

# 2015年中欧社会保障改革高级别会议

## 2015 EU-China High Level Forum on Social Protection Reform

### 社会救助法治化进程中的问题与挑战

#### Challenges for Legal Framework of Social Assistance

中华人民共和国民政部    Ministry of Civil Affairs, PRC

September 15<sup>th</sup> -16<sup>th</sup>, 2015 Beijing, China  
2015年9月15日至16日 中国 北京

## CONFERENCE REPORT

## 会议报告



Social Protection Reform Project  
中国-欧盟社会保障改革项目

High Level Forum – Family Photo  
高级别会议—合影



*High level participants from left Mr Liu Xitang, Director General, Social Assistance Department, Ministry of Civil Affairs P. R. China; Mr Kang Peng, Director General, International Cooperation Department, Ministry of Civil Affairs P. R. China; Mr Gabriele Uselli, Managing Director, Individual Account Department, National Social Insurance Agency - INPS, Italy; Mr Gong Puguang, Deputy Minister, Ministry of Civil Affairs P. R. China; H. E. Hans-Dietmar Schweisgut, Ambassador of the European Union to China; Mr Li Ligu, Minister, Ministry of Civil Affairs P. R. China; Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain; Mr Marek Bucior, Deputy Minister of Labour and Social Policy, Poland; H. E. Mirosław Gajewski, Ambassador Extraordinary and Plenipotentiary of the Republic of Poland to the P. R. China; H.E. Doru Romulus Costea, Ambassador of Romania to P.P. China; Mr Lars Gronvald, Head of Development & Cooperation Section, Delegation of the European Union in Beijing; H. E. Ettore Francesco Sequi, Ambassador of Italy to the P. R. China;*

高级别与会者左起依次是中华人民共和国民政部社会救助司司长刘喜堂先生，中华人民共和国民政部国际合作司司长康鹏先生，意大利国家社会保障署个人账户司执行司长嘉布礼业列·吴赛利先生，中华人民共和国民政部副部长宫蒲光先生，欧盟驻中国大使史伟先生，中华人民共和国民政部部长李立国先生，西班牙就业与社会保障部国务秘书托马斯·布尔果斯先生，波兰劳动和社会政策部副部长马勒克·布乔尔先生，波兰驻中华人民共和国特命全权大使林誉平先生，罗马尼亚驻华大使多鲁·罗目鲁斯·科斯泰亚先生，欧盟驻华代表团参赞葛澜森先生，意大利驻华大使谢国谊。

## Table of Contents

<b>Table of Contents.....</b>	<b>1</b>
<b>1. Introduction .....</b>	<b>3</b>
<b>2. Agenda .....</b>	<b>17</b>
<b>3. Opening Ceremony Speeches.....</b>	<b>23</b>
<i>Mr Li Liguo, Minister of MoCA, P.R. China .....</i>	<i>23</i>
<i>Mr Hans-Dietmar Schweisgut, Ambassador of the European Union to China.....</i>	<i>27</i>
<i>Mr Marek Bucior, Deputy Minister of Labor and Social Policy, Poland.....</i>	<i>32</i>
<b>4. Keynote Speeches.....</b>	<b>35</b>
<i>Mr Gong Puguang, Vice Minister, MoCA, P.R. China.....</i>	<i>35</i>
<i>Mr Prof. Tito Boeri, President of the National Social Insurance Agency - INPS, Italy .....</i>	<i>42</i>
<i>Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain.....</i>	<i>50</i>
<i>Ms Daniela Morosan, Deputy Secretary General, MoLFSPE, Romania .....</i>	<i>57</i>
<i>Mr Marek Bucior, Deputy Minister of Labor and Social Policy, Poland.....</i>	<i>63</i>
<b>5. Sessions of 2015 EU-China High Level Forum.....</b>	<b>65</b>
<i>Session 1: Comparison of EU and China Social Assistance Legislation .....</i>	<i>65</i>
<i>Session 2: Central and local responsibilities allocation of Social Assistance .....</i>	<i>70</i>
<i>Session 3: Basis and methods of determining the minimum living standards .....</i>	<i>79</i>
<i>Session 4: Delivery of social assistance services in rural areas.....</i>	<i>85</i>
<b>6. Summary of the EU-China High Level Forum on Social Protection Reform &amp; Reflection of Ms. Zofia Czepulis-Rutkowska .....</b>	<b>91</b>
<b>7. Participants List .....</b>	<b>121</b>
<b>8. Annex1. Post-conference papers .....</b>	<b>129</b>
8.1 <i>Mr Zheng Gongcheng, Speed up the Legal Process of Social Assistance.....</i>	<i>129</i>
8.2 <i>Mr Guan Xinping, China's Minimal Living Guarantee Standards and Their Making Methods .....</i>	<i>142</i>
8.3 <i>Mr Wang Yanzhong, Proposal for Overall Development of China's Social Assistance System .....</i>	<i>158</i>
<b>Annex 2. Country Reports on Social Assistance .....</b>	<b>173</b>

## 目录

1. 会议介绍.....	3
2. 会议议程.....	17
3. 开幕式致辞.....	23
中华人民共和国民政部部长李立国先生.....	23
欧盟驻华代表团大使史伟先生.....	27
波兰劳动与社会政策部副部长马勒克·布乔尔先生.....	32
4. 主旨演讲.....	35
中华人民共和国民政部副部长宫蒲光先生.....	35
意大利国家社会保障署署长狄铎·薄爱礼先生.....	42
西班牙就业与社会保障部国务秘书托马斯·布尔果斯先生.....	50
罗马尼亚劳动、家庭、社会保障与老龄人口部副秘书长妲妮叶拉·莫若萨努女士.....	57
波兰劳动与社会政策部副部长马勒克·布乔尔先生.....	63
5. 2015 年中国—欧盟社会救助高级别会议议程.....	65
议题一：中欧社会救助立法比较.....	65
议题二：中央与地方社会救助责任划分.....	70
议题三：最低生活保障标准确定的依据与方法.....	79
议题四：农村地区社会救助服务的传递.....	85
6. 中欧社保改革高级别会议总结和索菲亚·婕普丽思-露特考思卡女士的反思.....	91
7. 参会人员名单.....	121
8. 附件 1. 会后论文.....	129
8.1 加快社会救助法制化进程 郑功成.....	129
8.2 中国的最低生活保障标准及其确定方法 关信平.....	142
8.3 统筹发展中国社会救助制度的思考与建议 王延中.....	158
附件 2. 社会救助国别报告.....	173

# 1. Introduction

*On behalf of the EU-China Social Protection Reform Project (SPRP) it is my pleasure to share with you the conference report of the 2015 EU-China High Level Forum on Social Protection Reform Challenges for Legal Framework of Social Assistance, held in Beijing on September 15<sup>th</sup>-16<sup>th</sup>, 2015.*

*The SPRP project has started in November 2014 and will continue for four years till 2018. From the EU side the project is supported by 10 authorities from 7 EU countries. Whereas the main Chinese stakeholders are National Development and Reform Commission, Ministry of Finance and Ministry of Civil Affairs. "The overall scope of the SPRP project is to further develop social equity and inclusiveness of economic development throughout Chinese society." The project is a platform for exchange practices, experiences and knowledge between EU countries and China in the field of social protection. Since the Consortium members have different background in social protection systems China can benefit from the specific experiences including these one related transition economies represented by Czech Republic, Poland and Romania. Moreover, currently the EU and China are facing common demographic trends and economic slowdown which makes the common challenges for the social protection policies in the near future. The EU-China SPRP project is therefore an excellent opportunity for the EU to promote relevant and solid based experiences to be implemented in China as well make awareness among Chinese stakeholders on the lessons learned for the last several decades of the social protection development in the EU countries.*

*The 2015 EU-China High Level Forum on Social Protection Reform Challenges for Legal Framework of Social Assistance has been an opportunity for an extended exchange of knowledge, experience and view among EU and Chinese policy makers, experts, academics and practitioners. It was the first high level event within EU-China Social Protection Reform Project within whose social assistance is one of the key elements.*

*For the event the main Component 3 stakeholders Ministry of Civil Affairs of the P.R.China and the Ministry of Labour and Social Policy of the Republic of Poland gathered together the EU and Chinese share experiences and challenges for social assistance. Speakers, panelists and participants from across China and all SPRP Consortium Member countries (Belgium, Czech Republic, France, Italy, Poland, Romania and Spain) have been represented and contributed to the discussion held.*

*Opening speeches have been delivered by Mr Li Liguang Minister of Civil Affairs of P.R. China, Mr Hans-Dietmar Schweisgut Ambassador of the European Union to China and Mr Marek Bucior Deputy Minister of Labour and Social Policy of the Republic of Poland. Among key speakers were: Mr Gong Puguang, Vice Minister of Civil Affairs P.R. China, Mr Prof. Tito Boeri - President of the INPS, from Italy, Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, from Spain and Ms Daniela Moroşanu, Deputy Secretary General, Ministry of Labor, Family, Social Protection and Elderly, from Romania. Among more than 100 participants were senior policy makers from the Consortium relevant ministries (Belgium, Czech Republic, Italy and Poland), P.R. China's National People's Congress and State Council as well from EU and Chinese local authorities. The event has joined representatives of the World Bank, Asian Development Bank and the stakeholders from EU organizations.*

*This publication summarises the discussions held as reminder for following up the further actions within the SPRP project Component 3.*

*Marzena Breza PhD, EU Resident Expert for Component 3*



## 1. 会议介绍

我非常荣幸能够在 2015 年 9 月 15-16 日参加在北京举行的“2015 年中国-欧盟社会保障改革高级别会议”，并代表中欧社会保障改革项目组就“社会救助法治化进程中的问题与挑战”为主题向大家介绍有关情况。

