

LAW

ON THE ELDERLY

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10; The National Assembly promulgates the Law on the Elderly.

Chapter I

GENERAL PROVISIONS

Article 1. This Law provides for the rights and obligations of the elderly; the responsibilities of families, the State and the society in taking care of, attending to, and bringing into full play the role of, the elderly; and the Vietnam Elderly Association.

Article 2. The elderly

The elderly defined in this Law are Vietnamese citizens aged full 60 or over.

Article 3. Rights and obligations of the elderly

1. The elderly have the following rights:

- a) To be guaranteed with basic food, clothing, lodging, movement and healthcare needs;
- b) To decide to live with their children, grandchildren or to live separately at their own will;
- c) To be given priority in the use of services under this Law and other relevant laws;
- d) To be provided with conditions to participate in cultural, educational, physical training, sports, entertainment, tourist and recreation activities;
- e) To be provided with conditions to work in suitability to their health and professions and other conditions in order to bring into full play their role;
- f) To be exempt from contributions to social activities, except voluntary contributions;
- g) To be given priority in the receipt of relief in cash or in kind, healthcare and lodgings with a view to overcoming initial difficulties when they meet with difficulties due to consequences of natural disasters or other force majeure circumstances;

h) To join in the Vietnam Elderly Association under the Association's charter;

i) Other rights defined by law.

2. The elderly have the following obligations:

a) To set bright examples in moral quality and lifestyles: to educate young generations to preserve and promote the fine traditions of the nation; to be exemplary in observing and mobilizing families and communities to observe the Party's policies and line and the State's laws;

b) To pass their precious experiences to younger generations;

c) Other obligations defined by law.

Article 4. The State's policies towards the elderly

1. To allocate appropriate annual budgets for the realization of policies to take care of and bring into full play the role of the elderly.

2. To provide social patronage to the elderly under this Law and other relevant laws.

3. To incorporate policies for the elderly into policies on socio-economic development.

4. To develop gerontology so as to meet the elderly's medical examination and treatment needs; to train personnel to take care of the elderly.

5. To encourage and create conditions for the elderly to do physical exercises; to participate in learning, cultural and spiritual activities: to live in a safe environment and be respected in dignity; to bring into play their role in the cause of national construction and defense.

6. To encourage and support agencies, organizations and individuals in carrying out propaganda on and education about the sense of respect for and gratitude to the elderly, taking care of and bringing into full play the role of the elderly.

7. To commend agencies, organizations and individuals that record outstanding achievements in taking care of and bringing into full play the role of the elderly.

8. To strictly handle agencies, organizations and individuals that commit acts of violating this Law and other relevant laws.

Article 5. Responsibilities of agencies, organizations, families and individuals

1. Agencies and organizations shall, within the ambit of their respective tasks and powers, take care of and protect the legitimate rights and interests of the elderly.

2. The Vietnam Fatherland Front and its member organizations and other organizations shall agitate and mobilize people to heighten the responsibility to take care of and bring into full play the role of the elderly: to participate in supervising the implementation of policies and laws on the elderly.

3. The elderly's families shall take the main responsibility in taking care of the elderly.

4. Individuals shall respect and help the elderly.

Article 6. Vietnam Elderly Day

June 6 every year is taken as the Vietnam Elderly Day.

Article 7. Funds for taking care of and bringing into full play the role of the elderly

1. Funds for taking care of and bringing into full play the role of the elderly are social and charity funds.

2. Funds for taking care of and bringing into full play the role of the elderly come from the following sources:

a) Voluntary contributions and financial aid of domestic and foreign organizations and individuals;

b) State budget supports;

c) Other lawful revenue sources.

3. The establishment, operation and management of the funds for taking care of and bringing into full play the role of the elderly must comply with law.

Article 8. International cooperation for the elderly

1. International cooperation for the elderly shall be carried out on the basis of respect for independence, sovereignty, territorial integrity, equality and conformity with Vietnamese law and international laws.

2. International cooperation for the elderly covers the following contents:

a) Formulation and materialization of programs and projects of international cooperation on the elderly;

b) Participation in international organizations; conclusion, accession to and implementation of treaties and international agreements related to the elderly;

c) Exchange of information and experiences on taking care of and promoting the role of the elderly.

