

DECREE No. 67/2007/ND-CP OF APRIL 13, 2007, ON SUPPORT POLICIES FOR SOCIAL PROTECTION BENEFICIARIES

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the December 16, 2002 Law on State Budget;

Pursuant to the June 15, 2004 Law on Child Protection, Care and Education;

Pursuant to the June 29, 2006 Law on HIV/AIDS Prevention and Control;

Pursuant to the July 30, 1998 Ordinance on Disabled Persons;

Pursuant to the April 28, 2000 Ordinance on Elderly People;

Pursuant to the August 24, 2000 Ordinance on Flood and Storm Prevention and Fight;

At the proposal of the Minister of Labor, War Invalids and Social Affairs,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- This Decree provides for support policies and regimes for disadvantaged persons, referred to as social protection beneficiaries.

Article 2.- Allowance and support regimes for social protection beneficiaries shall be implemented in a fair, open, transparent and prompt manner to proper beneficiaries for proper purposes. Allowances and supports shall be granted mainly in families and communities where social protection beneficiaries reside. Allowance and support levels are subject to change depending on the people's minimum living standards.

Article 3.- The State encourages and creates conditions for political, socio-political, economic, socio-political and professional, social, and socio-professional organizations; Vietnamese individuals; foreign organizations and individuals; and overseas Vietnamese to voluntarily assist social protection beneficiaries.

Chapter II

SOCIAL PROTECTION BENEFICIARIES

Article 4.- Social protection beneficiaries entitled to monthly allowance and under the management of communes, wards or townships include:

1. Orphans, children who are abandoned or have nobody to rely on; fatherless or motherless children whose living parent is missing according to Article 78 of the Civil Code or is incapable of raising his/her child(ren) according to law; children whose parents or whose mother or father are/is serving imprisonment sentence and who have no person to rely on; and HIV/AIDS- infected children in poor households.

Minors aged between full 16 years and under 18 years who are still following general education or vocational training and have the same circumstances like the above-stated children.

2. Lonely elderly people in poor households; elderly people in poor households (according to the poverty line stipulated by the Government in each period) whose spouse is old and weak and who have no child, grandchild, or relative to rely on.
3. People aged 85 or older who have no pension or social insurance allowance.
4. Seriously disabled persons in poor households who have no working or self-serving capacity.
5. Mental disease patients suffering from schizophrenia or mental disorder who have been treated for many times by psychiatry institutions but shown no sign of recovery and filed chronic disease records, live alone without any support or are members of poor households.
6. HIV/AIDS-infected persons in poor households who have lost their working capacity.
7. Families and individuals adopting orphans or abandoned children.
8. Households having two or more seriously disabled persons who have no self-serving capacity.
9. Single persons under the poor household category who are raising child(ren) under 16 years of age; if their child(ren) is (are) following general education or vocational training, they are entitled to the allowance until their child(ren) reach(es) 18 years of age.

Article 5.- Social allowance beneficiaries specified in Clauses 1, 2, 4, 5 and 6, Article 4 of this Decree who meet with special difficulties and are incapable of taking care of themselves shall be considered for admission to social protection establishments or social houses in their communities.

Article 6.-

1. Beneficiaries of extraordinary (one-time) support are persons or households who meet with difficulties caused by natural disasters or other *force majeure* circumstances, including:
 - a/ Households having dead or missing person(s);
 - b/ Households having seriously injured person(s);
 - c/ Households whose houses are fallen, collapsed, drifted, burnt or seriously destroyed;
 - d/ Households that lose production equipment, thereby suffering hunger;
 - e/ Households subject to urgent relocation due to landslide and inundation risks;
 - f/ Persons who suffer hunger caused by food shortage;
 - g/ Persons who suffer serious injuries due to incidents occurring outside their residential places, which is unknown to their families;

h/ Collected beggars awaiting to be sent back to their residential places.

2. Commune-level People's Committees, hospitals, agencies or units shall organize burial services for persons who die in incidents occurring outside their residential places and whose death is unknown to their families.

Chapter III

REGULAR SUPPORTS

Article 7.-

1. The standard level for determining monthly social allowance is VND 120,000 (coefficient 1); when people's minimum living standards change, this level shall also be adjusted appropriately.