中国-欧盟社会保障改革项目于 2014 年 11 月正式启动，并计划于 2018 年完成。在欧盟方面，该项目是由来自 7 个欧盟成员国的 10 个官方机构支持；在中国方面，主要的相关单位是国家发展改革委员会、财政部和民政部。中国-欧盟社会保障改革项目的总体目标是在中国社会中深入推进社会公平与共享经济发展成果。该项目是欧盟国家同中国社会救助领域的实践、经验及知识的交流平台。鉴于项目联合体的成员国拥有不同的社会保障体系背景，中国可以从经历过经济转型的捷克共和国、波兰及罗马尼亚三个国家中获得经验；而且，当前欧盟和中国正面临着同样的人口发展趋势，也同样面临着经济衰退对未来社会保障政策的挑战。因此，中国-欧盟社会保障改革项目对于欧盟而言，是为中国推广相关的经验，并为中国相关单位吸取欧盟国家过去几十年社会保障发展过程中的经验教训提供了一个绝佳的机会。

此次会议是欧盟和中国政策制定者、专家、学者、实践者在社会救助领域开展广泛的知识、经验及观点交流的好机会；该会议也是中国-欧盟社会保障改革项目中社会救助领域的第一次高级别会议。

项目的第三部分主要相关方—中华人民共和国民政部、波兰共和国劳动、家庭与社会政策部相聚在一起，分享欧盟和中国在社会救助领域的经验和挑战。来自中国、项目联合体成员国（比利时、捷克共和国、法国、意大利、波兰、罗马尼亚和西班牙）的发言人、专题讨论者和其他参与者都出席了会议并参与了会议讨论。中华人民共和国民政部部长李立国先生、欧盟驻中国大使史伟先生、波兰共和国劳动、家庭与社会政策部副部长马勒克·布乔尔先生先后在开幕式上致辞。

其他重要发言人还包括：中华人民共和国民政部副部长宫蒲光先生、意大利国家社会保障署署长狄铎·薄爱礼先生、西班牙就业与社会保障部国务秘书托马斯·布尔果斯先生、罗马尼亚劳动、家庭、社会保障与老龄事务部副秘书长姐妮叶拉·莫若萨努女士等。100 多位与会者分别来自项目联合体成员国相关部委（比利时、捷克共和国、意大利和波兰）的资深政策制定者、中华人民共和国全国人大常委会及国务院相关部门，以及欧盟和中国的地方政府机构。此次会议也有来自世界银行、亚洲开发银行以及欧盟相关组织的代表参与。

本报告旨在对会议讨论进行总结，以作为对中国-欧盟社会保障改革项目中第三部分后续行动的跟进。

马哲娜 博士，第三部分欧方常驻专家

## EU-CHINA Social Protection Reform Project

### Background note - 2015 EU-China High Level Forum on Social Protection Reform Challenges for Legal Framework of Social Assistance

Beijing, September 15th-16th, 2015

The EU-CHINA Social Protection Reform Project (SPRP) provides an opportunity to exchange the knowledge and professional experience in the field of social protection between EU countries and China.

“The overall scope of the SPRP project is to further develop social equity and inclusiveness of economic development throughout Chinese society.” The project is based on three Components focussing on the following issues: C1-Consolidation of institutional capacity for social protection policy development and reforms in collaboration with the National Development and Reform Commission (NDRC); C2-Enhancing institutional capacity for financial management and supervision concerning social security funds in collaboration with the Ministry of Finance (MoF) and C3-Improving the legal framework and policy for social assistance in collaboration with the Ministry of Civil Affairs (MoCA).

The SPRP began to be implemented in November 2014. From the EU side the Consortium consists of Ministries and Institutions from Belgium, Czech Republic, France, Italy, Poland, Romania and Spain.

The Forum was an opportunity to analyze the framework of the current challenges and issues of social protection in China, as well as in Europe. Important keynotes and speeches by European and Chinese experts in the field of social security and welfare emphasized relevant topics connected to the subject of “social protection reform”.

Social protection reform in China began in 1984 and has made encouraging progress since. China's new Social Insurance Law promulgated in 2010 made the Government responsible for basic social protection throughout the country. The status quo of the social protection system, however, is marred by discrepancies. A major challenge lies in the provision of an equitable social protection system for the rapidly growing number of urban residents and an ageing population. Excluded groups will remain a major policy concern, to maintain social stability and further promote social justice throughout the country.

Social protection systems of EU Member States provide a wide range of organisational models and structures and have shown the flexibility needed to adapt to new challenges. In addition, EU Member States can offer varied experiences of transforming social security systems of formerly socialist countries to market economies, which is relevant to transformational processes taking place in China.

These broad themes, that are the focus of the EU-China SPRP, were topics of discussion and analysis at the Forum .

Challenges for Legal Framework of Social Assistance

Since the start of the EU-China SPRP the main focus of Component 3 has been situational analysis and identification of the China Social Assistance System.

According to the work plan for 2015, the first High Level Event of the project focuses on social assistance in the context of challenges for legal framework of social assistance in the EU and in the People's Republic of China.

The 2015 EU-China High Level Forum on Social Protection Reform - Challenges for Legal Framework of Social Assistance was a forum for dialogue between the EU (Consortium Members) and P. R.C high-level policy makers, experts and practitioners in the field of social protection.

The main measures of social assistance system in China are based on:

- The Minimum Livelihood Guarantee Scheme (MLGS) – Dibao (urban and rural) – is the core measure in Chinese social assistance scheme. The Dibao system is an essential support for people in need. The aim is to close the gap between the recipient's income and the local Dibao line (hereafter the "Dibao gap"), so that a minimum income is guaranteed.
- Dibao covers almost 21 million people in urban areas and 54 million people in rural areas (2014). There has been an increase of number of MLGS recipients over the past 15 years. The main financing recourse for Dibao is the central government budget, which contributes a 75% of Dibao's total funding.
- Five Guarantees (FG) – has been designed as a program for the most vulnerable groups in China since 1950. The main target groups are elderly, disabled, and minors below 16 years old. The main support goes for food, fuel, clothing, housing and burial.  
Up until the end of 2014, there were 5.29 million rural FG recipients nationwide. In 2014, China spent 18.98 billion RMB on FG in total, which was an increase of 10.2% over the previous year. There are 1.74 million people are supported collectively (welfare institute), who have an annual FG allowance of 5371 RMB per capita on average; while, 3.54 million are living in their own household. They have an annual average FG allowance of 4006 RMB per capita. (See: Legal Framework on Social Assistance, Assessment report).

Other measures linked to the social assistance system in the P. R.C are:

- Employment assistance is aimed at increasing household labor income and is targeted at people with difficulties in finding jobs, for which the Government formulates special assistance policies.
- Education assistance is a system for vulnerable-group family members in stages of compulsory education, senior secondary education and higher education. The measure is based on an approach which allows for reduced education and textbook fees, delayed repayment of student grants and reduction or exemption from tuition fees for students with financial difficulties.
- Housing allowance is a program implementing different housing supply policies for families of different incomes, under which low-income families lease low-rent houses subsidized by government or the work unit, middle-income families buy economically affordable houses and other high-income families purchase or rent commodity housing at market prices.
- Medical Assistance – provides affordable treatment for diseases or helps people with financial difficulties due to payment of high medical expenses in a bid to offer them necessary health services, to maintain their ability to survive and to improve their health.



- Disaster Relief – The State or society provides rescue services and assistance to people afflicted by various disasters.
- Temporary Assistance - provided by the State to households or individuals who live in difficult circumstances due to emergency cases.

### The Legal Framework of Social Assistance

Whereas the first social assistance measures in the P.R.C were introduced in 1950, there was no widespread approach as far as a social assistance law was concerned. There were just two social assistance instruments - Urban Dibao and Five Guarantees which were based on “regulations”. Other schemes worked only on a “soft law” (guidelines, notices, decisions, and opinions). However, there is need for developing a comprehensive legal framework for the social assistance system in the long run.

The system is based on number of policies and notices from MoCA and local governments. The highest level of authority document is the “Interim Measures for Social Assistance” which was issued by the State Council of the P. R.C and came into force on 1st May, 2014.

The Interim Measures for Social Assistance takes into consideration the legal framework for urban and rural MLSG. Such an approach is crucial for reducing rising disparities between urban and rural social conditions.

There is a special need for a comprehensive law which will cover all different dimensions of social assistance measures, institutions, responsibilities and entitlements.

A single legal provision will reduce the issue of overlapping tasks at different governmental levels and institutions and will allow the addressing of target groups for social assistance in P. R.C. in a better way. The social assistance system in all developed countries has a very broad scope since it deals with different aspects of living conditions of different groups starting with children and youth, through people of working age with limited capabilities to work and with the elderly mainly living in single households. All aspects of social support for these groups have to be analyzed taking into consideration the different living conditions existing in urban and rural areas.

The main challenges identified in the first assessment report of the social assistance system in P. R. C. are:

Cross-cutting issues for social assistance:

- Financial sustainability - at the time of increasing social assistance spending on all kinds of social assistance benefits;
- Economic reforms – gradual transformation from state owned enterprises (with their social welfare provision) to more and more private and foreign capital companies.

Legal framework for social assistance:

- The necessity of a legal framework for social assistance; multi-sector cooperation for Dibao;
- Overlapping tasks cause problems due to the very detailed social assistance regulations and legal documents and different kind of benefits;
- Developing mutual cooperation between different governments’ departments at different levels;



- Investment in training social assistance staff to better understand the comprehensive perspective of social support for different social groups.

Social assistance measures, application and verification process:

- Developing information sources on family income and assets and application of the verification process and its timing;
- Improvement in the standardization of the application and approval process for Dibao applications and entitlement;
- Adjustment of the Dibao line – valorization based on inflation or wage rates;
- Multiple use of the Dibao permission e.g. for medical assistance, educational assistance, housing assistance;
- Challenge for ensuring an increase in a very low level of the benefits (Dibao, FG) and the process of social assistance dependency;
- Institutional management and sharing responsibilities in the implementation of education and housing assistance system;
- Medical assistance - local medical assistance systems exclude non-local migrant workers, most of whom have low incomes and live in poverty;
- Improving awareness of Government and the Public for Disaster Prevention and Absence of Disaster Prevention and Reduction Education;
- Managing and supervising the organization of urgent issues e.g. disasters which are very much financial burden.

