

VIETNAMESE LAW ON SOCIAL ASSISTANCE FOR OLDER PERSONS

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ABSTRACT

Social assistance for older persons is an essential policy within Vietnam's social security system. Vietnamese law provides several forms of social assistance, such as monthly social allowances, social pensions, community-based care, institutional care services, and longevity celebrations. However, these regimes still reveal limitations, including low benefit levels, limited coverage, and the absence of effective supervisory mechanisms. Based on the identified shortcomings, this article proposes solutions to improve the legal framework and enhance the effectiveness of social assistance for older persons.

Keyword: Older persons; social assistance; social security; Vietnamese law; social policy.

1. OVERVIEW OF SOCIAL ASSISTANCE FOR OLDER PERSONS

Older persons are those who have reached a certain advanced age. The age threshold varies across countries. The United Nations identifies persons aged 60 and above as “older persons,” consistent with the threshold set by the World Health Organization (WHO). Nevertheless, most industrialized countries consider 65 as the age defining older persons, while most developing countries adopt the threshold of 60¹. In Vietnam, Article 2 of the Law on Older Persons 2009 defines older persons as citizens aged 60 or above.

Social assistance for older persons refers to the support provided by the State, community, and society to guarantee a minimum and stable standard of living that corresponds to the country's socio-economic conditions. Social assistance measures include both material support (allowances, community-based care, institutional care) and non-material support (health care, longevity celebrations).

2. CURRENT VIETNAMESE LAW ON SOCIAL ASSISTANCE FOR OLDER PERSONS

Vietnam's legal system has gradually established a relatively comprehensive legal framework on

social assistance for older persons. These regulations are reflected in the Law on Older Persons 2009, the Law on Social Insurance 2024, the Law on Health Insurance 2008 (amended in 2014 and 2024), and Decree No. 20/2021/NĐ-CP dated 15 March 2021 on social assistance policies for social protection beneficiaries. These documents serve as the legal foundation for ensuring the material and spiritual well-being of older persons.

2.1. Monthly Social Allowances

Older persons are entitled to monthly social allowances if they belong to poor households and have no family members legally responsible for providing support, or such relatives are also receiving monthly social assistance.² The monthly allowance equals the standard social assistance amount multiplied by a coefficient of 1.5 for persons aged 60–80 and 2.0 for those aged 80 and above.

The current standard social assistance amount is 500,000 VND (Clause 2, Article 1, Decree No. 76/2024/NĐ-CP). Accordingly, persons aged 60–80 receive 750,000 VND per month, and persons aged 80 and above receive 1,000,000 VND per month. However, these amounts remain low and do not meet the minimum living standards of

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² Clause 5, Article 5, Decree No. 20/2021/NĐ-CP on social assistance policies for social protection beneficiaries

older persons, especially in major cities with high living costs.

2.2. Social Pension Regime

Vietnamese citizens aged 75 or above are entitled to a social pension if they are not receiving retirement pensions or monthly social insurance benefits and submit a written request. In addition, persons aged 70–75 who belong to poor or near-poor households may also receive a social pension under similar conditions (Article 21, Law on Social Insurance 2024).

Under Clause 2 Article 1 of Decree No. 76/2024/NĐ-CP, from 1 July 2024, the standard social assistance amount is set at 500,000 VND/month, an increase of 140,000 VND from the previous level. This adjustment reflects the State's efforts to strengthen social security and improve the living conditions of older persons.

However, the coverage of the social pension remains limited. Older persons aged 70–75 who face financial difficulties but are not classified as poor or near-poor are excluded from the regime. Furthermore, the standard amount of 500,000 VND/month remains low and fails to ensure a minimum standard of living for older persons, particularly in areas with high living expenses.

2.3. Community-based Care

Older persons eligible for community-based care are those from poor households who have no legally responsible caregivers and meet the conditions for admission to social protection facilities but have a caregiver willing to provide care within the community (Article 18, Decree No. 20/2021/NĐ-CP).

The State ensures benefits for both older persons and caregivers. Older persons receive monthly allowances, health insurance cards, and funeral expense assistance (Article 19). The monthly allowance equals the standard social assistance amount multiplied by 3, equivalent to 1,500,000 VND/month.

Caregivers receive financial support for caregiving, training, priority access to loans, vocational training, employment programs, and other preferential policies (Article 20). The financial support equals the standard social assistance amount multiplied by 1.5 (750,000 VND/month).

Caregivers must meet requirements related to legal capacity, health, caregiving experience, and financial conditions (Article 23). These requirements help ensure care quality but also pose barriers for families in disadvantaged regions, limiting the expansion of community-based care models.

Caregivers may be disqualified for abusive behavior, exploiting older persons for personal gain, or inability to fulfill caregiving duties. Currently, there is no robust inspection and supervision mechanism to detect violations promptly, reducing the effectiveness of protecting older persons' rights.

2.4. Institutional Care

Older persons from poor households with no legal caregivers, unable to live independently in the community, and with a desire for institutional care may be admitted to social protection facilities.

Older persons in such facilities are entitled to: monthly caregiving allowances; personal necessities; health insurance; basic medications; assistive devices for rehabilitation; and burial services (Article 18, Law on Older Persons 2009). The monthly caregiving allowance equals the standard social assistance amount multiplied by 4 (2,000,000 VND/month).

However, older persons receiving institutional care allowances are not eligible for monthly social allowances (Clause 5, Article 25, Decree No. 20/2021/NĐ-CP).

Although institutional care ensures comprehensive support—from accommodation to health care and cultural activities—current benefit levels remain insufficient to meet the actual living needs of older persons. Furthermore, regulations mainly provide a framework without detailed standards on service quality, staffing, or facility conditions, hindering effective assessment of care quality.

2.5. Longevity Celebrations

Older persons aged 100 receive congratulations and gifts from the President; those aged 90 receive congratulations and gifts from provincial-level People's Committees; and persons aged 70, 75, 80, 85, 90, 95, and 100 or above receive longevity celebrations organized by commune-level authorities in cooperation with the Association of

Older Persons and families (Article 21, Law on Older Persons 2009).

Although longevity celebrations reflect cultural values and the State's respect for older persons, the policy remains largely ceremonial and does not substantially improve their material or spiritual well-being after the events.

3. Solutions to Improve Vietnamese Law on Social Assistance for Older Persons

First, increase the standard social assistance amount to match the minimum living standard and socio-economic conditions of each period. A roadmap for periodic increases should be developed based on real living-cost surveys, price fluctuations, and State budget capacity.

Second, expand the coverage of the social pension regime.

Social pensions should gradually be extended to all persons aged 60 and above who lack retirement pensions, have no income or income below the basic salary, and are not classified as poor or near-poor households.

Third, expand community-based care models. Conditions for caregivers should be adjusted based on regional socio-economic characteristics. In disadvantaged areas, certain economic or experience requirements may be relaxed. Models such as "inter-family shared caregiving" should be encouraged to reduce financial burdens and promote community support. A systematic supervision mechanism should be developed, including periodic and ad-hoc inspections involving the Association of Older Persons and local authorities. Violations must be sanctioned, while good caregivers should be rewarded.

Fourth, enhance the effectiveness of longevity celebrations.

Longevity ceremonies should be integrated with health care activities, psychological counseling, and wellness programs to transform them from symbolic rituals into comprehensive support events.

Social assistance for older persons reflects humanitarian values and serves as an indicator of a sustainable social security system. To ensure the right of older persons to receive care and support, the law must continue to improve in benefit levels, coverage, and enforcement mechanisms. Only

then can social assistance policies truly become a solid foundation for older persons.

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