2. The lowest monthly social allowance levels set for each group of social protection beneficiaries prescribed in this Decree are as follows:

Table 1. Lowest monthly social allowance levels set for social protection beneficiaries living in communities managed by communes or wards

Unit of calculation: VND thousand

No.	Beneficiaries	Coefficient	Allowance
1	- Persons specified in Clause 1 of Article 4, aged 18 months or older. - Persons specified in Clauses 2 and 3 of Article 4, and persons having no working capacity specified in Clause 4 of Article 4. - Persons specified in Clause 9 of Article 4 who are raising child(ren) of 18 months or older.	1.0	120
2	- Persons specified in Clause 1 of Article 4, aged under 18 months; or aged 18 months or older and being disabled or HIV/AIDS-infected. - Persons specified in Clause 2 of Article 4, being seriously disabled. - Persons specified in Clauses 5 and 6 of Article 4. - Persons specified in Clause 9 of Article 4 who are raising child(ren) of under 18 months or of 18 months of age or older and being disabled or HIV/AIDS-infected.	1.5	180
3	- Persons specified in Clause 1 of Article 4, aged under 18 months and being seriously disabled or	2.0	240

	<p>HIV/AIDS-infected.</p> <ul style="list-style-type: none"> - Persons incapable of self-serving specified in Clause 4 of Article 4. - Persons/households specified in Clause 7 of Article 4, adopting children aged 18 months or older. - Households specified in Clause 8 of Article 4, having two seriously disabled persons. - Persons specified in Clause 9 of Article 4, raising child (ren) under 18 months of age, or being disabled, or HIV/AIDS-infected. 		
4	Persons/households specified in Clause 7 of Article 4, adopting children under 18 months of age, or over 18 months of age and being disabled or HIV/AIDS-infected.	2.5	300
5	<ul style="list-style-type: none"> - Persons/households specified in Clause 7 of Article 4, adopting children under 18 months of age and being disabled or HIV/AIDS-infected. - Households specified in Clause 8 of Article 4, having three seriously disabled persons. 	3.0	360
6	Households specified in Clause 8 of Article 4, having four seriously disabled persons.	4.0	480

Table 2. Lowest monthly social allowance levels set for social protection beneficiaries living in community-based social houses managed by communes or wards

Unit of calculation: VND thousand

No.	Beneficiaries	Coefficient	Allowance
	Persons specified in Clauses 1, 2, and 6 of Article 4	2.0	240

Table 3. Lowest monthly social allowance levels set for social protection beneficiaries living in social protection establishments

Unit of calculation: VND thousand

No.	Beneficiaries	Coefficient	Allowance
1	- Persons specified in Clause 1 of Article 4, aged 18 months or older.	2.0	240

	- Persons specified in Clauses 2 and 4 of Article 4.		
2	- Persons specified in Clause 1 of Article 4, aged under 18 months. - Persons specified in Clause 1 of Article 4, aged 18 months or older and being disabled or HIV/AIDS infected. - Persons specified in Clauses 5 and 6 of Article 4.	2.5	300

Article 8.- Persons specified in Clauses 1, 2, 3, 4, 5 and 6; orphaned or abandoned children who are raised by individuals or households specified in Clause 7; disabled persons of households specified in Clause 8; and children of single persons specified in Clause 9, Article 4 of this Decree are entitled to health insurance cards issued under the Government's Decree No. 63/2005/ND-CP of May 16, 2005, promulgating the Regulation on Health Insurance, or to free medical examination and treatment in public health establishments according to Article 18 of the Government's Decree No. 36/2005/ND-CP of March 17, 2005, detailing the implementation of a number of articles of the Law on Child Protection, Care and Education.

Article 9.-

1. Children aged 13 years or older living in community-based social protection establishments or social houses who no longer follow general education shall be recommended for admission to vocational training establishments in accordance with current state regulations.
2. Commune-level People's Committees and families are responsible for receiving and creating conditions for grown-up orphans who no longer follow general education or vocational training; rehabilitated disabled persons; stably recovered mental disease patients who are sent back from social protection establishments to localities (where they lived prior to admission to social protection establishments), to have jobs and stabilize their life.
3. Social protection establishments and localities where social protection establishments are located are responsible for providing support to create jobs and accommodations for and granting allowances to grown-up abandoned children who no longer follow general education or vocational training, till they can live on their own but for no more than 24 months.

Article 10.- Apart from monthly allowances prescribed in Article 7 of this Decree, persons specified in Clauses 1, 2, 3, 4, 5 and 6; orphaned or abandoned children who are raised by families or individuals specified in Clause 7; disabled persons incapable of self-serving in households specified in Clause 8; and children of single persons specified in Clause 9, Article 4 of this Decree, are entitled to the following supports:

1. Persons who are following general education or vocational training are entitled to exemption or reduction of school fees and free textbooks, notebooks and learning equipment according to law.
2. An allowance of VND 2,000,000 per person as support for burial costs when they die.
3. Apart from the supports specified in Clauses 1 and 2 of this Article, persons living in state-run social protection establishments are entitled to:
 - a/ An allowance to buy personal articles in service of daily life;
 - b/ An allowance to buy ordinary medicines; HIV/AIDS-infected persons are entitled to an allowance of VND 150,000 each per year to support opportunistic infection treatment;
 - c/ A monthly personal hygiene allowance for women of reproductive age.

