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Law of the People's Republic of China on
Protection of the Rights and Interests of the Elderly
(Adopted at the 21st Meeting of the Standing Committee of the Eight National People's Congress
on August 29, 1996, promulgated by Order No. 73 of the President of the People's Republic of
China, and effective as of October 1, 1996.

Chapter I
General Provisions

Article 1 This Law is enacted in accordance with the Constitution to protect the lawful rights and interests of the elderly, develop the undertakings related to the elderly and promote the Chinese people's virtues of respecting and providing for the elderly.

Article 2 The elderly referred to in this Law are citizens at or above the age of 60.

Article 3 The State and society shall take measures to improve the social security system regarding the elderly and gradually better the conditions that contribute toward their well-being, good health and participation in social development, so that they are provided for, have access to necessary medical care, have opportunity for their own pursuits and studies and enjoy themselves.

Article 4 The State protects the lawful rights and interests of the elderly.

The elderly have the right to obtain material assistance from the State and society and enjoy the achievements in social development.

Discriminating against, insulting, maltreating or forsaking the elderly is forbidden.

Article 5 The people's governments at various levels shall incorporate the undertakings related to the elderly into the plans for national economic and social development, gradually increase the investment in these undertakings and encourage all sectors of society to make such investment, so that these undertakings and the economy and society develop in a coordinated manner.

The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall take organizational measures to coordinate the efforts made by relevant departments to protect the rights and interests of the elderly. The specific institutions for the purpose shall be prescribed by the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 6 It is the duty of the entire society to protect the lawful rights and interests of the elderly.

State organs, public organizations, enterprises and institutions shall, in compliance with their own functions and responsibilities, protect the rights and interest of the elderly

Neighborhood committees, villagers committees and the organizations of the elderly established according to law shall make known the demands of the elderly, safeguard their lawful rights and interest and serve them.

Article 7 Throughout the community publicity and education should be conducted in the need to establish the social values under which the elderly are respected, taken care of and helped.

The organizations of young people, schools and kindergartens shall carry out education in ethics among young people and children, so that the latter will understand the importance of respecting and providing for the elderly. They shall also educate young people and children in the legal system so that the latter will understand the need of safeguarding the rights and interests of the elderly.

Voluntary services for the elderly shall be encouraged.

Article 8 The people's governments at various levels shall commend and award the organizations, families or individuals that have scored outstanding achievements in safeguarding the lawful rights and interests of the elderly and respecting and providing for them.

Article 9 The elderly shall observe law and discipline and perform their duties prescribed by law.

Chapter II Maintenance and Support by Families

Article 10 The elderly shall be provided for mainly by their families, and their family members shall care for and look after them.

Article 11 Supporters of the elderly shall perform the duties of providing for the elderly, taking care of them and comforting them, and cater to their special needs.

The supporters referred to here are the sons and daughters of the elderly and other people who are under the legal obligation to provide for the elderly.

Article 12 The supporters shall pay medical expenses for the elderly suffering from illnesses and provide them with nursing care.

Article 13 The supporters shall properly arrange for the housing of the elderly and shall not compel the latter to move to inferior houses.

The sons and daughters or other relatives of the elderly shall not seize the houses owned or rent by the elderly and they shall not, without permission of the elderly, replace the elderly as the owners or renters of the houses themselves or by anyone else.

The supporters of the elderly have the duty to keep ~ by the elderly in good repair.

Article 14 The supporters have the duty to help farm the land the elderly contract to farm, and take care of the trees and livestock contacted or owned by the elderly, but the earnings there from shall go to the elderly.

Article 15 The supporters shall not refuse to perform their duties of providing for the elderly on the ground that they will give up their right of inheritance or for any other reasons.

If the supporters do not perform their duties of providing for the elderly, the latter shall have the right to ask the former for alimony.

The supporters shall not ask the elderly to do any work beyond their ability.

Article 16 The elderly and their spouses have the duty to support each other.

If those who were brought up by their elder brothers or sisters can bear the burden, they shall provide for their elder brothers or sisters should the latter do not have supporters when they are advanced in years.

Article 17 The supporters may conclude an agreement between themselves on their duty to provide for the elderly, subject to approval by the latter. Neighbourhood committees, villagers' committees or the organizations of the supporters may supervise the fulfilment of the agreement.