\*

To sum up, for an adequate social policy response in times of rapid demographic, social and economic transformation, the current social assistance system in China needs to implement a comprehensive legal provision which is based on sharing responsibilities between different governmental levels.

The legal framework and social assistance system can take advantage of Europe's experience and good practice in this regard, including linking the social policy system and participation in the labor market as well as a bottom up approach.

## 2015 年中国-欧盟社会保障改革高级别会议

### —社会救助法治化进程中的问题与挑战

#### 会议背景介绍

北京，2015 年 9 月 15—16 日

中国-欧盟社会保障改革项目（SPRP）为中国与欧盟国家之间交换社会保障方面的专业知识与经验提供了平台。

中欧社会保障改革项目的总体目标是在中国深入推进社会公平与共享经济发展成果。项目由三大部分构成，各部分分别负责下列课题：第一部分—通过与国家发展改革委员会（NDRC）的合作加强社会保障政策制定与实施的机构能力；第二部分—通过与财政部（MOF）的合作提高社会保障基金财政监督与管理的机构能力；第三部分—通过与民政部（MoCA）的合作改善社会救助法律框架与政策。

本项目已于2014年11月正式启动。项目由欧盟国家项目联合体负责实施。联合体成员国包括比利时、捷克共和国、法国、意大利、波兰、罗马尼亚与西班牙。

此次会议对中国及欧盟社会保障框架在当下面临的基本问题与挑战进行了分析；社会保障和社会福利领域的欧方及中方专家在会议上就“社会保障改革”相关主题做了重要的主旨发言和演讲。

中国自 1984 年开始启动社会保障改革以来，已经取得了令人振奋的进步；《社会保险法》也于 2010 年颁布执行，使政府在国家范围内承担起基本社会保障的责任。然而，中国社会保障体系面临内部差异性大的现状，如何提供一个平等的社会保障体系以应对快速增长的城镇居民和老龄人口数量也是中国面临的重大挑战。为维护社会稳定并进一步促进全国范围内的社会公正，被排斥的社会群体仍将作为一个重要的政策关注点。

欧盟各成员国的社会保障体系拥有不同类型的组织模式和体系架构，在适应新挑战上表现出了极大的灵活性。此外，欧盟各成员国能够提供社会保障体系在由社会主义国家向市场经济国家转型中的多样性经验，这与中国当前正在经历的转型过程十分相似。

这些广泛的议题都是中国—欧盟社会保障改革项目的关注点，也是此次会议讨论和分析的主题。

#### 社会救助法治化进程中的挑战

自项目启动以来，项目第三部分主要负责的工作是对中国社会救助体系现状进行研究分析。根据项目工作计划，2015 年的中欧高级别对话将以中欧社会保障挑战背景下的社会救助为主题，即“社会救助法治化进程中的问题与挑战”。

本次高级别会议是中国与欧方（联合体成员国）高层政策制定者、执行者与学界专家在社会保障领域进行对话的一种形式。

中国社会救助体系主要基于以下制度：

- 最低生活保障制度——即城乡低保，这是中国社会救助的核心制度。低保是困难群众的支柱。低保旨在填补低保受益人收入与当地低保标准之间的差距（收入差），以保证获得最低收入以维持基本生活。目前中国低保制度已经覆盖了 2100 万城镇人口与 5400 万农村人口（2014 年）。在过去 15 年中，低保受益人数目一直在增加，目前已经保持稳定。低保资金主要由中央政府投入，其份额大约占到 75%。
- 农村五保——五保对象又称特困人员。农村五保是从 1950 年代以来在中国农村地区实施的社会救助制度，旨在保障社会最弱势群体的基本生活。其主要目标群体为老人、残疾人与 16 周岁以下的孤儿。其主要内容为保吃、保穿、保住、保医、保葬（孤儿为保教）。截至 2014 年底，全国已经有 529 万农村地区五保受益人。在 2014 年，中国政府为五保投入资金总额达 189.8 亿人民币，比上一年增长 10.2%。有 174 万人接受集中供养，平均每人每年获得五保资助达 5371 元人民币。同时，354 万人在家接受五保供养，平均每人每年获得五保资助达 4006 元人民币。（见：社会救助的法律框架，评估报告）

其他与社会救助相关的制度包括：

- 就业救助——旨在增加家庭劳动力收入与救助就业困难群众。中国政府在此方面已有专门政策。
- 教育救助——为弱势群体家庭成员在义务教育、高中教育与高等教育阶段提供的救助。该制度主要包括为困难家庭学生减免学费与书费、提供助学金以及提供勤工俭学机会等。
- 住房救助——为低保家庭和分散供养的特困人员在住房方面提供的救助，主要方式是由政府提供住房补贴、配给廉租房以及在农村地区进行危房改造等。
- 医疗救助——为因医疗费用过高而导致经济困难的群众提供必要的医疗服务，保障其生存并改善其健康状况。
- 灾害救助——国家或社会为受灾群众提供救助。
- 临时救助——由国家向有临时困难的家庭或个人提供救助。

### 社会救助法律框架

中国最早的社会救助制度于 1950 年代开始建立，当时尚无广泛适用的社会救助法律。当时仅有的社会救助工作——农村五保——仅依据“准法律”（如政府指导纲要、通知、决定或意见等）执行。长远看来，建立综合性的社会救助体系的法律框架是十分有必要的。

社会救助体系基于中央政府与地方政府的各项法规、政策与通知展开。其中，具有最高等级法律效力的是《社会救助暂行办法》，该办法于 2014 年 2 月 21 日由国务院颁布，并从 2014 年 5 月 1 日起执行。

《社会救助暂行办法》将城乡最低生活保障制度的法律框架考虑在内，这是降低日益拉大的城乡社会差距的一个重要途径。

有必要制定一部涵盖社会救助各项制度、办法、责任与资金发放的综合性法规。统一的法律规定将能减少各级政府部门间工作的重复性，亦能使社会救助目标人群受益更多。发展中国家的社会救助涉及面很广，因为需救助不同生存条件下的不同人群，从儿童到青年，从无充足劳动能力者到孤寡老人等，而对这些人群的社会救助又必须考虑现存的城乡生活条件的差异。

**中国社会救助法律框架评估报告中所分析的主要挑战如下：**

**社会救助交叉问题：**

- 各类社会救助项目支出持续增长情况下的财政可持续性问题；
- 经济体制改革问题——从国有企业（及其福利）到越来越多的民营与外资企业；

**社会救助法律框架：**

- 社会救助法律框架必要性问题；低保工作多部门合作问题；
- 不同种类社会救助项目与多项社会救助法律法规导致的工作重叠问题；
- 各级政府部门间双向合作问题；
- 为使社会救助工作人员全面了解针对不同人群的不同社会救助政策而开展的培训活动问题等。

**社会救助项目的实施办法、申请与确认程序：**

- 建立家庭收入与资产信息数据库以促进社会救助申请与确认程序的公正问题；
- 推进低保申请与审批程序规范化问题；
- 低保标准动态调整——根据收入水平与通货膨胀水平；
- 低保的福利叠加（如医疗救助、教育救助、住房救助）问题；
- 确定提高最低救助标准（低保、五保）时所面临的挑战；
- 教育救助与住房救助制度执行中的权责分配与机构管理问题；
- 医疗救助问题——地方医疗救助体系未覆盖外来务工人员，其中大部分人员收入低，且处于贫困中；
- 推进政府部门与公众对减灾防灾的认识；改善减灾防灾教育缺失问题；
- 急难问题（如带来沉重经济负担的突发事件）的管理与监督问题。

总而言之，为有效应对快速的老年人口增长和社会与经济转型，中国当下的社会救助体系亟需根植于综合性法律之上；该项法律应对各级政府间的权责进行统一规定。

在此方面，社会救助法律框架可以从欧盟经验与良好实践中获益，包括将社会政策体系与劳动力市场结合、自下而上的路径等。



## Opening Ceremony 开幕仪式



From left Mr Kang Peng, Director General, International Cooperation Department, Ministry of Civil Affairs P. R. China; Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain; H. E. Hans-Dietmar Schweisgut, Ambassador of the European Union to China; Mr Li Liguang, Minister, Ministry of Civil Affairs P. R. China; Mr Marek Bucior, Deputy Minister of Labour and Social Policy, Poland; Mr Gong Puguang, Deputy Minister, Ministry of Civil Affairs P. R. China; Ms Daniela Moroşanu, Deputy Secretary General, Ministry of Labor, Family, Social Protection and Elderly, Romania;

左起依次是中华人民共和国民政部国际合作司司长康鹏先生，西班牙就业与社会保障部国务秘书托马斯·布尔果斯先生，欧盟驻中国大使史伟先生，中华人民共和国民政部部长李立国先生，波兰劳动和社会政策部副部长马勒克·布乔尔先生，中华人民共和国民政部副部长宫蒲光先生，罗马尼亚劳动、家庭、社会保障与老龄事务部副秘书长姐妮叶拉·莫若萨努女士。

## Keynote Speeches 主旨演讲



From left Mr Liu Xitang, Director General, Social Assistance Department, Ministry of Civil Affairs P. R. China; Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain; Mr Marek Bucior, Deputy Minister of Labour and Social Policy, Poland; Mr Gong Puguang, Deputy Minister, Ministry of Civil Affairs P. R. China; Ms Daniela Moroşanu, Deputy Secretary General, Ministry of Labor, Family, Social Protection and Elderly, Romania; Mr Prof. Tito Boeri, President of the National Social Insurance Agency - INPS, Italy;

左起依次是中华人民共和国民政部社会救助司司长刘喜堂先生，西班牙就业与社会保障部国务秘书托马斯·布尔果斯先生，波兰劳动和社会政策部副部长马勒克·布乔尔先生，中华人民共和国民政部副部长宫蒲光先生，罗马尼亚劳动、家庭、社会保障与老龄事务部副秘书长姐妮叶拉·莫若萨努女士，意大利国家社会保障署署长狄铎·薄爱礼先生。