Article 11.- On the basis of specific conditions of localities or units, provincial/municipal People's Committee presidents; ministers, heads of central-level branches and organizations (that have social support establishments) shall decide on allowance and support levels for social protection beneficiaries under their management, which must not be lower than the above prescribed levels.

Chapter IV

EXTRAORDINARY SUPPORT REGIME

Article 12.- The lowest extraordinary support level for beneficiaries specified in Article 6 of this Decree are as follows:

1. For households:
 - a/ Having dead or missing person (s): VND 3,000,000 per person;
 - b/ Having seriously injured person (s): VND 1,000,000 per person;
 - c/ Having their houses fallen, collapsed, drifted, burnt or seriously destroyed: VND 5,000,000 per household;
 - d/ Subject to urgent relocation due to landslide or inundation risks: VND 5,000,000 per household.
2. Individuals:
 - a/ Food allowance: 15 kg of rice per person per month for between one and three months;
 - b/ Persons who are seriously injured due to incidents occurring outside their residential places, which is unknown to their families: VND 1,000,000 per person;
 - c/ Collected beggars awaiting to be sent back to their residential places: VND 10,000 per person per day, but for no more than 30 days. In special cases where extension is required, the allowance granting period must not exceed three months and the allowance level is equal to the monthly food allowance level at social protection establishments.

3. Persons dying in incidents occurring outside their residential places, which is unknown to their families and whose burial is arranged by commune-level People's Committees, hospitals, agencies or units, these agencies or units are entitled to burial cost support of VND 2,000,000 at least.

Article 13.- Households whose main laborer (s) is (are) dead or missing; households losing production equipment; households whose houses are fallen, collapsed, drifted, burnt or seriously destroyed, thereby suffering hunger due to food shortage, apart from the allowances specified in Article 12 of this Decree, may be considered and granted the following supports till they escape from poverty:

1. Exemption or reduction of school fees for persons who are following general education or vocational training.
2. Health insurance cards or free medical examination and treatment at public health establishments.
3. Preferential loans for production development.

Article 14.- For the cases specified at Item d, Clause 1 of Article 6, presidents of provincial/municipal People's Committees shall decide on specific allowance levels suitable to local resource mobilization capacity and realities.

The State encourages localities to adopt allowance and support levels higher than the lowest levels set in Article 12 of this Decree.

Chapter V

FUNDS FOR IMPLEMENTATION

Article 15.- Funds for regular supports in communities; funds for rearing activities, organizational operation and capital construction investment of community-based social protection establishments and social houses at each level shall be taken from the local budget of that level in accordance with the current decentralization under the Law on State Budget and guiding documents.

Article 16.- Community-based social protection establishments and social houses may receive, use and manage funds and contributions in kind (if any) from donating organizations and individuals; ensuring proper use for proper beneficiaries and making payments and financial settlements in accordance with current financial regulations.

Article 17.- Funds for extraordinary support include:

1. Local budget balanced by localities.
2. Donations given by domestic and foreign organizations and individuals to localities directly or via the Government or social organizations.
3. When the above sources of funds are insufficient for providing extraordinary supports, presidents of provincial/municipal People's Committees shall report to the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Finance which

shall sum up local proposals and submit them to the Prime Minister for consideration and decision on central budget allocations.

Article 18.- Estimation, allocation, payment and settlement of funds for implementation of social support policies must comply with the Law on State Budget and guiding documents.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 19.- Responsibilities of ministries and branches

1. The Ministry of Labor, War Invalids and Social Affairs shall perform the state management of social protection work and has the responsibilities:

a/ To guide and coordinate with relevant ministries and branches in guiding the implementation of this Decree;

b/ To coordinate with the Ministry of Finance in allocating social support funds to ministries, branches and localities; and supervise the allocation and use of funds for implementation of social protection policies in localities;

c/ To determine and coordinate with the Ministry of Agriculture and Rural Development, the Ministry of Fisheries, the Ministry of Finance and provincial/municipal People's Committees in determining the levels of damage regarding living conditions and food shortages caused by natural disasters to localities and summing up and proposing the levels of supports to be allocated from the central budget and submit them to the Prime Minister for decision;

d/ To guide the exemption or reduction of vocational training fees for trainees who are social protection beneficiaries.