Article 9. Prohibited acts

1. Insulting, ill-treating or hurting, persecuting, discriminating against the elderly.
2. Infringing upon or preventing the elderly from exercising their rights to marriage, property ownership and other lawful rights.
3. Failing to perform the obligations of taking care of the elderly.
4. Taking advantage of the looking after and taking care of the elderly for self-seeking interests.
5. Forcing the elderly to labor or do things contrary to law.
6. Forcing, arousing, inciting or abetting other persons to commit illegal acts against the elderly.
7. Retaliating and intimidating persons who help the elderly or who detect, report on or prevent illegal acts against the elderly.

Chapter II

TAKING CARE OF AND LOOKING AFTER THE ELDERLY

SECTION I

TAKING CARE OF THE ELDERLY

Article 10. Obligations and rights to take care of the elderly

1. Taking care of the elderly means caring for their spiritual and material lives, aiming to satisfy their basic food, clothing, lodging, travel and healthcare needs as well as entertainment, recreation, information, communication and learning needs.
2. Persons having the obligations and rights to take care of the elderly are their children and grandchildren and other persons obliged to take care of or provide financial supports under the law on marriage and family.
3. Persons having the obligations and rights to take care of the elderly shall, depending on their specific circumstances, arrange the elderly's lodgings suitable to their health and psychological conditions; provide financial assistance; pay hospitalization and healthcare costs and encourage the elderly when they fall sick; organize funerals when they die.
4. Persons having the obligations and rights to take care of the elderly shall cooperate with one

another in looking after them.

5. Organizations and individuals other than those defined in Clause 2 of this Article are encouraged to participate in take caring of the elderly.

Article 11. Entrusted care for the elderly

1. Persons having the obligations and rights to take care of the elderly but having no conditions to directly look after the elderly may entrust individuals or organizations providing services of taking care of the elderly to look after the elderly, but with the elderly's consent.

Entrustment to look after the elderly shall be effected under service contracts between persons having the obligations and rights to take care of the elderly and service providers.

2. Service providers entrusted to look after the elderly shall fulfill their commitments under service contracts signed with entrusters.

3. The elderly may request persons with care-taking obligations and rights to replace service providers entrusted to take care of them.

4. The Government shall detail this Article.

SECTION 2

CARING FOR THE ELDERLY'S HEALTH

Article 12. Medical examination and treatment

1. Prioritized medical examination and treatment for the elderly shall be carried out as follows:

a) Persons aged full 80 or older shall be given priority for medical examination before other persons, except emergency patients, under-6 children and heavily disabled people;

b) Elderly inpatients are arranged proper hospital beds.

2. Hospitals, except pediatrics hospitals, have the following responsibilities:

a) To organize gerontologic departments or set aside a number of beds for treatment of elderly patients:

b) To rehabilitate elderly patients' health after pernicious disease treatments at hospital and guide their further treatment and care at home;

c) To combine traditional medicine with modern medicine in treatment and guide methods of non-medicine treatment at grassroots health establishments for elderly patients:

d) The State encourages organizations and individuals to give free-of-charge medical examination and treatment to the elderly.

Article 13. Primary healthcare at places of residence

1. Commune, ward, township health stations have the following responsibilities:

a) To carry out propaganda and dissemination in different forms of common healthcare knowledge; guide the elderly in skills of disease prevention and treatment and self-healthcare;

b) To compile files for the elderly's health monitoring and management;

c) To give medical examination and treatment suitable to their specialization to the elderly;

d) To coordinate with higher-level medical establishments in organizing periodical health checkups for the elderly.

2. Commune, ward or township health stations shall send health workers to conduct medical examination and treatment at places of residence of lonely and seriously ill elderly persons who cannot go to medical establishments for examination and treatment. Commune, ward or township People's Committees shall support the transport of patients defined in this Clause to medical establishments at the proposal of commune, ward or township health stations.

3. The State encourages organizations and individuals to give medical examination and treatment to the elderly at their places of residence.