## Welcoming Meeting 欢迎会议



*From left H. E. Hans-Dietmar Schweisgut, Ambassador of the European Union to China; Mr Li Ligu, Minister, Ministry of Civil Affairs P. R. China;*

左起依次是欧盟驻中国大使史伟先生，中华人民共和国民政部部长李立国先生。



*From left Ms Daniela Moroşanu, Deputy Secretary General, Ministry of Labor, Family, Social Protection and Elderly, Romania; Mr Lars Gronvald, Head of Development & Cooperation Section, Delegation of the European Union in Beijing; Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain; Mr Marek Bucior, Deputy Minister of Labour and Social Policy, Poland; H. E. Ettore Francesco Sequi, Ambassador of Italy to the P. R. China; H. E. Mirosław Gajewski, Ambassador Extraordinary and Plenipotentiary of the Republic of Poland to the P. R. China;*

左起依次是罗马尼亚劳动、家庭、社会保障与老龄事务部副秘书长姐妮叶拉·莫若萨努女士，欧盟驻华代表团参赞葛澜森先生，西班牙就业与社会保障部国务秘书托马斯·布尔果斯先生，波兰劳动和社会政策部副部长马勒克·布乔尔先生，意大利驻华大使谢国谊先生，波兰驻中华人民共和国特命全权大使林誉平先生。





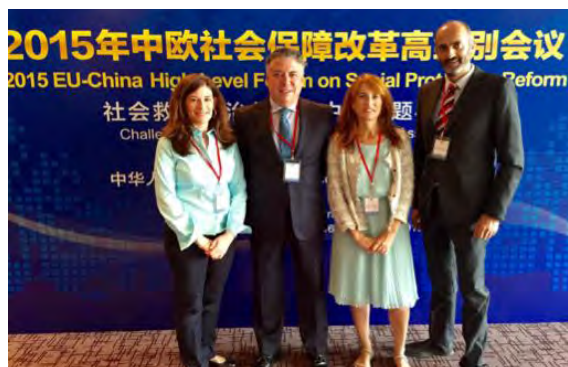
From left Mr Gong Pu Guang, Deputy Minister, Ministry of Civil Affairs P. R. China; Mr Kang Peng, Director General, International Cooperation Department, Ministry of Civil Affairs P. R. China; Mr Liu Xitang, Director General, Social Assistance Department, Ministry of Civil Affairs P. R. China; Ms Ji Ning, Inspector, Employment and Income Distribution Department, NDRC P. R. China; Mr Fu Jinling Director General of Social Security Department, Ministry of Finance, P. R. China; Ms Chen Hongying, First Secretary, Department of International Trade and Economic Relation, MoFCOM P. R. China; In the second row Ms Luo Xin, Director, Multilateral Division of the Department of International Cooperation, Ministry of Civil Affairs P. R. China;

左起依次是中华人民共和国民政部副部长宫蒲光先生，民政部国际合作司司长康鹏先生，民政部社会救助司司长刘喜堂先生，国家发展改革委就业和收入分配司巡视员纪宁女士，财政部社会保障司副司长符金陵先生，商务部国际经贸关系司一等秘书陈红英女士；第二排：民政部国际合作司多边处处长罗新女士。



Among over 100 participants in the first second rows from left Mr Thierry Weishaupt, International Cooperation Manager, MGEN – General Mutual Fund for National Education, France; Mr Koen Vleminckx, Director of the Research and International Cooperation Department, Federal Ministry of Social Security (FPS Social Security), Belgium; Mr Gabriele Uselli, Managing Director, Individual Account Department, National Social Insurance Agency - INPS, Italy; Ms Zofia Czepulis-Rutkowska, Senior Researcher, Institute of Labour and Social Studies, Poland; Ms Monika Szostak, Director, International Co-operation Department, Ministry of Labour and Social Policy, Poland (Component 3 Coordinator); Mr John Halloran, Chief Executive, European Social Network;

在 100 多位与会者中，左起第一排从左到右依次是法国国家教育系统互助医疗保险联盟国际合作处处长提尔利·魏少德先生，比利时联邦社会保障公共服务部国际合作与研究司司长科恩·弗莱明克先生，意大利国家社会保障署个人账户司执行司长嘉布礼亚列·吴赛利先生；左起第二排从左到右依次是波兰劳动与社会研究院资深研究员欧盟专家索非娅·捷普利斯-鲁特科夫斯卡女士，波兰劳动与社会政策部国际合作司司长莫妮卡·索斯塔克女士，欧洲社会组织联合机构首席执行官约翰·夏罗兰先生。



*Spanish delegation in from left Ms Pilar Madrid, Head of the Cabinet of the Secretary of State of Social Security; Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain; Ms Lucía Ortiz, Deputy Director of International Social and Labour Relations, Ministry of Employment and Social Security, Spain; Mr Agustin Antonio Fernández, Director of Public Administration and Social Affairs Unit, International and Iberoamerican Foundation for Administration and Public Policies – FIIAPP, Spain;*

西班牙代表团左起依次是庇乐尔·马德里女士，西班牙就业与社会保障部社会保障国务秘书组组长；托马斯·布尔果斯先生，西班牙就业与社会保障部国务秘书；露茜娅·欧尔提兹，西班牙就业与社会保障部国际社会与劳动关系司副司长；阿古斯汀·安东尼奥·费尔南德兹先生，西班牙国际与伊比利亚美洲行政与公共政策基金会公共行政与社会事务处处长。



*Mr John Halloran, Chief Executive, European Social Network; Mr Angelo Marano, Director General in the Ministry of Labour and Social Policies, Member of the board of auditors of National Social Insurance Agency - INPS, Italy;*  
欧洲社会组织联合机构首席执行官约翰·夏罗兰先生，意大利国家社会保障署审计会成员兼劳动与社会政策部综合司司长安哲洛·马拉诺先生；



*Mr Luca Sabatini, Managing Director, Department for Income support benefits and ISEE, National Social Insurance Agency - INPS, Italy; Mr Prof. Tito Boeri, President of the National Social Insurance Agency - INPS, Italy;*  
意大利国家社会保障署收入福利与 ISEE 司执行司长卢卡·萨巴迪尼先生，意大利国家社会保障署署长狄铎·薄爱礼先生。



*From left Mr Gang Shuge, Associate Researcher, Beijing Academy of Social Sciences.*

*Mr Sun Haisen , Deputy-Director General, Social Assistance Bureau under Provincial Civil Affairs Department, Xinjiang Uygur Autonomous Region.*

左起依次是北京市社会科学院副研究员、项目专家江树革先生，新疆维吾尔自治区民政厅社会救助局局长孙海森先生。



*Mr Pan Zhiwu, Director, Bureau of Social Assistance under Provincial Civil Affair Department, Guangxi Province.*

广西省民政厅社会救助局局长潘志武先生



*Ms Wang Wenjun, Director, Dibao Division, Social Security Department of MoF P.R. China;*

中华人民共和国财政部社会保障司城乡低保处处长王文君女士



## 2. Agenda

### 2015 EU-China High Level Forum on Social Protection Reform Challenges for Legal Framework of Social Assistance

*Beijing, PRC*

*September 15th -16th, 2015*

#### **DAY ONE                      September 15<sup>th</sup>, 2015**

##### **Morning**

8:30 - 9:00	Registration of the participants
9:00 - 9:30	Opening Ceremony  Moderator: Mr Kang Peng, Director General, International Cooperation Department, MoCA  Opening speeches:
9:00 - 9:10	Mr Li Liguang, Minister of MoCA, P.R.China
9:10 - 9:20	Mr Hans-Dietmar Schweisgut, Ambassador of the European Union to China
9:20 - 9:30	Mr Marek Bucior, Deputy Minister of Labor and Social Policy, Poland
9:30 - 9:50	Tea Break
9:50 - 11:50	Keynote speeches  Moderator: Mr Liu Xitang, Director General of Social Assistance Department, MoCA
9:50 - 10:20	Establishment and development of China's social assistance system Mr Gong Puguang, Vice Minister, MoCA
10:20 - 10:50	Challenges in social protection policies : a wide background of EU-CH SPRP Mr Prof. Tito Boeri - President of the INPS, Italy
10:50 - 11:50	EU Social Assistance Policy Framework (Spain, Romania, Poland)  Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain  Ms Daniela Moroşanu, Deputy Secretary General, Ministry of Labor, Family, Social Protection and Elderly, Romania  Mr Marek Bucior, Deputy Minister of Labor and Social Policy, Poland
12:00 - 13:30	Lunch

## Afternoon

13:30 - 15:10 Moderator: Mr Chen Jialin, Deputy Director General, Social Law Office of the Law Work Committee of the Standing Committee of the National People's Congress

### Session 1: Comparison of EU and China Social Assistance Legislation

13:30—14:00 Development trend of China social assistance legislation – Mr Zheng Gongcheng, Professor, Renmin University, President of China Social Security Association

14:00—14:30 Development and challenges of European social assistance legislation –Ms Zofia Czepulis-Rutkowska, PhD, Institute of Labour and Social Studies, Poland, EU expert

#### Discussants:

14:30—14:40 Mr Bi Yingda, Social Legal System of the Legal Affair Office of the State Council

14:40—14:50 Ms Marzena Breza, PhD, EU Resident Expert on Social Assistance

14:50—15:10 Questions and answers

15:10 - 15:30 Tea Break

15:30 - 17:10 Moderator: Ms Chen Bailing, Director General of Policy and Regulation Department, MoCA

### Session 2: Central and local responsibilities allocation of Social Assistance

15:30—16:00 Management of responsibilities allocation of current social assistance in China - Mr Liu Sihai, Director of Office for Minimum Livelihood Guarantee of Hubei Provincial Civil Affairs Bureau

16:00—16:30 Social assistance system in EU countries – sharing responsibilities on different governmental levels - Mr John Halloran, Chief Executive Officer, European Social Network

#### Discussants:

16:30—16:40 Ms Ji Ning, Inspector, Income Distribution Department, NDRC

16:40—16:50 Mr Pavel Janeček, Head of International Cooperation Unit, Ministry of Labour and Social Affairs , Czech Republic

