

Unofficial translation



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

The Government

No. 169/GOV
Vientiane Capital, 19 June 2013

Decree
on
Social Welfare

- Pursuant to the Law on the Government of the Lao PDR No. 02/NA, dated 06 May 2003;
- Pursuant to the Proposal Letter of the Ministry of Labor and Social Welfare No. 2170/MLSW, dated 27 May 2013.

The Government hereby issues a Decree:

Chapter 1
General Provisions

Article 1 Objectives

This Decree defines principles, regulations, and measures with regard to the implementation of social welfare policies for victims of disasters and disadvantaged people to ensure they receive effective, efficient, fair, and full assistance and service. The policies aim at improving the physical and mental quality of life, while ensuring basic living conditions for disadvantaged people as part of the implementation of the poverty eradication plan set forth by the Government.

Article 2 Social Welfare

Social welfare refers to physical and mental assistance and services offered to victims of disasters and disadvantaged people in society through contributions from the Government, individuals, legal entities, the community, and both domestic and international organizations.

Article 3 Definitions

Terms used in this Decree have the following definitions:

1. **Society** refers to the relationship between people, groups, communities, or social organizations;
2. **Welfare** refers to assistance and services offered to respond to physical and mental needs;
3. **Children in need of special protection** refers to orphans, abandoned children, physically harmed children, sexually abused and exploited children, victims of human trafficking, children working in dangerous environments threatening their health and life, drug-addicted children, and children who are the victims of unfair legal proceedings;
4. **Vulnerable children** refers to children who live in a disadvantaged or dangerous environment adversely affecting their development;
5. **Disadvantages** refers to conditions such as lacking access to education, vocational training, health care, mental counseling, food, utilities, and accommodation;
6. **Disasters** refers to natural and human-made threats, such as fire, flood, storm, drought, pests, epidemic diseases, cold weather, hail, soil erosion, earthquakes, or volcanic eruptions which could occur and threaten damage to life, property, the economy, and the environment;
7. **Emergency help** refers to efforts to rescue and preserve the life and property of citizens, and relief efforts for victims;
8. **Welfare objects** refers to food, kitchen supplies, clothes, construction materials, and vocational materials.

Article 4 Requirements of Citizens

Lao citizens, aliens, foreigners, and non-residents people who live in the Lao People's Democratic Republic are required to contribute to social welfare.

Article 5 Basic Principles of Social Welfare

Social welfare shall be implemented based on the following basic principles:

1. Ensure the protection of the legitimate rights and duties of target groups;
2. Ensure equality, transparency, and fairness.

Article 6 Scope of Application of this Decree

This Decree applies to organizations, legal entities, families, and individuals in relation to social welfare activities.

Chapter 2 Targets, Methods, and Types of Social Welfare

Article 7 Targets of Social Welfare

Targets of social welfare consist of the following:

1. Orphans who are under 18 years of age, homeless, have no guardians, or live with a poor family;
2. Those with physical or mental disabilities who cannot take care of themselves, have no guardians, or live with a poor family;
3. Senior people aged 60 or above who are poor or live with a poor family;
4. Victims of human trafficking who are poor or have contracted infectious diseases threatening their health and life;
5. Individuals or families who are affected by natural disasters.

Article 8 Methods of Social Welfare

Social welfare comprises two methods: emergency and regular methods.

1. **Emergency method** refers to immediate help for victims of disasters;
2. **Regular method** refers to assistance provided to victims of disasters and disadvantaged people after receiving information from concerned sectors;
3. All help shall be implemented based on the study of information about the victimized people and families provided by relevant sectors.

Article 9 Forms of Social Welfare

Social welfare consists of the following forms:

1. Financial or material assistance;
2. Evacuation to a safe place;
3. Taking care of victims' health and lives;
4. Vocational training.

Chapter 3 Types of Social Welfare

Article 10 Types of Social Welfare

Social welfare comprises the following types:

1. Provision and construction of accommodation;
2. Assistance in terms of consumer goods;
3. Medical assistance;
4. Legal assistance;
5. Educational assistance;
6. Vocational training, labor-skill development, and job-seeking assistance;
7. Funeral assistance.

