

Comments from China on Ageing

Guiding Questions: Equality and non-discrimination

1) Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or people 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?

In China's Constitution, Article 33 stipulates that "all persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and the law.

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**
- **Financial services**

In 1996, China issued "Law on the Protection of Rights and Interests of the Aged" and revised it in 2012. Article 3 stipulates that "the state protects the lawful rights and interests of the elderly. The elderly shall have the right to get material assistance from the state and society, enjoy the social services and social preferential treatment, participate in social development and share the achievements of the development. Discriminating against, insulting, maltreating or forsaking the elderly is forbidden." The second paragraph of Article 33 stipulates that the State encourages the local governments to establish an old-age allowance system for the low-income elderly over the age of 80. By the end of 2016, 27 provinces established old-age allowance system. 20 provinces established subsidy system for the low-income elderly. 17 provinces established nursing benefit system for caring the dependent elderly. 20 provinces promoted and implemented the accidental injury insurance system for the

elderly. At the same time, Article 69 stipulates that the lawful incomes of the elderly earned through work shall be protected by the law. On December 30, 2013, China National Committee on Ageing and another 23 ministries and departments of State Council jointly issued the Opinions on further strengthening the preferential treatment for older persons, requiring that economic subsidies, priority and convenience shall be provided for the elderly in the field of administrative service, health care, transportation, commercial service, entertainment and rights protection, etc.

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

Age-based benefits: Chinese government provides a lot of welfare and preferential treatment to the elderly aged above 60. In the Law on the Protection of the Rights and Interests of the Elderly of 1996's edition, it put forward for the first time that "the local people's governments shall provide preferential treatment and care for the elderly in visiting, traveling and public transportation, etc." In 2005, China National Committee on Ageing issued the Opinions on Strengthening the Preferential Treatment for the Older Persons, which intensified and refined the requirement in the law from the perspective of state policy. In 2013, 24 ministries and departments jointly issued the Opinions on further Strengthening the Preferential Treatment for the Older Persons, requiring that economic subsidies, priority and convenience shall be provided for the elderly in the field of administrative service, health care, transportation, commercial service, entertainment and rights protection, etc.

Guiding Questions: Neglect, violence and abuse

1) In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

The state always attaches great importance to the living conditions of the elderly. Since 2000, China has conducted 4 national sample surveys on the living conditions of the elderly in both rural and urban areas, in which problems concerning neglect, violence and abuse on the elderly are involved. During the 12th Five-Year Plan of China, a national strategic research on population ageing was conducted, which also

included the above-mentioned issues.

In addition, Chinese government has included the concepts and measures concerning age equality, psychological care, violence and abuse prohibition on the elderly into the Law on the Protection of the Rights and Interests of the Elderly, every five-year plan of the development on ageing undertakings, as well as all kinds of policies on ageing.

2) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial, or other) are registered? What is the setting in which they occurs (i.e. residential and non-residential)? Is there information about the type of perpetrators?

(b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

According to surveys, violence, abuse and neglect happens accidentally and it doesn't affect specific groups of older persons. It is a common phenomenon that the elderly often feel lonely psychologically, which is due to many factors such as urbanization, miniaturization of families, living separately by children and parents, etc. For this purpose, the Law on the Protection of the Rights and Interests of the Elderly explicitly stipulates that "family members of the elderly shall cater for the emotional needs of the elderly and shall not ignore or desolate the elderly. The family members of the elderly who live separately from the elderly shall constantly visit or greet the elderly."

3) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

Article 18 of the Law on the Protection of the Rights and Interests of the Elderly stipulates that "family members of the elderly shall cater for the emotional needs of the elderly and shall not ignore or desolate the elderly. The family members of the elderly who live separately from the elderly shall constantly visit or greet the elderly." Article 25 stipulates that domestic violence against the elderly shall be prohibited. The Amendment to the Criminal Law of the People's Republic of China (9) stipulates that people who are the guardian or carer of the juveniles, older persons, diseased people and disabled people will be sentence to fix-term imprisonment of not more

than 3 years if they abuse the person under their guardianship or care in a vicious manner.

4) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

Article 22 of the Law on the Protection of the Rights and Interests of the Elderly stipulates that “the elderly are entitled to possess, use, benefit from and dispose of their personal property according to the law. Their children or other relatives shall not interfere in such matters or infringe upon the property rights and interests of the elderly by stealing, deception, extortion or any other means.”