16:50—17:10 Questions and answers

## DAY TWO September 16<sup>th</sup>, 2015

### Morning

8:30 - 10:10 Moderator: Mr Angelo Marano, Director General in the Ministry of Labour and Social Policies, Member of the board of auditors of INPS, Italy

#### Session 3: Basis and methods of determining the minimum living standards

8:30 - 9:00 Quantitative mechanism of China's minimum living standard – Mr Guan Xinping, Professor, Nankai University

9:00 - 9:30 Introduction of ISEE (Equivalent Economic Situation Indicator) - Mr Luca Sabatini, Managing Director, Department for Income support benefits and ISEE, INPS, Italy  
Discussants:

9:30 - 9:40 Ms Wang Wenjun, Director, Dibao Division, Social Security Department of MoF

9:40 - 9:50 Mr Koen Vleminckx, PhD, Director of the Research and International Cooperation Department, Federal Ministry of Social Security (FPS Social Security), Belgium

9:50 - 10:10 Questions and answers

10:10 - 10:30 Tea Break

10:30 - 12:10 Moderator: Ms Marzena Breza, PhD, EU Resident Expert on Social Assistance

#### Session 4: Delivery of social assistance services in rural areas

10:30 - 11:00 Delivery of Social Assistance Services in Rural China – Mr Zuo Ting, Professor, China Agricultural University

11:00 - 11:30 Service delivery of social assistance within groups of main risk of social exclusion  
Mr Thierry Weishaupt, International Cooperation Manager, MGEN – General Mutual Fund for National Education, France

Discussants:

11:30 - 11:40 Mr Wang Yanzhong, Researcher, China Academy of Social Sciences

11:40 - 11:50 Mr Marcin Adamczyk, Deputy Director, National Agricultural Advisory Centre, Poland

11:50 - 12:10 Questions and answers

12:10 - 12:30 Closing Ceremony

Moderator: Mr Gabriele Uselli, Managing Director, Individual Account Department, INPS, Italy

Closing speeches:

12:10 - 12:20 Mr Kang Peng, Director General, International Cooperation Department of MoCA

12:20 - 12:30 Ms Monika Szostak, Director, International Co-operation Department, Ministry of Labour and Social Policy, Poland

12:30 - 13:30 Networking lunch



## 2015 年中欧社会保障改革高级别会议

主题：社会救助法治化进程中的问题与挑战

时间：2015 年 9 月 15 日-16 日

地点：北京，王府井，希尔顿酒店

第一天  
上午

2015 年 9 月 15 日

8:30 - 9:00

参会人员签到

9:00 - 9:30

开幕仪式

主持人：康鹏先生，民政部国际合作司司长

开幕致辞：

9:00—9:10

李立国先生，中华人民共和国民政部部长

9:10—9:20

史伟（Hans-Dietmar Schweisgut）先生，欧盟驻华代表团大使

9:20—9:30

马勒克·布乔尔（Marek Bucior）先生，波兰劳动与社会政策部副部长

9:30 - 9:50

茶歇

9:50 - 11:50

主旨演讲

主持人：刘喜堂先生，民政部社会救助司司长

9:50—10:20

中国社会救助体系的建立与发展

宫蒲光先生，中华人民共和国民政部副部长

10:20—10:50

社会保障政策的挑战：中欧社会保障改革项目的大背景

狄铎·薄爱礼（Tito Boeri）先生，意大利国家社会保障署署长

10:50—11:50

欧盟社会救助政策框架（西班牙、罗马尼亚、波兰）

托马斯·布尔果斯（Tomas Burgos）先生，西班牙就业与社会保障部国务秘书；

姐妮叶拉·莫若萨努（Daniela Moroşanu）女士，罗马尼亚劳动、家庭、社会保障与老龄人口部副秘书长；

马勒克·布乔尔（Marek Bucior）先生，波兰劳动与社会政策部副部长

12:00 - 13:30

午餐

## 下午

- 13:30 – 15:10 议题一：中欧社会救助立法比较  
主持人：陈佳林先生，全国人大常委会法工委社会法室副主任
- 13:30 – 14:00 中国社会救助立法发展趋势  
郑功成先生，中国人民大学教授，中国社会保障学会会长
- 14:00 – 14:30 欧洲社会救助立法的进展与挑战  
索菲娅·捷普礼斯-璐德克夫斯卡（Zofia Czepulis-Rutkowska）女士，波兰劳动与社会研究院专家，博士，欧盟专家  
点评人：
- 14:30 – 14:40 毕英达先生，国务院法制办社会法制司副巡视员
- 14:40 – 14:50 马哲娜（Marzena Breza）女士，中欧社会保障改革项目社会救助部分长期驻华专家
- 14:50 – 15:10 提问与讨论
- 15:10 – 15:30 茶歇
- 15:30 – 17:10 议题二：中央与地方社会救助责任划分  
主持人：陈百灵女士，民政部政策法规司司长
- 15:30 – 16:00 中国社会救助管理和财政责任的划分  
刘四海先生，湖北省民政厅最低生活保障办公室主任
- 16:00 – 16:30 欧洲不同层级政府间社会救助责任划分  
约翰·夏罗兰（John Halloran）先生，欧洲社会组织联合机构首席执行官  
点评人：
- 16:30 – 16:40 纪宁女士，国家发展改革委收入分配司巡视员
- 16:40 – 16:50 帕维尔·雅奈齐格（Pavel Janecek）先生，捷克共和国劳动与社会事务部国际合作司司长
- 16:50 – 17:10 提问与讨论





第二天 上午

2015年9月16日

8:30 - 10:10

议题三：最低生活保障标准确定的依据与方法

主持人：安哲洛·马拉诺（Angelo Marano）先生，意大利国家社会保障署审计会成员兼劳动与社会政策部综合司司长

8:30 - 9:00

中国的最低生活保障标准及其确定方法

关信平先生，南开大学教授

9:00 - 9:30

意大利社会救助中的经济状况等值指标（ISEE）介绍

卢卡·萨巴迪尼（Luca Sabatini）先生，意大利社会保障署收入福利与 ISEE 司执行司长

9:30 - 9:40

点评人：王文君女士，财政部社会保障司低保处处长

9:40 - 9:50

点评人：科恩·弗莱明克（Koen Vleminckx）先生，比利时联邦社会保障部国际合作与研究司司长

9:50 - 10:10

提问与点评

10:30 - 12:10

议题四：农村地区社会救助服务的传递

主持人：马哲娜（Marzena Breza）女士，中欧社会保障改革项目社会救助部分长期驻华专家

10:30 - 11:00

中国农村社会救助服务传递情况分析

左停先生，中国农业大学教授

11:00 - 11:30

边缘群体社会救助服务传递

提尔利·魏少德（Thierry Weishaupt）先生，法国国家教育系统互助医疗保险联盟国际合作处长

11:30 - 11:40

点评人：王延中先生，中国社会科学院研究员

11:40 - 11:50

点评人：马尔钦·雅丹齐格（Marcin Adamczyk）先生，波兰国家农业指导中心副主任

11:50 - 12:10

提问与评论

12:10 - 12:30

闭幕式 主持人：嘉布礼业列·吴赛利（Gabriele Uselli）先生，意大利国家社会保障署个人账户司执行司长

12:10 - 12:20

闭幕致辞：康鹏先生，民政部国际合作司司长

12:20 - 12:30

莫妮卡·索斯塔克（Monika Szostak）女士，波兰劳动与社会政策部国际合作司司长

12:30 - 13:30

午餐

### 3. Opening Ceremony Speeches

#### **Promoting Innovation and the Development of Social Assistance through More Exchanges and Greater Cooperation To the High Level Forum of the EU-China Social Protection Reform Project**

Mr Li Liguo, Minister of MoCA, P.R. China



Dear Mr. Schweisgut, Mr. Bucior, Mr. Burgos, Ms. Morosanu and Mr. Boeri,  
Dear Representatives and Experts,  
Ladies and Gentlemen,

Good morning!

With the support of the EU-China Social Protection Reform Project, the 2015 EU-China High Level Forum on Social Protection Reform is being held today. As the Representative of the Ministry of Civil Affairs, I sincerely welcome all the representatives and experts, especially those friends from Europe!

The EU-China Social Protection Reform Project is an alliance between the Chinese government and the European Union. Its cooperation contract was officially signed in December 2013, after the EU-China Summit. The principal aim of the project is to establish a high level dialogue mechanism between the EU and China in the sphere of social protection reform and to intensify the partnership between Chinese authorities and European member state executive institutions in the field of social protection. Since the project's official inception at the start of this year, the two partners, the EU and China, have organized a series of activities and conducted several fruitful researches, leading to a significant number of valuable results, which have laid a solid foundation for work in the following steps.

The conference today is the project's first major event since its inception. It will help consolidate our cooperative relationship and enhance the cooperation products. Therefore, on behalf of the project's three Chinese beneficiaries, the National Development and Reform Committee, the Ministry of Finance and the Ministry of Civil Affairs, I would like to express my appreciation to the EU Delegation to China and the EU member states in the Consortium, which have firmly supported and promoted the project. Thanks are also given to the colleagues of the Project Office in Beijing, who have diligently contributed to the project.

Availing myself of the opportunity I would like to introduce you to the evolution of Chinese social assistance system. The Chinese Government has always been concerned about the livelihood and security of people in difficulty. Social assistance is not only a traditional element of the work of the Ministry of Civil Affairs, but it is also one of the most important responsibilities of the system of Civil Affairs system. Since the establishment of the People's Republic of China, the Government has built up the system of Five Rural Guarantees (Wubao) - Assistance to People with Special Difficulty and Temporary Livelihood Assistance, including emergency assistance, poverty assistance, and mutual aid. These were specifically designed for people suffering from poverty, natural and social disasters, those who are orphans, the elderly and the disabled, as well as all those without dependents or carers. Since China's Opening Up and Reform, the Government has established systems such as the Minimum Livelihood Guarantee for Urban and Rural Residents, Medical Assistance and Assistance to Beggars



and Homeless People. Assistance in fields such as education, housing and employment has also been provided.

