

Vietnam Association of the Elderly
Submission to the Open-ended Working Group on Ageing
Equality and non-discrimination

Vietnam Association for the Elderly (VAE) is an NGO accredited to the Open-ended Working Group on Ageing.

1. Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or persons of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?

Vietnam has some legal documents which guarantee equality explicitly for older persons or persons of all ages and forbid discrimination, such as:

The Constitution of Vietnam approved in 2013 in which:

- Article 16: 1. All citizens are equal before the law. 16:2. No one shall be discriminated in his or her political, civic, economic, cultural, social life
- Article 37: 3. The state, the family and society shall respect and take care for Old persons and promote their role in the career of national construction and defence.

The Elderly Law approved in 2009, in which:

- 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 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 work 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.

The Decree 144/ 2013/ NĐ-CP of government of the administrative fine rules in social protection and children protection and caring. In which:

- Article 18: To violate the elderly rights and duties for older persons.
 1. Cash penalty from 3.000.000 VND to 5.000.000 VND in such cases:
 - a) Obstruct older persons to live separately or together;
 - b) Obstruct older persons in marriage, property and other rights
 2. Cash penalty from 5.000.000 VND to 10.000.000 VND for abusing and violence to older persons
 3. Compensation and apology
- Article 19: Failing to perform the obligations of taking care of the Elderly
 1. Cash penalty from 3.000.000 VND to 5.000.000 VND in such cases:
 - a) Do not perform the obligations of taking care of the elderly;
 - b) Do not perform all commits in the service contracts of taking care for older persons;
 - c) To get benefit unfairly in taking care for older persons.
 2. Compensation.

2. Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

In Vietnam, there is some information (for example on television, newspapers, internet, most in the Newspaper "Older persons" about discrimination against older persons in some areas such as:

- Employment: Yes
- Access to goods and services: Few
- Social protection: Yes
- Health care: Yes
- Social care: No
- Justice, Inheritance: Few

3. Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?

- Availability of, access to and quality of health care services: No
- Financial services: Yes

4. Are there any areas where differential treatment based on old age is explicitly justified?

In Vietnam, have some differential treatment based on old age is explicitly justified in such areas:

- Access to credit from state microcredit programs and loan from bank (older persons cannot)
- Mandatory age of retirement
- Older persons rarely have benefits from support programmes from the state and other donors (poverty reducing, training, microcredit programmes etc.)
- Age-based benefits
- Age limits in decision making