Law of the PRC on the Protection of the Rights and Interests of the Elderly

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of protecting the lawful rights and interests of the elderly, developing the undertakings for the elderly and promoting the Chinese nation's fine traditions of respecting, caring for and assisting the elderly.

Article 2 — For the purposes of this Law, the elderly means citizens who have attained the age of 60.

Article 3 — The state shall guarantee the lawful rights and interests of the elderly. The elderly shall have the right to obtain material assistance from the state and society, to enjoy the achievements of social development, and to participate in social development. Discrimination, insult, maltreatment or abandonment of the elderly is prohibited.

Article 4 — It is a long-term strategic task of the state to actively respond to the aging of the population. The state and society shall take measures to improve the social security system for the elderly, develop undertakings for the elderly, and gradually improve the level of protection for the elderly.

Article 5 — The state shall establish a social security system for the elderly with multi-levels, establish and improve a social old-age service system featuring home-based care as the foundation, community-based care as the support and institutional care as the supplement, and advocate the establishment of a social environment of respecting, caring for and assisting the elderly.

Article 6 — People's governments at all levels shall incorporate the undertakings for the elderly into their plans for national economic and social development, shall include the expenses for the undertakings for the elderly in the fiscal budget, and shall establish a stable funding guarantee mechanism.

Article 7 — It is the duty of the whole society to protect the lawful rights and interests of the elderly. State organs, public organizations, enterprises, public institutions and other organizations shall, in accordance with their respective functions and duties, do a good job in protecting the rights and interests of the elderly.

Chapter II — Support and Maintenance by Families

Article 8 — The elderly shall be mainly supported and maintained by their families. Their supporters shall perform their duties of providing economic support, daily care and spiritual comfort for the elderly, and shall attend to their special needs.

Article 9 — The supporters of the elderly shall properly arrange the housing for the elderly under their care and shall not force the elderly to live in substandard housing. The supporters of the elderly shall not occupy or damage the personal property of the elderly under their care.

Article 10 — The supporters of the elderly shall ensure the medical treatment of the elderly under their care when they are ill, and shall provide care and nursing. Supporters who live separately from the elderly shall frequently visit or greet the elderly. Employers shall guarantee the right of their employees to visit and accompany the elderly members of their families in accordance with relevant state provisions.

Article 11 — The freedom of marriage of the elderly shall be protected by law. Their children or other relatives shall not interfere with the divorce, remarriage or post-remarriage life of the elderly. The duty of support for the elderly shall not be terminated by a change in their marital relationship.

Article 12 — The elderly shall have the right to dispose of their personal property in accordance with the law, and their children or other relatives shall not interfere with such disposal, and shall not forcibly demand the property of the elderly.

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Chapter III — Social Security

Article 13 — The state shall, through the basic old-age insurance system, guarantee the basic living needs of the elderly. The state shall encourage eligible employers to establish enterprise annuities and individuals to participate in commercial old-age insurance.

Article 14 — The state shall, through the basic medical insurance system, guarantee the basic medical needs of the elderly. The departments concerned shall, when formulating medical insurance measures, give favorable consideration to the elderly. The state shall establish a system of medical assistance to ensure that the elderly suffering from serious diseases receive medical treatment.

Article 15 — The state shall gradually carry out long-term care services to guarantee the care needs of the elderly who are unable to take care of themselves. Local people's governments at all levels shall, in light of the actual conditions, provide nursing subsidies to the elderly with financial difficulties and loss of capacity.

Article 16 — The state shall establish and improve a system of social relief such as the minimum subsistence guarantee, and shall provide the elderly who meet the conditions with basic living, medical treatment, housing or other assistance.

Chapter IV — Social Services

Article 17 — People's governments at all levels and relevant departments shall take measures to develop urban and rural community old-age services, encourage and support social forces to establish old-age service facilities, and provide the elderly with convenient and accessible services such as daily care, meal assistance, cleaning, medical treatment, rehabilitation, nursing and spiritual comfort.

Article 18 — The state shall establish and improve a system of standards for old-age service facilities and service quality. Institutions providing old-age services shall meet the prescribed conditions, and shall establish and improve management systems to ensure service quality.

Article 19 — The local people's governments at all levels and the relevant departments shall, in accordance with the proportion of the elderly population and the distribution of the elderly, incorporate the construction of old-age service facilities into urban and rural planning, and make overall arrangements.

Article 20 — The state shall encourage and support the combination of medical and nursing care, and shall promote the integration of old-age service resources and medical and health resources. Institutions providing old-age services may establish medical institutions in accordance with conditions, or may cooperate with medical institutions to provide medical services for the elderly.

Chapter V — Social Preferential Treatment

Article 21 — The people's governments at or above the county level and their relevant departments shall, on the basis of the economic and social development and the special needs of the elderly, formulate preferential measures for the elderly and gradually raise the level of preferential treatment.

Article 22 — The state shall encourage and support the provision of preferential treatment and convenience to the elderly in the fields of transportation, travel, medical treatment, culture and sports. The elderly shall enjoy preferential treatment in taking public transportation and visiting museums, art galleries, science and technology museums, memorial halls, public libraries and other public cultural facilities.

Article 23 — Legal service institutions shall provide priority services to the elderly. The elderly who have financial difficulties and meet the conditions shall be provided with legal aid in accordance with the law.

Article 24 — The state shall encourage non-governmental capital to invest in and operate old-age service facilities. The state shall support the development of commercial old-age insurance, and encourage individuals to participate in commercial old-age insurance.

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Chapter VI — Habitable Environment

Article 25 — The state shall take measures to promote the construction of an age-friendly and barrier-free environment, and shall provide convenience for the elderly in their daily lives and social participation.

Article 26 — When building, rebuilding or expanding public facilities, residential areas or residential buildings, new construction projects shall comply with the state's engineering construction standards for accessibility facilities for the elderly. The state shall promote barrier-free renovation of existing residential areas, public facilities and roads, among others, that are incompatible with the daily life of the elderly.

Article 27 — The whole society shall show concern for, participate in and support the construction of a habitable environment for the elderly. The state shall advocate a social custom of caring for the elderly and creating a safe, convenient and comfortable living environment for them.

Chapter VII — Participation in Social Development

Article 28 — The state and society shall value and cherish the knowledge, skills, experience and fine moral character of the elderly, shall give play to their expertise and role, and shall protect their lawful rights and interests in participating in economic, political, cultural and social life.

Article 29 — The elderly may participate in the building of socialist material civilization, political civilization, spiritual civilization and ecological civilization through various means. The state shall provide conditions for the elderly to participate in social development. The lawful income of the elderly obtained from their participation in social development shall be protected by law.

Chapter VIII — Legal Liability

Article 30 — Where a supporter fails to perform his duty of support, infringes upon the lawful rights and interests of the elderly, or discriminates against, insults, maltreats or abandons the elderly, he shall be criticized and educated by the relevant entity; where a violation of public security administration is constituted, a public security administrative penalty shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 31 — Where a state organ, public organization, enterprise, public institution or any other organization fails to perform its duties of protecting the lawful rights and interests of the elderly in accordance with the law, the relevant department shall order it to make corrections; where the circumstances are serious, the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Article 32 — Where an institution providing old-age services or its staff infringes upon the personal rights and interests or property rights and interests of the elderly, the relevant department shall order it to make corrections and impose a penalty in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 33 — Any functionary of a relevant department who abuses his power, neglects his duties or engages in malpractices for personal gain, resulting in damage to the lawful rights and interests of the elderly, shall be given a sanction in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

Article 34 — The people's congresses of national autonomous areas may, in light of the principles of this Law and the specific characteristics of local ethnic groups, formulate adaptive or supplementary provisions, which shall be submitted to the Standing Committee of the National People's Congress or the standing committee of the people's congress of the province or autonomous region for approval in accordance with

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legal procedures.

Article 35 — This Law shall come into force on October 1, 1996.

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