Last year, the State Council promulgated the *“Interim Measures on Social Assistance”*, by which China is building up a comprehensive social assistance system that includes the Minimum Livelihood Guarantee, Support to People with a Special Difficulty, Disaster Assistance, Medical Assistance, Education Assistance, Housing Assistance, Employment Assistance and Temporary Assistance. Besides, social organisations are allowed to participate in, and supplement, the development of the social assistance system which provides people with an institutional guarantee to basic living rights and human dignity. Last year, 70.84 million people received the “Urban and Rural Minimum Livelihood Guarantee”. 5.291 million people received “Support to Persons with a Special Difficulty in Rural Areas”. This is about 5.6% of Chinese population. Spending on these two initiatives amounted to ¥ 159.2 billion and ¥ 18.92 billion respectively, of which ¥ 110.148 billion came from the Central Government. In addition there were 91.19 million cases of Medical Assistance at a cost of ¥ 25.26 billion and 65.07 million families/cases had received Temporary Assistance, at a cost of ¥ 5.76 billion. Additionally assistance in the sphere of education, employment and housing has been organized in an orderly way and persons in difficulty have received an effective guarantee for every aspect of their basic living.

Governments of many countries, have established a social assistance system in accordance with their countries’ social and economic reality and have accumulated an abundance of experience. We are actively researching and learning successful experiences and helpful measures of every country with an open approach and adapting them to Chinese reality so as to improve our social assistance system. Therefore I would like to provide give some recommendations on the priorities for the exchanges and cooperation under the EU-China social assistance project.

1. Analyze the thoughts and measures for solving problems in the legalization of social assistance.
2. Research and evaluate the reality of the Chinese social assistance system, and to improve the regulation and policy on social assistance, especially focusing on scientifically assessing the assistance standard, accurately identifying target groups and regulating the management and servicing of social assistance.
3. Deepen the cooperation and research, for improving service delivery to rural poor people, disabled people and the elderly, making use of social workers and enhancing the efficiency and transparency of social assistance policies.
4. Building up a mutual interview mechanism which will mean organizing more frequent and better exchanges and study visits in the field of social assistance.

The world is changing every day, but peace, development, cooperation and win-win are the themes and mainstream of this era. Today, through the exchange the theories of, and practices in social assistance, China and the EU are researching, discussing and learning together on how to better guarantee and improve the basic living conditions of people who are in difficulties. This is an important topic that can promote dialogue, benefit and credibility between China and the EU. It also helps promote fairness and justice in Chinese and European societies and shares the results of social and economic development among people of all countries. Let us work hand in hand, with the progress of the EU-China Social Protection Reform Project, to intensify our cooperation, share our experiences and deepen our exchanges, so that we will do better in providing better security to the basic livelihoods of Chinese and EU citizens!

Finally, I hope that this High Level Event will be a successful result, and that every attendee will enjoy the life in Beijing! Thank you!

### 3. 开幕致辞

#### 加强交流合作 推动社会救助创新发展 ——在 2015 年中欧社会保障改革高级别 会议上的致辞

中华人民共和国民政部部长 李立国



尊敬的史伟大使，尊敬的布乔尔副部长、布尔果斯国务秘书、莫若萨努副秘书长、薄爱礼署长，

各位代表、各位专家，

女士们、先生们：

大家上午好！

在中欧社会保障改革项目的支持下，2015 年中欧社会保障改革高级别会议正式开幕了！我谨代表民政部对各位代表、各位专家表示热烈欢迎！特别是对来自欧洲的各位朋友表示热烈欢迎！

“中欧社会保障改革项目”是中国政府与欧盟的一个合作项目，于 2013 年 12 月中欧峰会后正式签署了合作协议。项目的主要目标是建立中欧社会保障改革高层对话机制，促进社会保障领域欧盟成员国专门执行机构与中国有关部门之间的伙伴关系。自今年初项目正式运作以来，中欧双方相继组织实施了一系列活动，开展了不少富有成效的研究，形成了一批有价值的研究成果，为推进项目的后续工作奠定了坚实基础。

今天的会议是项目启动后的第一次重要会议，有利于进一步密切合作关系、深化合作成果。在此，我谨代表中方参与项目合作的三个主要承担部门发展改革委、财政部、民政部，对欧盟驻华代表团，及欧盟有关各国对项目的支持、推动，对北京项目办公室各位朋友的辛勤努力，表示衷心的感谢！

借此机会，我简要介绍中国社会救助事业的发展情况。中国政府十分重视困难群众生活保障。社会救助既是民政部门的一项传统业务，也是当前民政系统最为重要的工作之一。早在中华人民共和国成立初期，针对灾民、难民、贫民、孤老残幼及其他无依无靠人员，中国政府就相继建立了农村五保供养、特困人员救济、临时生活救济等制度，开展紧急救助、贫困救济、互助互济等。改革开放以来，中国政府先后建立并实施了城乡低保、医疗救助、流浪乞讨人员救助等制度，并逐步开展教育、住房、就业等方面的救助工作。去年，国务院颁布《社会救助暂行办法》，综合构建了以最低生活保障、特困人员供养、受灾人员救助、医疗救助、教育救助、住房救助、就业救助、临时救助等 8 项制度为主体，以社会力量参与为补充的社会救助制度体系，为进一步维护人民群众



基本生存权益和人格尊严提供了稳定的制度保障。去年,我国共救助城乡低保对象 7084 万人、农村特困供养人员 529.1 万人,约占全国总人口的 5.6%;全年各级财政累计支出城乡低保资金 1592 亿元、农村特困供养资金 189.8 亿元,其中中央财政支出 1101.48 亿元;全国共实施医疗救助 9119 万人次,支出医疗救助资金 252.6 亿元;全国共实施临时救助 650.7 万户次,支出临时救助资金 57.6 亿元。此外,教育救助、就业救助、住房救助等制度有序实施,困难群众各方面基本生活都得到了有效保障。

长期以来,很多国家的政府,尤其是负责任的政府,都从本国经济社会发展实际出发,建立了社会救助制度,形成了各具特色的经验做法。我们秉持开放、包容的态度,积极借鉴、学习各国的成功经验和有益做法,与中国国情相结合,不断完善我国的社会救助制度。对中欧在社会救助方面的交流与合作,我们提出以下优先领域的建议:

一是梳理分析欧方在社会救助法治化进程中解决问题的思路 and 办法,提供给发展中国家学习借鉴;二是评估研究中国社会救助制度实施情况,完善社会救助的法规政策,特别着力于科学测算社会救助标准、准确认定社会救助对象、规范社会救助管理服务等方面的制度建设;三是深入合作研究,加强农村贫困人口以及残疾人、老年人等照顾服务工作,发挥专业社会工作人员作用,提高社会救助政策的效能和透明度;四是建立人员互访机制,积极开展在社会救助领域的互访交流、学习考察活动。

当今世界日新月异,和平、发展、合作、共赢是时代潮流和主旋律。今天,中欧双方以社会救助理论与实务交流为切入点,共同研究、深入探讨、相互借鉴如何更好的保障和改善困难群体的基本生活,这既是中国与欧盟之间加强对话交流、建立互利互信的重要话题,也有利于推动中欧社会公平公正、促进各国人民共享经济社会发展成果。让我们携手并进,以中欧社会保障改革项目为载体,加强合作、分享经验、促进交流,为更好保障中欧双方人民群众的基本生活权益而努力。

最后,预祝本次会议取得圆满成功,预祝各位参会代表在北京生活愉快!

谢谢大家!



## Mr Hans-Dietmar Schweisgut, Ambassador of the European Union to China



Your Excellency Minister Li, Honourable Ministers and Ambassadors, distinguished guests and colleagues from China and Europe. It gives me great pleasure to open the 2015 EU-China High Level Forum on Social Assistance.

The high level forum today will focus on discussions and exchanges between the EU high level policy makers and experts and MOCA under the title "Challenges for the Legal Framework of Social Assistance".

As this is the first large event under the EU-China Social Protection Reform project, the event is also the project's launch.

The wider project aims to enhance China's institutional capacity to improve social protection systems in the areas of social insurance, social assistance and management of social security funds, in cooperation with the National Development and Reform Commission, Ministry of Civil Affairs and Ministry of Finance.

Today's event is a very good example of what this project is about and how it works.

The high level forum is bringing a range of high-level EU policy makers and experts together with their corresponding high-level Chinese officials to have exchanges on the challenges and issues in establishing a comprehensive legal framework for social assistance, drawing on relevant EU experiences in this field.

Prior to this event, the project has supported a series of more technical workshops and research papers to review Chinese and EU experiences to target and facilitate an efficient and better informed high-level dialogue.

Hopefully the exchanges and discussions at the forum today and tomorrow will feed into further analysis and concrete proposals for the project stakeholders to work on.

### **Importance and timeliness of the project**

The reform and modernization of China's social protection system is of importance for the wider economic development and cohesion of society.

China's strong growth has been accompanied by increasing inequality, both in income and assets, as well as increasing inequality of opportunities.

China has moved ahead rapidly with a wide-ranging reform of the social protection system. Coverage of social insurances has been expanded to near universal coverage within a relatively short time span, but there are still many issues in regard to the level of protection that can be provided.

New legislation is being put in place. One such piece of legislation was on social insurance back in 2012. It was supported by the predecessor of this project, the EU-China Social Security Reform project.

However, China is still facing large challenges in the reform of its social protection system.

- China is ageing rapidly, faster than in other countries. Today, around 8% of the population is above 65. By 2030 this could be more than 20%, higher than present levels in the EU. The tremendous demographic transition China faces has been described as "China is getting old before it is getting rich".
- China is also seeing a rapid increase in the level of urbanisation, with several hundred million people moving to urban areas over the coming decades. While presenting opportunities for efficiency and growth, the demands on social services and systems will be very significant further adding to concerns on funding and affordability.
- Also the slowdown we are seeing in economic growth rates in China will further accentuate the challenges posed by increasing demand and expectations for comprehensive social protection services.

### **The EU as partner in this project**

I'm happy to say that I think that the EU is the right partner for a project like this.

The EU and its member states offer a wealth of experience and lessons from a long tradition of, and strong focus, on social protection.

Social protection lies at the heart of the European Social Model. It is largely the responsibility of the individual member states in accordance with the so-called "Principle of Subsidiarity".

However, at EU level the "Open Method of Coordination", a voluntary process for political cooperation, based on agreeing common objectives and common indicators, has been established.

Social protection systems vary widely across the EU with regard to structure, instruments and funding arrangements. However, EU member states are all in principle committed to providing universal access to social protection against the major lifecycle risks.

European social protection systems have provided important buffers against lifecycle risks and income poverty, as well as limiting inequality. The recent financial crisis has also raised questions regarding affordability and efficiency.

In Europe we are facing similar challenges to China, including an aging society, unemployment, rising health care costs and the special needs of migrant workers.

To facilitate the internal market in the EU and promote a flexible labour market, harmonisation of systems and portability of benefits are the core elements.

Through this Social Protection Reform Project, China and the EU will be able to readily identify the relevant experiences and lessons from the EU and its member states. This can then serve as effective input for Chinese reforms and policy making.

The Chinese government is at a vital stage in developing its 13<sup>th</sup> Five Year Plan and the EU is keen to contribute relevant lessons and experiences for the reform of the social protection system via this project.

### **Closing Remarks**

Once more, let me express my appreciation to the Ministry of Civil Affairs, National Development and Reform Commission, Ministry of Finance, Ministry of Commerce and other stakeholders for their strong commitment to this project and the tremendous support that they have given to EU-China co-operation in this area.

I must also extend my heartfelt thanks to the respective ministries and social protection bodies from the EU Member States' Consortium: Belgium, Czech Republic, France, Italy, Poland, Romania and Spain, as well as the EU resident experts, for their attentiveness in building up a strategic partnership with the Chinese government in aspects of social protection, and for their active involvement in the implementation of this project.

I wish you fruitful discussions and the greatest of success for the EU-China Round Table on Social Protection.



尊敬的李部长阁下，尊敬的各位部长、各位大使，尊敬的各位来宾以及中、欧方的各位同事：

我非常荣幸在 2015 年中国-欧盟社会保障改革高级别会议上发言。

今天开幕的高级别会议将以“社会救助法制化进程中的问题挑战”为主题，聚焦于中国民政部和欧盟高层政策决策者和专家之间的讨论和交流。

作为中国-欧盟社会保障改革项目的第一次大型活动，本次高级别会议也是本项目的正式启动仪式。

中欧社会保障改革项目的宏观目标是通过与中国国家发展和改革委员会、民政部和财政部的合作，增强中国社会保障体系在社会保险、社会救助和社会保障基金管理方面的制度能力。

今天的会议则是该项目宗旨和运行的最佳体现。

本次高级别会议将让一大批欧盟高层政策制定者和专家就建立社会救助综合性法律框架的议题及其所面临的挑战，与对应的中国高层官员进行交流，并提供欧盟在该领域相关的经验。

在各项讨论进行之前，中欧社会保障改革项目已经举行了一系列技术含量较高的研讨会，准备了针对中方和欧方经验的研究报告，这有助于明确讨论目标，实现更有效、更有信息容量的高端对话。

希望在今明两天的会议中，各项交流和讨论可以有助于对中欧社会保障改革项目各相关方面进行更深入的分析 and 采纳更切实的政策建议。

### 中欧社会保障改革项目的重要性与及时性

中国社会保障体系的改革与现代化，对于总体的经济发展和社会和谐来说至关重要。

伴随着中国强劲的经济增长，社会中已经逐步增加了诸多不平等因素，包括收入、资产方面的不平等，也包括机会方面的不平等。

而中国也加快推进了大量针对社会保障体系的改革。社会保险在非常短的时间内，几乎实现了全覆盖，但仍有许多关于保障水平的问题需要解决。

新的立法项目也在推进，包括 2012 年所推出的社会保险方面的综合性立法。而该立法工作曾得到了第一期中欧社会保障改革项目（即本次项目之前一期）的支持。

但是，中国在社会保障体系改革过程中，仍然面临着巨大的挑战。

中国的人口老龄化速度很快，并快于其他国家。今天，中国有 8%的人口年龄高于 65 周岁，到 2030 年其比例将高达 20%，比今天欧盟国家的平均水平还要高。中国所面临的如此巨大的人口结构转型被称为“未富先老”过程。

中国也正在见证高速的城市化进程，伴随着数以亿计的人口在接下来数十年涌入城市地区，在给予效率和增长以及机会的同时，除了要考虑社保体系的筹资和支付能力，社会服务方面的需求也相当重要。

当前经济增长放缓，人民不断增长全面性社保服务的预期和需求也让中国面临更多的挑战。

## 欧盟作为社保改革项目的合作伙伴

我要非常高兴地说，我认为欧盟在社会保障改革这样的项目中将会是非常好的合作伙伴。

欧盟及其成员国从其社会保障的长期传统和专注建设中积攒了相当丰富的经验和教训。

社会保障处于欧洲社会模式的核心位置。根据欧盟的“辅助性原则”，社会保障更多是欧盟各个成员国的责任。

但是在欧盟总体层面也建立了“开放性协调办法”，即一项基于共通目的和共同指标的政治合作自愿程序。

欧盟内部的社会保障体系各有千秋（比如在结构、工具和筹资安排方面），但是欧盟成员国原则上都要为保障公民免于生命周期所面临的主要风险提供共通的途径。

欧盟社会保障体系已经为解决风险、收入性贫困以及限制欧盟范围内的不平等提供了非常重要的动力。近期的财政危机则对政府的支付能力与基金的充足性提出了挑战。

在欧洲，我们与中国一样面临着类似的挑战，包括社会老龄化、失业问题、医疗成本增加和流动工人的特殊需求等问题。

为促进欧盟内部市场发展并推动劳动力市场的流动性，各国社保体系之间的协调和社保福利转移接续的便携性就成了一项关键因素。

通过本次社会保障改革项目，中国和欧盟可以更好地辨识欧盟及其成员国的相关经验和教训。这将为我国各项改革和政策制定提供更有效的参考。

中国政府正处于“十三五规划”的关键时期，而欧盟则非常乐于通过本次项目为我国社会保障体系的改革共享其经验。

## 总结

请让我再一次表达对民政部、国家发展和改革委员会、财政部、商务部以及其他有关各方的感谢，感谢各方对本项目所做的工作以及在中欧双方各领域合作之中所给予的大量支持。

我也要感谢来自本项目欧盟联合体各成员国（比利时、捷克、法国、意大利、波兰、罗马尼亚和西班牙）的部长、社会保障机构和欧方常驻专家，感谢大家在与中国政府建立社会保障领域战略性伙伴关系中所倾注的心力，也感谢大家在本次项目执行过程中积极的投入。

我衷心祝愿本次中国-欧盟社会保障高级别会议将有丰富的讨论，并取得圆满成功！



**Mr Marek Bucior, Deputy Minister of Labour and Social Policy, Poland**



Dear Ministers, Colleagues, Ladies and Gentlemen,

I am very pleased to welcome participants to the EU-China High-Level Forum on Social Protection Reform and the launch of the EU-CHINA Social Protection Reform Project. I am glad that so many of you decided to attend this crucial event.

We are gathered here in Beijing – the heart and soul of China. For centuries now this city has been the nation's political headquarters and cultural centre. Around the world Beijing is known as one of the world's greatest ancient capitals. Now standing side-by-side with old Beijing's crimson palace complexes are the city's impressive skylines. Beijing is a superb example of the great transformation that China has undergone as it burst into the 21st century. Therefore, it is the perfect place to announce the launch of our Project.

The EU-China Social Protection Reform Project is an important base of cooperation between the European Union and China. In my opinion this collaboration will bring the two entities closer together and hopefully bring the relationship to the next level.

The Project is essentially a platform for the exchange of information and good practices and an opportunity to share experiences of European countries in reforming their social security systems.

I am glad that the Ministry of Labour and Social Policy of the Republic of Poland has the opportunity to participate in this Project as the Coordinator of Component 3. And the Ministry of Civil Affairs of the People's Republic of China is a key partner, whose involvement in the Project, its ideas and cooperation are vital for us. The effective and close bilateral cooperation between our Ministries that has been developed and strengthened recently is surely an added value for the project.

Component 3 aims at improving the legal framework and policy for social assistance in China.

Having in mind the experience of Poland as a country that has successfully completed the transformation of its economic and political system, I can safely say that this is not an easy task. And the reforms of a social welfare system, in particular taking into consideration population ageing, economic crisis and the need for financial sustainability, are of crucial importance. It is a big challenge that must be faced in order to give the necessary support to the most deprived groups. We all know that the road is long and bumpy but one which must be taken in order to help people in need.

Today's High-Level Forum is the Project's first high level event with the participation of European Union and Chinese high-level policy makers, experts and practitioners. It focuses on social assistance in the context of challenges for social protection in the EU and China.

Ahead of us are two days of discussions, presentations and exchanges of views. Looking at the Forum's agenda I am confident that challenges for developing the legal framework of Social Assistance will be presented from many different perspectives. They will show various approaches to the issues and will show diverse ways to tackle the topic. I do sincerely hope that we will be able to reach important conclusions and understand each other even better.

I wish all of us fruitful discussions. Thank you!

