that the disabled people can access to the vocational training 	<ul style="list-style-type: none"> - the enforcement of the law obviously with the provisions on seizing property and the measure benefiting or punishing to the entrepreneur or the public agencies - The promotion on the occupation of the disabled persons in Thailand progresses concretely such as the disabled persons utilize the funds for vocational training, taking a loan for making a living. The organization for the disabled people cooperates with the private and public business section but considering in employment of the disabled people across the country, shows that the employed disabled persons are low quantity and most of the job is a labor work in rural places with a lower wage or a subsistent level.

From the addressed information and table 1, lead to analysis of the legal measures related to the promotion on the occupation of the disabled people in the Greater Mekong sub region as follows

The feature of the law about Persons with Disabilities

The law of the disabled people in the Greater Mekong sub region have developed over different time. Thailand is the first country with the first law of the disabled people approximately 30 years, until the first edition was abolished in 2007 and revised in 2013, Vietnam has only 20 years of the laws of the disabled people, Cambodia 9 years, while Lao and Myanmar have recently had the law of the disabled people for not more than 5 years.

The laws about the disabled people of the five countries are similar. That is, the emphasis on the rights. Non-discrimination, participation, equity, equality, access to vocational training services, employment, and the primary role of the public section in promoting the disabled people. From the wording of the laws in each country showed that the principle of rights, equality and non-discrimination were the significant point which apply from the principle of the human rights, announce the Decade of the International Disabled Persons and the Decade of the Disabled Persons in Asia - Pacific region Including the Convention on the Rights of Persons with Disabilities.

However, despite the laws of each country have applied the universal principle in the law the disabled people. There is no clear definition of the practice or protection of the rights of the disabled people, if the public or private sector does not comply with the law. All countries except Thailand cannot show statistically obvious data on the total number of disabled people and the employment conditions of disabled people. Getting the data by interviewing and requesting official documents from the relevant agencies cannot confirm the accuracy of the information. In the case of Thailand, although there are clear statistics, the number of the disabled people who are employed is only 13% of the total number of the disabled people.

The measure in the promotion on the occupation of the disabled people

Thailand and Vietnam are the countries with a very clear the measures in the promotion of the occupation of the disabled people in the law. Thai law has a broader perspective on the promotion of the occupation including occupation counseling, preparing disabled people for work, vocational training, job finding, protection of labour and standard service, promotion on the freelance, allocation of funds for the promotion on the occupation and for loans in making a freelance, promotion of social enterprise, Integrated work between the government, organization for the disabled people, and the private section etc. In addition, both Thailand and Vietnam also have the measure of tax supporting the business section who trains or employs the disabled people.

Cambodia, Lao and Myanmar use only basic measures such as vocational training, employment services and the campaign of encouraging the business section employ the disabled people. However, there is an interesting case of Laos that addresses about the facilities providing, which eliminates the major barriers that block the disabled people from

society.

The quota system of the employment on the disabled people and the enforcement of the law

Cambodia, Vietnam and Thailand use the quota system requiring the employers or the establishments in employing the disabled people in the ratio of the number of employees. Cambodia has set a quota to the public agencies to employ the disabled people in the ratio of 2% (100 public employees are required to employ the disabled people for 2 persons). For the private section, it is just 1%. And if the business sections do not employ the disabled people, they can subsidize to organizations that work for the disabled people. Vietnam has set a quota for private section in the ratio of 2% - 3% depending on the feature of the business or industry. Thailand, the latest law has set a quota of 1% in both the public and private section equally. In Lao and Myanmar, no quota system is used. When consider in quota-used countries, the performance for support the employment of the disabled people does not distinguish distinctively with countries that do not use the quota system except for Thailand

In the case of Thailand, originally the quota system set by the Efficiency restoration of Persons with Disabilities Act, 1991 did not have any practical effect. But with the new law which is the Empowerment of Persons with Disabilities Act, 2007. It has a provision which is enforced according to the law. That is, the employers or establishments that do not follow the law, might be seized property and there are measures benefiting and penalizing the owner of the establishment or the public agencies. This will affect the image, reliability and the impact of the financial transactions if the bank account is seized, etc. So, the condition that the law of the other four countries do not have measure or compulsory conditions, following the law which is a social law then is not achieved as it could be.