4. Funds for the implementation of tasks defined at Points a, b and d. Clauses 1 and 2 of this Article shall be provided by the state budget.

SECTION 3

CARE FOR THE ELDERLY IN CULTURAL, EDUCATIONAL, PHYSICAL TRAINING SPORTS, RECREATION AND TOURIST ACTIVITIES, IN THE USE OF PUBLIC FACILITIES AND PARTICIPATION IN MASS TRANSIT

Article 14. Cultural, educational, physical training, sports, recreation and tourist activities

1. The State invests and encourages organizations and individuals to invest in the construction of cultural, educational, physical training, sports, recreation and tourist establishments to satisfy the elderly's demands for better spiritual life and physical training.

2. The State and society shall create favorable conditions for the elderly to learn and research and participate in cultural, physical training, sports, recreation and tourist activities through the following measures:

- a) Providing information, documents and guidance for the elderly to participate in learning and research;
- b) Providing support and guidance for the elderly to participate in cultural, recreation, tourist and deep-breathing practices as well as other physical training and sports activities suitable to their health and psychology;
- c) Providing supports in locations, tools, equipment and other material foundations suitable to the elderly's activities:
- d) Encouraging enterprises and individuals to produce and trade in products and commodities suitable to the elderly's needs.

3. The Government shall detail this Article.

Article 15. Public facilities, mass transit

1. The construction or renovation of condominiums and public facilities must take into account the elderly's characteristics and use needs.
2. When participating in mass transit, the elderly shall be assisted and arranged convenient seats.
3. The Government shall detail this Article.

Article 16. Discount of fares and service charges

The elderly are entitled to discount of fares and service charges when using a number of services stipulated by the Government.

SECTION 4

SOCIAL PATRONAGE FOR THE ELDERLY

Article 17. Persons entitled to social patronage policies

1. The elderly of poor households without persons having the care-taking obligations and rights or with persons having the care-taking obligations and rights who however, currently enjoy monthly social relief allowances.
2. Persons aged full 80 or over other than those defined in Clause 1 of this Article who have no pensions, monthly social insurance allowances or monthly social relief allowances.

Article 18. Social patronage policies

1. The elderly defined in Article 17 of this Law are entitled to health insurance, monthly social

relief allowances and payment of funeral and burial costs upon their death, except cases specified in Clause 2 of this Article.

2. The elderly of poor families without persons having the care-taking obligations and rights, no conditions to live in the community, have the aspiration and are admitted into social patronage establishments, are entitled to the following benefits:

- a) Annual nurturing allowance;
- b) Supply of personal effects and articles for their daily activities;
- c) Health insurance;
- d) Provision of common medicines;
- e) Provision of tools and equipment for functional rehabilitation;
- f) Funeral and burial upon death.

3. The Government shall detail this Article.

Article 19. Looking after the elderly at community

The elderly defined in Clause 2 of Article 18 with someone undertaking to look after them at community are entitled to a monthly social relief allowance equal to the nurturing cost level at social patronage establishments, health insurance and payment of funeral and burial costs upon their death.

Article 20. Elderly-caretaking establishments

1. Elderly-caretaking establishments are places in which care, nurturing, counseling or other necessary conditions are provided for the elderly.

2. Elderly caring establishments include:

- a) Social patronage establishments;
- b) Elderly care counseling and service-providing establishments;
- c) Other elderly caretaking establishments.

The Government shall specify the establishment and operation of elderly caretaking establishments defined in this Clause.

3. The State encourages organizations and individuals to invest in the construction of elderly caretaking establishments; invests in material foundations and provides financial supports for the

operation of public elderly caretaking establishments and provides financial supports for non-public elderly caretaking establishments to nurture the elderly defined in Clause 2, Article 18 of this Law.

4. Organizations and individuals contributing or investing their own funds in the construction of elderly caretaking establishments are entitled to preferential policies under the law on policies to encourage socialization of activities in the fields of education, vocational training, healthcare, culture, sports and environment.