Article 18 The freedom of marriage of the elderly is protected by law. Their sons, daughters or other relatives shall not interfere in their divorce, remarriage or post-remarriage life.

The supporters shall not be relieved of the duty to provide for the elderly because of any change in the latter's marriage.

Article 19 The elderly shall have the right to dispose of their personal property according to law.

Their sons, daughters and other relatives shall not interfere in this matter or extort money or anything of value from the elderly.

The elderly shall not have the right to inherit the legacy of their parents, spouses, sons, daughters or other relatives according to law and the right to accept donations.

Chapter III Social Security

Article 20 The State establishes an old-age insurance system to ensure the basic needs in the life of the elderly.

Article 21 The pensions and other material benefits the elderly enjoy according to law shall be guaranteed. The organizations must regularly pay the elderly their pensions in full. They shall not be behind in payment without reason or divert the pensions for other purposes.

The State shall increase the pensions along with economic development, improvement in people's living standards and increase in the

wages of workers.

Article 22 In addition to the old-age insurance system to be established in rural areas in light of local conditions, some of the collectively owned land, forests, bodies of water, shoals, etc. that are not contracted out may, where possible, be made production bases for the benefits of the elderly, and the earnings there from shall be used for the elderly.

Article 23 The local people, merits shall provide relief to the elderly in urban areas who are unable to work and have no sources of income or supporters or whose supporters are truly unable to provide for or support them.

With regard to the elderly in rural areas who are unable to work and have no sources of income or supporters or whose supporters are truly unable to provide for or support them, their food, clothing, housing, medical care and burial expenses shall be borne by collective economic organizations, and the people's governments of townships, nationality townships or towns shall be responsible for making arrangement for the matter.

Article 24 Citizens and organizations are encouraged to conclude agreements with the elderly on their maintenance or other agreements with the elderly on their maintenance or other agreements on their support.

Article 25 The State establishes different medical insurance systems to meet the basic needs of the elderly for medical care.

When formulating medical insurance regulations, the departments concerned shall give favourable consideration the elderly.

The benefits enjoyed by the elderly in medical care according to law must be guaranteed.

Article 26 When the elderly suffer from illnesses, if they themselves and their supporters are really unable to pay their medical expenses, the local people's governments may provide them with appropriate aid and may also solicit help from the community.

Article 27 Medical institutions shall make it easy for the elderly to get medical treatment and let those at or above the age of 70 enjoy priority in this regard. Where conditions permit, hospital beds may be placed in the homes of the elderly patients and doctors are encouraged to go round to provide medical services.

Free treatment of elderly patients is encouraged.

Article 28 The State shall take measures for promoting research in geriatrics, training more geriatricians and improving prevention, treatment and scientific research of geriatric illnesses.

Education in health shall be conducted In various forms to disseminate knowledge about health care of the elderly and enhance their awareness of the importance for them to maintain good

health

Article 29 When distributing, redistributing or selling their houses, organizations shall give consideration to the needs of their old-age ex-employees in light of the actual conditions and in conformity with relevant standards.

Article 30 When public facilities, residential quarters and houses are built or renovated in cities and towns the special needs of the elderly should be taken into consideration and facilities suited to the daily life and activities of the elderly shall be installed.

Article 31 The elderly shall have the right to receive continued education.

The State develops education for the elderly and encourages the society to run well all types of schools for the elderly.

The people's government at various levels shall provide more effective leadership to education for the elderly and make unified plans for the education.

Article 32 The State and society shall take measures to carry out cultural, sports and recreational activities of a mass character that are suited to the elderly as to enrich their cultural life.

Article 33 The State encourages and helps public organizations or individuals to establish welfare institutions for the elderly and build for them homes, apartments rehabilitations centers, and places to carry out cultural and sports activities, etc.

The local people's governments at various levels shall gradually increase their investment in the welfare undertakings for the elderly and provide more welfare facilities for them, depending on the level of their economic development.

Article 34 To meet the needs of the elderly, the people's governments at various levels shall provide guidance to enterprises in developing , producing and dealing in the daily necessities of the elderly.