2. The Ministry of Health shall direct and provide guidance on disease prevention, medical examination and treatment for social protection beneficiaries and concluding, in service of adoption of social protection policies, the health status of disabled persons, mental disease patients, HIV/AIDS-infected persons and persons who are seriously injured due to natural disasters.

3. The Ministry of Education and Training shall guide the exemption or reduction of school fees for students who are social protection beneficiaries according to this Decree.

4. The Ministry of Agriculture and Rural Development and the Ministry of Fisheries shall coordinate with the Ministry of Labor, War Invalids and Social Affairs in determining the levels of damage regarding living conditions and food shortages caused by natural disasters to localities for guiding the provision of extraordinary supports.

5. The Ministry of Finance shall allocate social support funds to ministries, branches and localities according the current state budget decentralization and coordinate with the Ministry of Labor, War Invalids and Social Affairs in supervising the allocation and use of funds for the implementation of social protection policies.

6. Relevant ministries and branches shall, based on their functions and tasks, coordinate with the Ministry of Labor, War Invalids and Social Affairs in guiding and implementing this Decree.

Article 20.- Provincial/municipal People’s Committees have the responsibilities:

1. To manage social protection beneficiaries and direct the construction of local social protection establishments and social houses.
2. To organize the implementation of social support regimes for beneficiaries specified in this Decree.
3. To instruct local Labor, War Invalids and Social Affairs agencies and functional branches to guide organizations and individuals to support social protection beneficiaries.
4. To include funds in annual local budget estimates and submit them to People’s Councils of the same level for decision, ensuring the implementation of social protection policies prescribed in this Decree.
5. To direct, supervise and inspect the implementation of social protection policies in localities.

Article 21.-

1. News, press, radio and television agencies shall actively cover, disseminate and mobilize people to implement support policies for social protection beneficiaries prescribed in this Decree.
2. The Vietnam Fatherland Front and its member organizations are requested to propagate and mobilize their members and people to give donations to social protection beneficiaries, especially disaster victims.

Chapter VII

COMMENDATION, AND HANDLING OF VIOLATIONS

Article 22.- Organizations and individuals making great contributions and achievements to activities in support of social protection beneficiaries are entitled to commendation and reward according to law.

Article 23.- Organizations and individuals violating the provisions of this Decree shall, depending on the severity of violation, be disciplined and administratively sanctioned; if causing material damage, they shall pay compensations therefore in accordance with law or be examined for penal liability.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 24.-

1. This Decree takes effect 15 days after its publication in “CONG BAO.”

2. The allowance and support regimes for social protection beneficiaries prescribed in this Decree are implemented from January 1, 2007.

3. This Decree replaces the Government's Decree No. 07/2000/ND-CP of March 9, 2000, on social relief policies, and Decree No. 168/2004/ND-CP of September 20, 2004, amending and supplementing a number of articles of the Government's Decree No. 07/2000/ND-CP of March 9, 2000, on social protection policies; Article 6 of the Government's Decree No. 55/1999/ND-CP of July 10, 1999, detailing and guiding the implementation of a number of articles of the Ordinance on Disabled Persons; Articles 6 and 9 of the Government's Decree No. 30/2002/ND-CP of March 26, 2002, detailing and guiding the implementation of a number of articles of the Ordinance on Elderly People; the Government's Decree No. 120/2003/ND-CP of October 20, 2003, amending Article 9 of the Government's Decree No. 30/2002/ND-CP of March 26, 2002, detailing and guiding the implementation of a number of articles of the Ordinance on Elderly People; Article 5 of the Prime Minister's Decision No. 38/2004/QD-TTg of March 17, 2004, on financial support policies for families and individuals adopting orphaned and abandoned children; the Prime Minister's Decision No. 16/2004/QD-TTg of February 5, 2004, supporting families having two or more persons incapable of self-serving as the consequence of toxic chemicals used by American troops during the Vietnam war; Clauses 1, 2 and 3, Article 1 and Clauses 1, 2 and 3, Article 2 of the Prime Minister's Decision No. 313/2005/QD-TTg of December 2, 2005, on a number of regimes for HIV/AIDS-infected persons and persons directly managing, treating and taking care of HIV/AIDS-infected persons in state-run social protection establishments.

Article 25.- Ministers, heads of ministerial-level agencies, heads of government-attached agencies, and presidents of provincial/municipal People's Committees shall implement this Decree.

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG