

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 undertakings related to the elderly, and promoting the Chinese nation's fine traditions of respecting, caring for, and supporting the elderly.

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

Article 3 — The state shall protect the rights and interests enjoyed by the elderly in accordance with the law.

The elderly shall have the right to receive material assistance from the state and society, the right to receive social services and social preferential treatment, the right to participate in social development and share the achievements of development.

Discrimination against, insulting, mistreating, or abandoning 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 various systems for safeguarding the rights and interests of the elderly, gradually improve the conditions for safeguarding the life, health and safety of the elderly and their participation in social development, and realize the provision of proper care for the elderly, medical treatment for the elderly, opportunities for the elderly to apply their skills and knowledge, and opportunities for the elderly to continue learning.

Article 5 — The state shall establish a multi-tiered social security system for the elderly and gradually raise the level of security for the elderly.

The state shall establish and improve the social old-age service system that is based on the family, relies on the community, and is supported by institutions.

The entire society shall advocate preferential treatment for the elderly.

Article 6 — People's governments at all levels shall incorporate undertakings related to the elderly into their national economic and social development plans, include the funds for undertakings related to the elderly in their fiscal budgets, establish stable funding guarantee mechanisms, and encourage all sectors of society to invest in and support undertakings related to the elderly, so as to promote the coordinated development of undertakings related to the elderly with the economy and society.

The State Council shall formulate national development plans for undertakings related to the elderly. Local people's governments at or above the county level shall, in accordance with national development plans for undertakings related to the elderly, formulate development plans and annual plans for undertakings related to the elderly within their respective administrative regions.

People's governments at or above the county level shall be responsible for the work on the elderly; the institutions in charge of the work on the elderly shall be responsible for organizing, coordinating, guiding, and urging relevant departments to carry out the work on protecting the rights and interests of the elderly.

Article 7 — The protection of the lawful rights and interests of the elderly is the shared responsibility of the entire society.

State organs, social organizations, enterprises, public institutions, and other organizations shall, in accordance with their respective functions and responsibilities, carry out the work on protecting the rights and interests of the elderly.

Neighborhood committees, villagers' committees, and legally established organizations of the elderly shall reflect the demands of the elderly, safeguard the lawful rights and interests of the elderly, and serve the elderly.

Article 8 — The state shall conduct education on the national conditions of population aging, and enhance the awareness of the entire society in actively responding to the aging of the population.

The entire society shall extensively carry out publicity and education activities on respecting, caring for, and supporting the elderly, and foster virtues of respecting, caring for, and supporting the elderly.

Youth organizations, schools, and kindergartens shall provide moral education on respecting, caring for, and supporting the elderly to youth and children.

Radio, television, newspapers, the internet and other media shall disseminate information on respecting, caring for, and supporting the elderly.

State organs, social organizations, enterprises, public institutions, and other organizations shall carry out publicity and education on respecting, caring for, and supporting the elderly among their employees.

Article 9 — The state shall support scientific research on the aging of the population, establish a statistical survey, monitoring, and information release system on the situation of the elderly.

Article 10 — People's governments at all levels and relevant departments shall commend and reward organizations, families, or individuals that have made remarkable achievements in safeguarding the lawful rights and interests of the elderly and respecting, caring for, and supporting the elderly, or organizations, families, or individuals that have made outstanding contributions to the development of undertakings related to the elderly.

Article 11 — The elderly shall observe disciplines and abide by the law and fulfill their obligations prescribed by law.

Article 12 — The ninth day of the ninth lunar month each year is the Senior Citizens' Day.

Chapter II — Maintenance and Support Within the Family

Article 13 — Elderly people shall be maintained mainly by their families, and their family members shall care for and attend to the elderly.

Article 14 — Supporters of the elderly shall fulfill their obligations to provide financial support, daily care, and emotional comfort for the elderly, and attend to their special needs.

Supporters refer to the children of the elderly and other persons who are legally obligated to support the elderly.

The spouses of the supporters shall assist the supporters in fulfilling their obligations of support.

Article 15 — Supporters shall ensure that elderly people suffering from illness receive timely treatment and care; and shall bear responsibility for the medical expenses of elderly people who have difficulties in making a living.

Where an elderly person is incapacitated, the supporter shall not refuse to fulfill the obligation of support on the grounds of waiving the right of inheritance or any other reason.

Where a supporter fails to fulfill his or her obligation of support, the elderly person who is incapable of working or has difficulties in making a living has the right to demand support payment from the supporter.

Article 16 — Supporters shall properly arrange the housing of the elderly and shall not force the elderly to move into inferior housing.

Where an elderly person owns or leases a house, his or her children or other relatives shall not occupy it, nor shall they change the property rights or lease relationship without authorization.

Supporters shall be obligated to maintain the housing of the elderly.

Article 17 — A supporter shall personally manage the farmland that the elderly person is contracted to cultivate, attend to the forest trees and livestock of the elderly person, and the incomes derived therefrom shall be attributed to the elderly person.

Article 18 — Family members shall care for the emotional needs of the elderly and shall not ignore or neglect the elderly.

Family members who live apart from the elderly shall frequently visit or extend greetings to the elderly.

Employers shall, in accordance with relevant state provisions, guarantee the right of supporters to take leave for visiting elderly family members.

Article 19 — Supporters shall not refuse to fulfill their obligations of support on the grounds that the elderly person will remarry, nor shall they interfere with the elderly person's marital life or the disposal of the property acquired after marriage by the elderly person.

Supporters shall not encroach upon the lawful rights and interests of the elderly person on the grounds of inheritance or otherwise.

Article 20 — Where the supporter fails to fulfill the obligation of support upon an elderly person, the neighborhood committee, villagers' committee, or the work unit of the supporter shall mediate the matter.

Where an elderly person who has been infringed upon initiates legal proceedings in the people's court, the people's court may grant a postponement, reduction, or exemption of litigation costs. Where the elderly person has difficulty in writing a complaint due to advanced age, illness, or illiteracy, an oral complaint may be accepted instead.

Article 21 — The state shall, through the basic old-age insurance system, guarantee the basic living needs of the elderly.

Article 22 — The state shall, through the basic medical insurance system, guarantee the basic medical needs of the elderly. When formulating medical insurance measures, relevant departments shall give consideration to the needs of the elderly.

Chapter III — Social Security

Article 23 — The state shall establish and improve the social old-age service system. Local 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 facilities such as canteens, bathrooms, day care centers, and other community service outlets for the elderly that meet their needs.

Local people's governments at all levels and relevant departments shall take measures to encourage and support professional service institutions and other organizations and individuals to provide daily care, medical care, spiritual comfort, emergency rescue, and other convenient services for the elderly living at home.

Local people's governments at all levels and relevant departments shall take measures to develop home-based old-age services for the elderly.

Article 24 — The state shall establish and improve the old-age service facility plan, allocate land for old-age service facilities in a reasonable manner, and include the construction of old-age service facilities in urban and rural community supporting construction plans.

Article 25 — The state shall establish and improve a subsidy system for the elderly, provide living allowances for the elderly with financial difficulties, and provide nursing care subsidies for the elderly who are incapacitated.

Local people's governments at or above the county level shall provide living assistance to the elderly with financial difficulties.

Article 26 — The state shall encourage local people's governments to establish a system of granting old-age allowances to the elderly aged 80 and above.

Article 27 — When formulating urban and rural plans, people's governments at all levels shall, in light of the trend of population aging, the distribution of the elderly population, and the characteristics and needs of the elderly, make overall plans for the construction of old-age service facilities that meet daily needs.

Article 28 — The state shall, through various channels, guarantee the living needs of the childless and helpless elderly in both urban and rural areas. Local people's governments at all levels shall provide for the elderly persons who have no source of income, no supporter, or whose supporter is unable to provide support in accordance with relevant state provisions.

Article 29 — The state and society shall attach importance to and cherish the knowledge, skills, experience, and good moral character of the elderly, bring into play the expertise and roles of the elderly, and guarantee that the elderly participate in economic, political, cultural, and social life.

Article 30 — The elderly may organize themselves in accordance with the law, engage in cultural, sports, health care, legal aid, and other social activities that are beneficial to the physical and mental health of the elderly, and provide for their own service and management.

Chapter IV — Social Services

Article 31 — The state shall provide the elderly with convenient medical treatment, health care, and rehabilitation services.

Medical institutions shall provide priority and convenience for the elderly in seeking medical treatment, and community health service institutions shall establish health records for the elderly, carry out health management such as health checkups and health education for the elderly, and provide regular follow-up services.

Article 32 — Where an elderly person suffers from a chronic illness or serious illness and his or her family members are unable to provide care at home, the state shall support the development of long-term care security undertakings.

Article 33 — People's governments at all levels shall standardize the charging items and standards for old-age service institutions, strengthen supervision and management.

Article 34 — Old-age service institutions established with government investment shall give priority to guaranteeing the service needs of the childless and helpless elderly, elderly persons with financial difficulties, elderly persons who are incapacitated, and other elderly persons in special difficulties designated by the government.

Article 35 — The state encourages and supports social forces to establish old-age service institutions. Local people's governments at or above the county level and their relevant departments shall take measures to support enterprises, public institutions, social organizations, individuals, and other social forces in establishing old-age service institutions.

Article 36 — Old-age service institutions established with donations, subsidies, or purchased services provided by the government shall use such funds in accordance with the provisions and accept the supervision of relevant government departments.

Article 37 — The state shall establish and improve the standards, norms, and management systems for old-age services.

Article 38 — Where old-age service institutions and their employees infringe upon the personal rights or property rights of the elderly, they shall bear civil liability in accordance with the law; and the relevant competent departments shall impose administrative penalties on such institutions in accordance with the law.

Chapter V — Social Preferential Treatment

Article 39 — People's governments at all levels and relevant departments shall, in accordance with the characteristics and needs of the elderly, formulate specific measures so that the elderly may enjoy preferential treatment or waivers of fees in the fields of medical treatment, transportation, culture, sports, entertainment, and other fields.