Article 11 Provision and Construction of Accommodation

Provision and construction of accommodation comprises:

1. Provision of temporary shelter for disaster victims;

2. Contributing to the construction of temporary or permanent accommodation for disaster victims or poor people;
3. Constructing centers for helping children in need of special protection or human trafficking victims.

Article 12 Assistance in terms of Consumer Goods

Assistance in terms of consumer goods consists of relief and recovery efforts.

Article 13 Medical Assistance

Medical assistance consists of medical counseling, disease prevention efforts, medical check-ups, treatment, rehabilitation, and health promotion.

Article 14 Legal Assistance

Legal assistance refers to legal counseling in order to protect the rights and benefits of targets and target groups based on the laws of the Lao PDR, and international conventions and treaties to which the Lao PDR is a party.

Article 15 Educational assistance

Children in need of special protection and vulnerable children will receive scholarships based on the Law on Education.

Article 16 Vocational Training, Labor-skill Development, and Job-seeking Assistance

Children in need of special protection, vulnerable children, and disadvantaged children will be provided with vocational training, labor-skill development, and job-seeking assistance to help them become independent.

Article 17 Funeral Assistance

If those who are the target defined in Article 7 pass away, assistance will be provided for organizing their funerals.

Chapter 4 Social Welfare Fund

Article 18 Social Welfare Fund

The social welfare fund has been set up by the Government at central and local levels in order to utilize the fund to assist targets and target groups as defined in Article 7 of this Decree.

Article 19 Resources of the Social Welfare Fund

The social welfare fund is derived from the following financial resources:

1. Government budget;

2. Donations from individuals, legal entities, and domestic and international organizations;
3. Grant aid from international organizations;
4. Fund-raising activities;
5. Deposit interest of the fund.

Chapter 5

Rights and Obligations of Social Welfare Recipients

Article 20 Rights of Social Welfare Recipients

Social welfare recipients have the following rights:

1. Receive assistance and have aid utilized correctly;
2. Receive information regarding social welfare;
3. Criticize, inform, complain, or take legal action regarding any illegitimate act related to social welfare;
4. Other rights based on laws.

Article 21 Obligations of Social Welfare Recipients

Social welfare recipients have the following obligations:

1. Provide accurate facts about personal and family conditions;
2. Take part in social welfare;
3. Develop themselves and their families for a better standard of living.

Chapter 6

Prohibitions

Article 22 Prohibitions for Social Welfare Staff or Officers

Social welfare staff or officers are prohibited from engaging in the following behaviors:

1. Exploiting their own power, position, or duty for personal gain or inflicting damage on others;
2. Engaging in violent acts using weapons, committing torture or other acts including the use of inappropriate language;
3. Neglecting and avoiding the implementation of their duties;
4. Ignoring issues, being careless or irresponsible, and distorting facts;
5. Lying, engaging in trickery, claiming, asking for, receiving, or offering bribes;
6. Engaging in other behaviors that breach this Decree and other relevant laws.

Article 23 Prohibitions for Social Welfare Recipients

Social welfare recipients are prohibited from engaging in the following behaviors:

1. Providing false information and forging documents;
2. Collaborating with staff or officers to commit unlawful acts;
3. Distorting facts or falsely accusing staff, officers, or organizations;
4. Engaging in other behaviors that breach this Decree and other relevant laws.

Article 24 Prohibitions for Individuals, Legal Entities, or Organizations

Individuals, legal entities or organizations are prohibited from engaging in the following acts:

1. Engaging in corruption;
2. Collaborating with targets for personal gain;
3. Donating expired or poor-quality items.

Chapter 7 Conflict Resolution

Article 25 Conflict Resolution Organizations

The following organizations are involved in conflict resolution:

1. Local authorities;
2. Concerned sectors;
3. Labor and social welfare sector;
4. The People's Court.

Article 26 Types of conflict

There are two types of conflict:

1. Conflicts of interest related to the implementation of social welfare policy in terms of quantity, quality, and set timeframe;
2. Refusal to implement rights and commitments set forth in this Decree.

Article 27 Methods for conflict resolution

Conflict resolution can be done via the administrative and judicial process.

Article 28 Conflict resolution procedures

Any conflict that occurs needs to be handled at the level where it occurs. If such conflicts cannot be resolved at that level, they will be passed on to higher authorities. If the conflict still remains unsolved, it will be dealt with under the judicial process of the People's Court.

