

Comments from China National Committee on Ageing

Autonomy and independence

1. In your country/region, how is the right to autonomy and independence of older persons defined in legal and policy frameworks?

A: The Chinese government has always attached great importance to safeguarding the independence of older persons. At the legal level, older persons have multiple rights to independence including personal rights, property rights, and political rights. These rights mainly include stipulations that: 1) Older persons have the right to material assistance from the state and society, 2) Older persons have the right to social services and preferential treatment, 3) Older persons have the right to participate in social development and benefit from the results of this development. 4) The discrimination against older persons and the insulting, abuse, or abandonment of older persons is prohibited, 5) The freedom of marriage for older persons is protected by law, 6) Older persons have the right to possess, use, benefit and dispose of personal assets according to law, 7) If an independent adult asks an older person for financial assistance, the older person has the right to refuse, 8) Older persons enjoy all the political rights enshrined in the Constitution.

At the policy level, the Chinese government places emphasis on utilizing older persons' knowledge, experience, and skills, encouraging older persons to continue to participate in social development and to strive to build a co-sharing society regardless of age. In China's *13th Five-year Plan for the Development of Aging and the Construction of the Elderly Care System* promulgated by the Chinese government, the following measures have been taken with regards to older persons' rights to social participation: (1) The government has encouraged positive views with regards to older persons and guided older persons in establishing a concept of life-long development teaching them to always maintain self-respect and self-confidence and focus on self-improvement. (2) The government has strengthened the development of elderly human resources. (3) The government has developed volunteer services for older persons. (4) The government has encouraged older persons to actively participate in grassroots elderly social organizations and carry out various self-management, self-education, and self-service activities.

4. What steps have been taken to ensure older persons' enjoyment of their right to autonomy and independence?

A: In order to ensure the independence of older persons, China has taken the following measures: first, with regards to the protection of older persons' economic independence, the government has established a social security system for the elderly based on basic old-age insurance, basic medical insurance, old age and social relief, and a social welfare system. In addition, the government has also established a subsidy system for older persons such as those facing economic difficulties and those with disabilities. This subsidy system includes old age allowance, pension service subsidization, and nursing subsidization. Second, with regards to the protection of older persons' independent daily lives, the government has established preferential policies for older persons. Focusing on health care, transportation, business services, leisure, and rights protection services, the government has designed policies to provide a wide range of

material benefits and care for older persons, formulating and implementing projects concerning elder care services. The government supports the development of accident insurance for older persons and providing older persons with risk prevention insurance for their independent lives. Third, the government has taken measures to strengthen the legal protection of older persons rights to independence which include: gradually establishing the guardianship system of older persons, cracking down on illegal activities such as theft, fraud, and extortion of older persons' property and illegal fund-raising, pyramid schemes, and online fraud targeting older persons. The government has also made any cases, trials, and executions of complaints and lawsuits against the legitimate rights and interests of older persons a priority as well as has decided to actively promote legal aid to urban communities and rural areas so that older persons can apply for legal aid nearby.

5. What mechanisms are necessary, or already in place, for older persons to seek redress for the denial of autonomy and independence?

A: (1) Petition; (2) Mediation; (3) Legal aid and judicial assistance; (4) Rights protection coordination mechanism; (5) Procedural priority of judicial proceedings.

6. What are the responsibilities of other, non-State, actors in respecting and protecting the right to autonomy and independence of older persons?

A: As stipulated in Article 7 of the *Law of the People's Republic of China on the Protection of the Rights and Interests of Older Persons*: protecting the legitimate rights and interests of older persons is a common responsibility for the whole society. State organs, social groups, enterprises, institutions, and other organizations shall, in accordance with their respective responsibilities, maintain the rights and interests of older persons. Autonomous mass organizations at the grass-roots level and older persons organizations established in accordance with the law shall reflect the requirements of older persons, protect the legitimate rights and interests of older persons, and provide services for older persons as well as encourage volunteer services for older persons.

Long-term Care and Palliative Care

1. In your country/region, how is long-term care for older persons defined and provided for in legal and policy frameworks? What types of support and services are covered?

A: As stipulated in Article 30 of the *Law of the People's Republic of China on the Protection of the Rights and Interests of Older Persons*: China has gradually developed long-term care insurance, safeguarding the needs of older persons. China's *13th Five-year Plan for the Development of Aging and the Construction of the Elderly Care System* stressed the importance of establishing a long-term care insurance policy. The Office of the Ministry of Human Resources and Social Security issued the *Guidance for the Pilot Implementation of a Long-term Care Insurance System* in June 2016, selecting some pilot cities across the country. Prior to this, areas such as Qingdao of Shandong Province, Changchun of Jilin Province, Nantong of Jiangsu Province, Shanghai, and Haidian District of Beijing, combined local practice and mainly relied on the balance transfer of health insurance funds to establish a long-term care insurance system. In the pilots areas, the government is mainly to provide financial support which includes long-term care insurance funds to buy long-term care services and granting long-term care service subsidies to older persons with disabilities.

2. What are the specific challenges faced by older persons in accessing long-term care?

A: At present, there are mainly two challenges that older persons face when they try to obtain long-term care, one being a result of demand and the other a result of supply. With regards to demand, as a result of the low income of older persons the established social insurance system of long-term care is inefficient. In addition, as they cannot afford to pay an adequate amount for their care the services that they can receive are greatly affected. With regards to supply, the capacity of the market and socialized care services are insufficient, care service institutions and personnel are in short supply, and the quality of care is low.

3. What measures have been taken/are necessary to ensure high-quality and sustainable long-term care systems for older persons?

A: the Chinese government has launched a pilot program for long-term care insurance with the aim of building a long-term care system with Chinese characteristics. This system includes :(1) Exploring established systems to promote the construction of a long-term care insurance system, nursing subsidy system, and medical & nursing system. The government also plans to reform the elder service care industry to encourage the participation of social forces and explore effective financing channels. (2) Increasing care facilities. Both the 12th and the 13th Five-year Plan for the development of older persons have stressed the need to promote the combination of treatment and medical care, focus on the development of nursing institutions, and increase the proportion of nursing beds. (3) Strengthening the supervision of service quality, carrying out service quality inspection of national pension service institutions, and improving service capacity. (4) Strengthening health intervention, advocating healthy aging, implementing Healthy China Action, carrying out comprehensive fitness campaigns, and reducing of the frequency at which older persons fall ill. (5) Strengthening protection of the rights and interests of older persons and preventing discrimination, abuse and violence against older persons in the process of providing services. (6) Improving the standards and norms of elder care services and providing a regulatory basis for improving the quality of elder care services.

4. What other rights are essential for the enjoyment of the right to long-term care by older persons, or affected by the non-enjoyment of this right?

A: Obtaining care after losing the self-care ability is an important right for older persons and is relevant to their basic right to survive. In addition, the lack of long-term care rights will inevitably affect the right of older persons to enjoy health and to benefit from the results of social development.

9. Are there good practices available in terms of long-term care and palliative care? What are lessons learned from human rights perspectives?

A: In the long-term exploration of the care system, Qingdao uses the Medical Insurance Balance Fund to carry out long-term care service, Haidian District explores long-term care commercial insurance, and Shanghai implements long-term care social insurance. In terms of the care institution, the government plans to vigorously develop medical and nursing institutions and private-owned rehabilitation hospitals, nursing homes, and palliative care institutions. The government plans to support pension institutions to bid for the establishment of medical institutions. In terms of service, the government plans to promote the extension of medical and health services to communities and families, popularize the family doctor signing system, improve the ability of the basic medical and health institutions to provide door-to-door service to older persons, and provide care training for family members.