Article 40 — The elderly shall enjoy priority in taking public transportation and entering public cultural and sports venues with the certificates of identity for residents or other valid certificates.

Article 41 — Museums, art galleries, science and technology museums, memorial halls, public libraries, cultural centers, cinemas, theaters, stadiums (gymnasiums), parks, tourist attractions, and other places shall be open to the elderly free of charge or at reduced rates.

Article 42 — The elderly shall have the right to receive legal aid from the state and society. Where an elderly person needs to obtain legal aid due to his or her lawful rights and interests being infringed upon and is truly unable to afford legal service fees, he or she may be granted legal aid in accordance with the law.

Article 43 — People's governments at all levels shall, in accordance with relevant state provisions, provide assistance in various forms to the elderly with financial difficulties in terms of basic living, medical treatment, housing, and other aspects.

Article 44 — The state and society shall guarantee the right of the elderly to receive education. People's governments at all levels shall incorporate education for the elderly into their education development plans and encourage social forces to run various types of schools for the elderly.

Relevant state provisions must be followed in the running of schools for the elderly.

Chapter VI — Habitable Environment

Article 45 — The state shall take measures to promote the construction of a habitable environment for the elderly and create a safe, convenient, and comfortable living environment for the elderly.

Article 46 — People's governments at all levels shall, when formulating urban and rural plans, take into account the needs of the aging population and make overall plans for the construction of old-age service facilities and public service facilities that meet the daily needs of the elderly.

Article 47 — In new construction, renovation, and expansion of public facilities, residential areas, and residential buildings, barrier-free facilities that meet the actual needs of the elderly shall be constructed in accordance with state regulations.

Priority shall be given to promoting barrier-free renovation of existing residential buildings, public facilities, and residential areas that are closely related to the daily lives of the elderly.

Article 48 — The state shall promote and support the research, development, production, and application of products suitable for the elderly, with a focus on developing products that meet the physical and mental health needs of the elderly such as rehabilitation aids, self-help devices, and home monitoring equipment.

Article 49 — People's governments at all levels and relevant departments shall carry out publicity and education on a habitable environment for the elderly, popularize knowledge on a habitable environment, and

raise the awareness of the entire society about the construction of a habitable environment for the elderly.

Chapter VII — Participation in Social Development

Article 50 — The state and society shall attach importance to and cherish the knowledge, skills, experience, and good moral character of the elderly, bring into play the expertise and roles of the elderly, and guarantee that the elderly participate in economic, political, cultural, and social life.

Article 51 — The elderly may participate in social development through the following activities:

- (1) Passing on their fine traditions of culture and knowledge to youth and children, and providing education in socialist core values;
- (2) Providing consulting services;
- (3) Participating in the application and development of science and technology in accordance with the law;
- (4) Engaging in business and production activities in accordance with the law;
- (5) Participating in public welfare activities such as voluntary service and community service;
- (6) Participating in public security management, mediating civil disputes, and maintaining social order;
- (7) Participating in other social activities.

Article 52 — Where the elderly participate in the lawful income-earning activities of society, their lawful income shall be protected by law. No entity or individual may reduce, stop, or delay the payment of old-age insurance benefits or affect other social security benefits enjoyed by the elderly on the grounds that the elderly participate in labor activities.

Chapter VIII — Legal Liability

Article 53 — Where a state organ, social organization, enterprise, public institution, or other organization violates the provisions of this Law and infringes upon the lawful rights and interests of the elderly, the relevant competent department shall order it to make corrections; if the circumstances are serious, the directly responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Article 54 — Where a person interferes with the freedom of marriage of an elderly person, refuses to support or provide for an elderly person whom he or she has the obligation to support or provide for, mistreats an elderly person, or commits domestic violence against an elderly person, the relevant entity shall give the person criticism and education; if the act constitutes a violation of public security administration, public security administration penalties shall be imposed in accordance with the law; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 55 — Where an urban or rural community old-age service facility is not constructed in accordance with the prescribed standards during the construction of a residential area, the competent department of housing and urban-rural construction shall order it to make corrections within a specified period.

Article 56 — Where an old-age service institution or its staff infringes upon the personal rights or property rights of the elderly, it shall bear civil liability in accordance with the law; the relevant competent department shall impose administrative penalties on the institution in accordance with the law; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 57 — Where a department responsible for the administration of the elderly and its staff fail to perform their duties in accordance with the law, the relevant department shall order them to make corrections and impose sanctions on the directly responsible person in charge and other directly responsible persons in accordance with the law.

Chapter IX — Supplementary Provisions

Article 58 — The people's congresses of ethnic autonomous areas may, in accordance with the principles of this Law and in light of the characteristics of the local ethnic groups and their specific circumstances, formulate adaptive or supplementary provisions in accordance with legal procedures.

Article 59 — This Law shall come into force on the date of promulgation. The Law of the People's Republic of China on the Protection of the Rights and Interests of the Elderly adopted on August 29, 1996 shall be repealed simultaneously.

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