Chapter 8

Management and Inspection of Social Welfare

Article 29 Social Welfare Management and Inspection Organizations

Social welfare management and inspection organizations comprise:

1. The Ministry of Labor and Social Welfare;
2. The Provincial and Vientiane Capital Labor and Social Welfare Divisions;
3. The District and Municipal Labor and Social Welfare Offices.

Article 30 Obligations and Duties of the Ministry of Labor and Social Welfare

In managing social welfare, the Ministry of Labor and Social Welfare has the following obligations and duties:

1. Study policies, strategies, regulations, mechanisms, and budget plans related to social welfare and propose them to the Government;
2. Issue regulations, agreements, instructions, recommendations, and announcements related to social welfare;
3. Advertise and disseminate policies, laws and regulations, and legal documents related to social welfare;
4. Build and improve social welfare technical staff;
5. Guide, monitor, and inspect the implementation of social welfare work;
6. Manage, monitor, inspect, and support foundations, associations, and organizations who provide social welfare based on the Ministry's mandate;
7. Collaborate with sectors and organizations related to social welfare;
8. Summarize information and statistics related to social welfare;
9. Coordinate and cooperate with foreign countries and international organizations on activities related to social welfare;
10. Summarize and report on the implementation of social welfare activities to the Government;
11. Protect other rights and implement other duties as defined and designated by laws and regulations.

Article 31 Obligations and duties of Provincial and Vientiane Capital Labor and Social Welfare Divisions

In managing social welfare, the Provincial and Vientiane Capital Labor and Social Welfare Divisions have the following obligations and duties:

1. Translate into reality the policies, strategic plans, laws, and development plans related to social welfare;
2. Set an annual budget plan to support social welfare activities;
3. Guide, monitor, inspect, and manage foundations, associations, and organizations who provide social welfare at local level based on the Division's mandate;

4. Certify statistics on social welfare;
5. Collaborate with provincial divisions and organizations on social welfare issues;
6. Seek funding from both within and outside the country to support social welfare;
7. Consider and address complaints based on the Division's rights and duties;
8. Monitor, inspect, evaluate, and report on the implementation results of social welfare activities within the Division's area of responsibility.

Article 32 Obligations and duties of District and Municipal Labor and Social Welfare Offices

In managing social welfare, District and Municipal Labor and Social Welfare Offices have the following obligations and duties:

1. Collect statistical data related to social welfare;
2. Create plans and set budgets to support social welfare activities;
3. Collaborate with offices and organizations;
4. Encourage community and social participation;
5. Provide assistance and services;
6. Monitor, evaluate, and report;
7. Receive, consider, and address complaints.

Article 33 Principles for inspection

Social welfare inspection will be carried out based on the following issues:

1. The implementation of principles, regulations, and social welfare plans;
2. Income and expenses of the social welfare fund;
3. Quantity and quality of aid;
4. Requests or proposals from individuals, legal entities, or organizations;
5. Responsibility and behavior of social welfare staff.

Article 34 Forms of inspection

Inspection consists of the following forms:

1. **Ordinary inspection** refers to any inspection done in accordance with a set plan;
2. **Monitoring inspection** refers to any inspection done after a warning or recommendation for improvement is issued;
3. **Sudden inspection** refers to any inspection carried out without prior notice. Every inspection shall be strictly and legally carried out.

Chapter 9

Awards for Good Performance and Measures against Violators

Article 35 Awards for Good Performance

Individuals, legal entities, or organizations who contribute to social welfare, physically or otherwise, will be properly rewarded.

Article 36 Measures against Violators

Individuals, legal entities, or organizations who breach this Decree will be educated, warned, subjected to disciplinary measures, fined, or punished based on laws.

**Chapter 10
Final Provisions**

Article 37 Implementation

The Ministry of Labor and Social Welfare is assigned to issue a detailed guideline to effectively implement this Decree.

Line ministries, ministerial-equivalent organizations, and local authorities shall acknowledge and strictly implement this Decree.

Article 38 Effectiveness

This Decree is effective from the date of signature. Any regulations or provisions that contradict to this Decree shall be canceled.

Prime Minister

[Signature and seal]

Thongsing THAMMAVONG