

Vietnam Association of the Elderly (VAE)

Guiding Questions for the focus areas of the IX Session of the Open-ended Working Group on Aging (2018)

Q&A on rights to autonomy and independence of OPs

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

In Vietnam, rights of older people to autonomy and independence have been recognized in a number of legal and policy frameworks, which include: Constitution versions 1946, 1959, 1992 and 2013; the Central Committee of the Communist Party of Viet Nam issued the Directive No. 59-CT/TW in 1995; the Law on the Elderly in 2009, and other relevant Laws and regulations.

2) What other rights are essential for the enjoyment of the right to autonomy and independence by older persons, or affected by the non-enjoyment of this right?

In addition to the laws and regulations directly mentioned about general (human) rights of older people, there have been a number of other laws and regulations mentioning the rights of older people in income protection (Social Insurance Law in 2006, 2014; Decree 67 (2007)/13 (2010)/136 (2013)), health protection (Law on Healthcare; Law on Social Health Insurance 2014), family protection (Law on Marriage and Family), etc.

3) What are the key issues and challenges facing older persons in your country/region regarding autonomy and independence? What studies and data are available?

As covered by various laws and regulations, the rights of older people in Vietnam to income, health, family, and societal protections have been improved. However, there are evidences on substantial differences/gaps among groups of older people in access to these rights, which show differences between urban vs. rural older people; Kinh vs. ethnic minority older people; male vs. female older people. There is a long list of studies to provide these evidences. Data are available for these analyses, such as Vietnam Aging Survey (VNAS) in 2011; Vietnam Household Living Standards Surveys in 2002-2016 (every 2 years).

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

Vietnam is now in the milestone for reforming policies toward a rapidly aging population, so a number of policy actions have been implemented – revised Constitution in 2013; on-going Master Plan for Social Assistance Reform and Development (MPSARD) 2017-2025

with a vision to 2030; Master Plan for Social Insurance Reform and Development (MPSIRD) 2018-2030 with a vision to 2050; Planned amendments of Social Insurance Law, Social Health Insurance Law, Law on the Elderly, etc.

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

PPP mechanism has been promoted in Vietnam in recent years to seek for implementation of (adequate) rights for older people. The role of NGOs, INGOs has been more important in policy making, implementation, and monitoring and evaluation.

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

As mentioned, non-state sectors have become more important in all stages of making and implementing policies and programs which make sure of adequate rights for older people.

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