Article 35 Community services shall be developed. Service facilities and networks for the daily life, cultural and sports activities, nursing and rehabilitation of the elderly shall be gradually installed and established.

The tradition of mutual-aid between neighbours shall be promoted and neighbours of the elderly are encouraged to take care of and help the elderly in need.

Volunteers shall be encouraged and supported in their effort to serve the elderly.

Article 36 The local people's governments at various levels may, in light of the local conditions, give the elderly preferential treatment when they visit places of interest and take public transport facilities.

Article 37 The elderly in rural areas shall not undertake voluntary labour or labour for public accumulation fund.

Article 38 Radio program, films, television programs, newspapers and periodicals shall serve the elderly by covering their life and publicize the need to safeguard their lawful rights and interests.

Article 39 If the elderly really have difficulty in paying the cost of lawsuit they bring against infringement on their lawful rights and interest, they may postpone paying it, pay a smaller amount or be exempted from it. If they need the assistance of lawyers but cannot afford to pay for it, they may get legal aid.

Chapter IV Participation in Social Development

Article 40 The State and society shall attach importance to and cherish, the knowledge, skills and revolutionary and construction experience of the elderly, set great store by their fine moral characters and give play to their special skills and role.

Article 41 The State shall create conditions for the elderly to take part in the promotion of socialist material, cultural and ethical progress. If society so need and if conditions permit, the elderly shall be encourage to engage in the following activities on a voluntary basis and according to their capacity:

- (1) to help educate young children in socialism, patriotism, collectivism and hard work and other fine traditions
- (2) to pass on their cultural, scientific and technological knowledge
- (3) to provide consultancy service;
- (4) to take part in the development and application of science and technology according to law;
- (5) to engage in business and production according to law;
- (6) to establish public welfare undertaking;
- (7) to take part in maintaining public order and help mediate disputes between people;
- (8) to participate in other social activities.

Chapter V Legal Responsibility

Article 43 When the lawful rights and interest of the elderly are infringed upon, they or their agents shall have the right to refer the matter to the department concerned or bring a lawsuit to People's Court according to law.

The People's Court and the department concerned shall, without delay, accept and handle the complaints, charges against or exposures of the infringement of the lawful rights and interests of the elderly according to law.

Article 44 Departments or organizations that do not perform their duties to protect the law rights an interests of the elderly shall be educated through criticism by the competent departments at the higher level and be ordered to correct their mistakes.

State functionaries who impair the lawful rights and interests of the elderly because of

1953

Their dereliction of duty in violation of the law, the organizations where they are employed or the organs at the higher level shall order them to correct their mistakes or shall give them administrative sanctions. If the case constitutes a crime, criminal responsibility shall be pursued according to law.

Article 45 When the elderly have disputes with their family members over their support, or over housing or property, they may ask the organizations where their family members are employed, the neighbourhood committees or the villagers' committees to mediate. They may also bring a lawsuit directly to a People's Court.

If the family members are found to be in the wrong through mediation of the disputes mentioned in the preceding paragraph, they shall be educated through criticism and ordered to correct their mistakes.

When the elderly apply to a People's Court to claim alimony or payments for support, the Court may order advance execution according to law.

Article 46 whoever insults the elderly in public by violence or other means, slanders them or maltreats them, if the case is not serious, shall be punished in accordance with the relevant provisions of the Regulations on Administrative Penalties for Public Security; if the case constitutes a crime, his: criminal responsibility shall be pursued according to law.

Article 47 Whoever interferes with the freedom of marriage of the elderly by violence or refuses to provide for or support the elderly whom he has the duty to provide for or support, if the case is serious and thus constitutes a crime, shall be investigated for criminal responsibility according to law.

Article 48 The family members of the elderly who steal, defraud, seize, extort or deliberately damage the property of the elderly, if the case is not serious, shall be punished in accordance with the relevant provisions of the Regulations on Administrative Penalties for Public Security; if the case constitutes a crime, they shall be investigated for criminal responsibility according to law.

1954

Chapter VI
Supplementary Provisions

Article 49 The people's congresses of national autonomous areas may in accordance with the principles of this Law, in the light of the special customs and habits of the local nationalities and in pursuance of legal procedures, formulate regulations which may be variant from or supplementary to this Law.