SECTION 5

LONGEVITY CONGRATULATION AND CELEBRATION, FUNERAL ORGANIZATION

Article 21. The elderly's longevity congratulations and celebrations

1. Persons aged 100 will be congratulated and given presents by the President of the Socialist Republic of Vietnam

2. Persons aged 90 will be congratulated and given presents by chairpersons of provincial-level People's Committees.

3. Commune, ward or township People's Committees shall coordinate with local Elderly Associations and the elderly's families in organizing longevity celebrations for the elderly when they reach the age of 70. 75. 80. 85. 90. 95. 100 or over on any of the following days:

a) Vietnam Elderly Day;

b) The International Elderly Day;

c) Lunar New Year Festival;

d) The elderly's birthdays.

4. Funds for the implementation of tasks defined in this Article shall be provided by the state budget and social contributions.

Article 22. Organization of funerals and burials for deceased elderly

1. When the elderly pass away, persons with care-taking obligations and rights shall assume the main responsibility for organizing their funerals and burials in a solemn and thrifty ceremony, ensuring cultured lifestyle, unless otherwise provided for by law. If the elderly have no persons with care-taking obligations and rights or have such persons who, however, do not have conditions to organize funerals and burials, commune, ward or township People's Committees or social patronage establishments where such the elderly live shall assume the prime responsibility for, and coordinate with local Elderly Associations and mass organizations in.

organizing their funerals and burials.

2. When an elderly passes away, the agency or organization in which he)she works or last worked, the Elderly Association and the commune, ward or township People's Committee and local mass organizations shall coordinate with his)her family in organizing his)her funeral and burial.

Chapter III

PROMOTING THE ELDERLY'S ROLE

Article 23. Activities of promoting the elderly's role

The State, society and families shall create conditions for the elderly to bring into full play their intellect, precious experiences and fine qualities in the following activities:

1. Education about the traditions of unity, patriotism and love for humans and nature;
2. Building of cultured life; preserving and promoting national cultural identities at establishments and communities; participating in movements for learning promotion, talent promotion, support of education and training of virtuous and talented persons and other campaigns in communities;
3. Impartation of skills, experiences and economic, cultural, social, scientific and technological knowledge and traditional crafts to young generations;
4. Research, education, training, scientific and technological application; and professional and technical consultancy;
5. Economic development, poverty reduction and getting rich in lawful ways;
6. Maintenance of political security, social order and safety; reconciliation of conflicts and disputes in communities;
7. Observance of the law on grassroots democracy; practice of thrift against waste: prevention and combat of corruption and bureaucracy; prevention and fighting of HIV) AIDS and social vices;
8. Contribution of opinions on draft policies and laws and participation in supervising the enforcement of policies and laws;
9. Other social activities in the interest of organizations and the public.

Article 24. Responsibilities to promote the elderly's role

1. The State shall apply the following measures so that the elderly bring into full play their role

suitable to their respective capabilities:

- a) Creating conditions for the elderly to express their views, aspirations and petitions to agencies or organizations on matters of the elderly's concern;
 - b) Creating conditions for elderly scientists and artisans and other elderly with special skills and experiences and aspirations to continue making contributions:
 - c) Providing preferential credit loans to the elderly who are directly involved in production and business activities in order to increase their incomes and alleviate poverty;
 - d) Praising and commending the elderly who record outstanding achievements.
2. Agencies, Elderly Associations, other organizations, families and individuals shall create conditions for the elderly to carry out activities of promoting their role.

Chapter IV

THE VIETNAM EDLERLY ASSOCIATION

Article 25. The Vietnam Elderly Association

1. The Vietnam Elderly Association is a social organization representing the aspirations and legitimate rights and interests of Vietnamese elderly.
2. The Vietnam Elderly Association is organized on the principle of voluntariness and operates under the Constitution, laws and its Charter.

Article 26. Funds for operations of the Vietnam Elderly Association

1. Funds for the operations of the Vietnam Elderly Association come from the following sources:
 - a) State budget support;
 - b) Membership fee;
 - c) Other lawful revenue sources.
2. The Vietnam Elderly Association shall manage and use its operation funds according to law.

Article 27. Tasks of the Vietnam Elderly Association

1. To rally, unite and mobilize the elderly to participate in its activities, contributing to the implementation of socio-economic programs, the education of young generations, the building of civilized lifestyles, cultured families, the maintenance of political security, social order and safety, and the national construction and defense.