In summary, the five countries in the Greater Mekong sub region use the universal principle as a guideline for the implementation of the law and measures in the promotion on the occupation of the disabled persons. However, only assignment of principles cannot make the disabled people be employed in practically and the quota system, no matter how strict it is, cannot achieve without the compulsory condition. Cambodia, Laos and Myanmar are necessary to develop the law for the promotion on the occupation of the disabled people. While Thailand and Vietnam have legal measures to promote the employment

of the disabled people obviously to a certain extent but they are still necessary to drive the law into the practical action throughout the country.

Problem and obstruction overview and solution for legal measures operation

Problem and obstruction for support the employment of the disabled people in Greater Mekong sub region can classify into 3 parts as follows **(1) Economic** some part of countries in Greater Mekong sub region confront economic depression, government cannot allocate resource to encourage quality of life for the disabled people sufficiently. **(2) Society and Culture** the attitude of society toward to disabled persons not inclusive society pattern such as ignorance value and ability of disabled people, disabled people escalate the social burden etc. which affect disabled people's confident for a long time. **(3) Politics** majority countries in Greater Mekong sub region have not political problem except Myanmar, which military dictatorship in past did not focus on development disabled people.

Solution for problem and obstruction are mentioned as follows **(1) emphasize relation's network inside and outside country** with create community relations for people all levels to concern about their rights under concept idea of human rights along with create regional network for exchange information technology and innovation to enhance quality of life for the disabled people. **(2) Educate social value in individual level** both disabled people and family acknowledge their rights, adjusting the disabled people's attitude to self and social development. **(3) Drive society to give a chance and area for disabled people** to use their rights equal the general people together with support and stimulate law of disabled people employment. For example, Thailand presents an opportunity for disabled people can express and protect their rights independently that is important role to develop and revise policy or measures for the disabled people.

Summary

Legal Measures related to the promotion on the occupation of persons with disabilities in the Greater Mekong sub region are based on the universal rule of UN which is progressed respectively from the Universal Declaration of Human Rights (1975) to the Convention on the Rights of Persons with Disabilities (2006) because it is the universal principle that is accepted globally. That shows entire countries in the Greater Mekong sub region accept universal legal measures but difference in national legal measures level both

launching period and content. Thailand and Vietnam have legal measures related to the promotion on the occupation of persons with disabilities clearer than other countries in the Greater Mekong sub region. While Cambodia, Laos and Myanmar still are developed continuously.

Actually, legal measures are not adequate enhance quality of life for the disabled people. Legal enforcement is the most important issue but almost countries in the Greater Mekong sub region have no provisions for implement and enforcement the law. It is only the principles, measures and services that are legislated. The disabled people cannot access and utilize these laws truly.

The case of Thailand would be a good example of the progress of the legal measures related to the promotion on the occupation of persons with disabilities in terms of substantial and enforcement obviously. Such as determination the measure benefiting to law-abiding entrepreneur that is support the quota system's performance of the employment on the disabled people, establish funds for develop the occupation which can concrete enhancing the occupation of persons with disabilities in Thailand. But Thailand must attend to drive legal measures for implement thoroughly and equally. Furthermore, there are some measures that other countries have legislated interestingly such as the mention of facilities providing, the use of tax measures, the allocation of the funds for the organizations who work in the promotion on the occupation of the disabled people etc. So Thailand can bring those measures to improve and adapt their country.

Suggestion

To develop legal measures related to the promotion of the occupations of disabled people in Greater Mekong sub region. Member country should apply the distinctive point from country which progress of the legal measures related to the promotion on the occupation of persons with disabilities in region (Thailand) for amendment of their own law making it broader such as establish a funds that the disabled people can take a loan for occupation. And the most important thing is to make the law enforceable, be able to benefit or penalize the public and private agencies for failing to comply with the law efficiently. Thus, suggestion for the public section or agencies involved in promoting the occupation of the disabled people in all countries as follows **(1) Role adaptation of**

public agencies which involved the disabled people public agencies should provide a reliable database system such as the number of people with disabilities, the status of persons with disabilities, the employment, job requirements, etc. in order to development and adjustment legal measures related to the promotion of the occupations of disabled people for response disabled people's demand. **(2) Create cooperation and network for share international knowledge within region** should interchange the good example of the promotion on the occupation of the disabled people in order to disseminate and share knowledge in the sub region. In this regard, the legislative measures that would lead to good examples should be presented. Moreover, there should be an exchange forum of public section, organization for disabled people and the private section for the member countries of the sub-region, with the support from the public section and the development as a sub-regional or regional cooperation network.

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