2. To act as the core in the movement to look after, take care of and promote the role of the elderly.
3. To protect the elderly's legitimate rights and interests.
4. To study the elderly's demands and aspirations for proposal to competent state agencies.
5. To represent the Vietnamese elderly in participating in international organizations and people's foreign relation activities in the interest of the elderly and the Fatherland.

Chapter V

STATE AGENCIES' RESPONSIBILITIES FOR ELDERLY-RELATED WORK

Article 28. Agencies performing the state management of elderly-related work

1. The Government performs the unified state management of elderly-related work.
2. The Ministry of Labor, War Invalids and Social Affairs is answerable to the Government for the performance of the state management of elderly-related work.
3. Ministries and ministerial-level agencies shall, within the ambit of their respective tasks and powers, coordinate with the Ministry of Labor, War Invalids and Social Affairs in performing the state management of elderly-related work.
4. People's Committees at all levels shall, within the ambit of their respective tasks and powers, perform the slate management of elderly-related work; incorporate elderly-related activities in local socio-economic development plans; and create conditions for agencies, organizations and individuals to participate in taking care of and promoting the role of the elderly.

Article 29. Responsibilities of ministries and ministerial-level agencies

1. The Ministry of Labor, War Invalids and Social Affairs shall:
 - a) Formulate and submit to competent agencies for promulgation or promulgate according to its competence legal documents, programs and plans on elderly-related work;
 - b) Assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees in implementing legal documents on the elderly and programs and plans on elderly-related work;
 - c) Inspect and examine the enforcement of the law on the elderly;
 - d) Implement international cooperation on the elderly;

e) Make reports on the elderly:

f) Coordinate with the Ministry of Planning and Investment in making statistics on the elderly;

g) Assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies in, promulgating and organizing the implementation of regulations on training of officers in charge of elderly-related work;

h) Assume the prime responsibility for, and coordinate with the Ministry of Health in, prescribing professional standards for and training caretakers of the elderly;

i) Assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies, government- attached agencies and provincial-level People's Committees in, planning elderly-caretaking establishments nationwide.

2. The Ministry of Health shall:

a) Guide and organize the care for the elderly's health at medical establishments and in communities; guide the management of the elderly's chronic diseases;

b) Formulate, and organize the implementation of, programs on prevention, examination and treatment of cardiovascular diseases, diabetes, Alzheimer and other chronic ailments and reproductive health-related diseases for the elderly;

c) Train gerontological doctors and health workers.

3. The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with other ministries and ministerial-level agencies in, studying and submitting to the Government for promulgation regulations on organization of, regimes and policies towards, officers in charge of elderly-related work.

4. The Ministry of Finance shall guide the budget allocation for the realization of policies on care for, and promotion of the role of, the elderly and provide operation funds for the Vietnam Elderly Association under the law on the state budget.

5. The Ministry of Planning and Investment shall appraise and approve according to its competence state projects on care for, and promotion of the role of, the elderly; assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, making statistics on the elderly.

6. The Ministry of Culture, Sports and Tourism shall direct the support of the elderly in cultural, physical training, sports, recreation and tourist activities; care for, and promote the role of, the elderly in families. 7. The Ministry of Information and Communications shall direct mass media agencies to promptly and accurately propagate policies and the law on the elderly.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 30. Effect

1. This Law takes effect on July 1, 2010.
2. Social patronage policies for the elderly provided in Clause 2, Article 17 of this Law shall be implemented from January 1, 2011.
3. Ordinance No. 23/2000/PL-UBTVQH10 on the Elderly ceases to be valid on the effective date of this Law.

The current social patronage policies for persons aged 85 or over who have no pensions or social insurance allowances continue to be implemented through December 31, 2010.

Article 31. Implementation detailing and guidance

The Government shall detail and guide the implementation of articles and clauses assigned to it in this Law; and guide other necessary contents of this Law in order to meet the state management requirements.

This Law was passed on November 23, 2009, by the 12th National Assembly of the Socialist Republic of Vietnam at its 6th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)
Nguyen Phu Trong