## 波兰劳动与社会政策部副部长马勒克·布乔尔先生



各位部长，各位同事，女士们、先生们，

非常欢迎各位来此参加中国-欧盟社会保障改革高级别会议暨中国-欧盟社会保障改革项目启动仪式，我非常高兴有这么多人参加了这个重要的活动。

我们聚首北京—中国的心脏和首都。几个世纪以来，北京市一直是中国的政治和文化中心。全世界都知道，北京是世界上最古老的都城之一。现在的北京，古典的宫殿和现代摩天大楼相得益彰。北京是中国驶向 21 世纪进程中转型的典范。因此，北京是宣布我们项目启动的完美地点。

中国-欧盟社会保障改革项目是欧盟和中国合作的重要基础。以我个人观点，此项合作将会将双方关系进一步加强，我也希望，本次合作能将双边关系推上新台阶。本项目是交流信息和最佳实践的绝佳平台，也是分享欧盟国家在社会保障体系改革方面经验的绝佳机会。

我非常高兴波兰共和国劳动、家庭与社会政策部有机会作为项目第三部分的协调方参加到此项目。中华人民共和国政府是一个重要的合作伙伴，民政部的加入、观点的分享与合作对我们来说至关重要。我们双边的部委通过积极有效、紧密的合作必然会为此项目增光添彩。

项目第三部分的工作旨在提高中国社会救助的法律框架和政策。波兰建国之后已经成功完成了经济和政治体系的改革，我可以确定的说，这并不是容易的事情。社会福利体系的改革，尤其要考虑人口老龄化、经济危机和财政可持续性的需求，这几点都至关重要，这些也是给予最弱势群体必要支持所面临的重大挑战。我们都知道，这条路漫长且崎岖不平，但是也要尽我们最大的努力去帮助哪些需要帮助的人。

今天的会议是本项目的第一次高级别活动，中国和欧盟的高级别政策制定者都参与了此次活动。本次会议重点是在中国和欧盟社会保障制度面临挑战的环境下讨论社会救助。

未来两天将会有讨论、演讲和观点交流。看过日程之后，我相信，各位演讲人将会从许多不同观点展示社会救助法律框架所面临的挑战。他们会讨论解决问题的不同方法，对于不同的问题通过多种方法去解决。我真诚的希望，我们能够达成重要结论，甚至能更好的了解彼此。

我预祝今明两天的会议硕果累累。谢谢！

## 4. Keynote Speeches

### Mr Gong Puguang, Vice Minister, MoCA, P.R. China The Establishment and Development of China's Social Assistance System



The Chinese government has always considered social assistance an important issue. According to Article 45 of the Constitution of the People's Republic of China, *citizens of P.R.C have the right to obtain material help from the State and society, when old, ill or disabled so as not to work, and the State must develop social insurance, social assistance and medical and health systems for citizens to enjoy that right.*

In recent years, the Chinese government has improved its understanding of the rule of law, and has intensified its administration under the rule of law. Under this the Government has made and conducted a number of good and effective policies and activities in accordance with China's situation. China has now formed a Social Assistance System with Chinese characteristics. This is currently effectively protecting and improving the basic livelihood of 20 million low-income people. It is also promoting fairness and equality in society and making a significant contribution to the global process of poverty reduction.

In February 2014, the Chinese government promulgated the “*Interim Measures on Social Assistance*” which has improved the top-level design of the system, and defined the composition of its contents, procedures for applying and being approved for social assistance as well as issues related to funding, standards and legal responsibilities. Under this Measure the State is building up a safety net for protecting the basic livelihood of persons suffering from poverty. According to the Measure, the current social assistance system of China will consist mainly of the following components:

**(1) The Minimum Livelihood Guarantee (Dibao):** This is assistance that the state provides to poor families living in urban or rural areas, when the family members' income per capita is under the minimum livelihood standard for the local area, and the families' property meets the prescribed requirements according to related regulations. The Minimum Livelihood Guarantee is assistance provided in cash to cover the income gap. Currently, Dibao is granted to all the eligible people and the benefits are vested according to a fixed standard. The Dibao procedure is managed by the local area government, where the beneficiaries are registered and the standard is set in line with the minimum

needs, including those for food, clothing, water, electricity, etc., for people living in local area. The Dibao benefit keeps vesting in the beneficiary until their income exceeds the local standard.

**(2) Support for People in Special Difficulty:** The target group for this assistance is elderly people, disabled people and those under 18, with no capacity to work, without income source, and without legal dependents/financial benefactors including those whose benefactor is unable to provide support. This support mainly consists of assistance for basic living, care service, medical treatment and funeral issues. The level of support is set by the provincial government or the municipal government of a city with subordinated district(s). Beneficiaries can choose to receive collective support in local service agencies or individual support at home.

**(3) Disaster Assistance:** In China, there is a complete system of laws and regulations on disaster relief and covering the consequential damage. Since the 1980's, there have been more than 30 disaster-related laws and regulations enacted, e.g. "the Law on Reacting to an Emergency" and the "Law on Mitigating Disasters from an Earthquake". In September 2010, the "Regulation on Assistance against a Natural Disaster" entered in force. It regulates the preparations of emergency preparedness plan, reserves of emergency supplies, emergency shelters, staff and equipment for reacting to a natural disaster as well as concrete activities such as emergency assistance, information dissemination, assistance after the disaster and financial management, etc.

**(4) Medical Assistance:** This assistance includes financial support for medical costs for poor people living in urban and rural areas. The target groups are members of a Dibao beneficiary family, beneficiaries of a "Support to People in Special Difficulty" benefit as well as those with a deadly disease, seriously disabled persons and elderly persons from low-income families. The assistance is mainly provided in two ways firstly subsidizing poor people participating in the Basic Medical Insurance (B.M.I.) scheme and secondly by providing assistance to those who are still suffering financial difficulty after receiving reimbursement from the B.M.I.

**(5) Education Assistance:** This assistance seeks to help students who suffer financial difficulty during their education. China has built up an assistance system which covers the complete education system from pre-school to post-graduate. Beneficiaries, who have different needs at different education stages, will receive help from the education authorities through exempting of all fees, receiving scholarships, having living costs subsidized, receiving part-time work opportunities, etc. These can effectively provide protection for students' to basic living and studies. The level of education assistance is set by provincial governments in line with the social-economic development of local area and beneficiaries' basic study and living needs. In 2014, the Central Government provided ¥134.52 billion as a subsidy to beneficiaries receiving compulsory education through programs, such as "The Two Exemptions" and "One Subsidy" plan, etc.

**(6) Housing Assistance:** Housing authorities provide assistance to eligible families, who have difficulties in obtaining housing, by allocating public rental housing and providing a subsidy for house rental and renovating a dilapidated house in a rural area, etc. The standard for evaluating housing difficulties and the benefit paid are set by Governments above county level, according to housing prices and the local social-economic situation. By the end of 2014 about 40 million urban families had



received housing assistance either through receiving a rental house or a rental subsidy. The Central Government had allocated ¥23 billion (\$3.6 billion) for renovating dilapidated houses in rural areas.

**(7) Employment Assistance:** Members of a Dibao family, who are able to work but are unemployed, receive government employment assistance, through subsidies on loan interest, subsidies for social insurance contributions, an employer subsidy, a training subsidy, exemption of fees and public works employment etc. In 2014, more than 200,000 persons from Dibao beneficiary families were employed through public works programs.

**(8) Temporary Assistance:** This includes the urgent and temporary assistance provided by the State to people or families who find themselves in basic livelihood difficulties on account of an emergency, an accident, injury, deadly disease or other special causes and can't receive assistance under another program or they still suffer from difficulties after receiving assistance provided by the other systems. This is a new assistance system established in 2014. In the whole social assistance system, the Temporary Assistance is a minimum guarantee for people, and is considered the last step in the social safety net.

To ensure the implementation of the social assistance system there are several mechanisms in place.

**For inter-department coordination,** the Central Government establishes a Ministerial Conference on Social Assistance, which is chaired by the Ministry of Civil Affairs and involves 27 ministries and authorities. At this conference, communicating information, periodical reporting and dynamic reports on special issues are all fixed items on the agenda. Meanwhile, all authorities have established a means-testing system featuring multi-authority and multi-level cooperation with adequate information sharing. This helps the Civil Affairs Authority to identify potential beneficiaries.

**For administration and servicing,** application service windows are established in the administrative hall of a township or street, where responsible staff process the application-related issues or transfer them to other authorities. The issues can be administered by one authority with the assistance of different departments thereby ensuring the population have a guaranteed place and time for applying.

**For regulation and management,** governments can adjust the standards according to changes in the social-economic situation and prices so that the social assistance benefit can be indexed to dynamic prices and the lives of beneficiaries are not adversely impacted by price increases.

Social assistance is connected to employment. Beneficiaries able to be employed must register in the unemployment record, and for those who are employed, the employment costs will be subtracted under the means-test, in order to encourage them to become employed.

**In terms of emergency assistance,** all the emergency or urgent difficulties that people might encounter in daily life are considered in the scope of the protection, and the emergency or difficulties are to be solved through appropriate social assistance or with the help of social forces.

Currently, the protection on people's basic livelihood is a heavy task for the Chinese Government since a large number of people are falling into poverty or difficulty. Therefore, we should intensify work on the following issues:

1. **Clarifying goals:** We should attempt to improve the system of social assistance, enhancing management, increasing the levels of assistance and reinforcing the capacity of providing the minimum guarantee for people. These are the main tasks of the social assistance system. . We should address the key activities which need innovative social assistance, during the period of the 13<sup>th</sup> Five-Year Plan, and we must aim to build up the management and service systems for social assistance. A full system with integrated sub-systems and the capacity to guarantee the minimum standard with highly effective implementation is needed.

2. **Improving administration under the rule of law:** Administration must be legitimized. The authorities must improve the regulation of the social assistance system in order to guarantee that its implementation is conducted under the principle of law. Laws and regulations must be fully adopted in our work and behavior. Local authorities must set up regulations in line with local reality. Policies should aim to enlarge the target group, adopting an innovative approach, extend content and intensify the supervision of social assistance, so that the administration of social assistance is regulated under law.

3. **Enhancing integrative assistance:** The authorities must develop innovative thoughts and measures on social assistance and build up diverse platforms for service delivery. Furthermore, they should pursue an integrative package of assistance comprising material guarantees, livelihood assistance, psychological assistance, skills training, resource networking etc. The delivery of social assistance should be diversified, combined, professionalized and individualized. This way social assistance services can be optimized and the integrative effect of the social assistance system can be implemented.

4. **Encouraging participation of social organisations:** We are going to research on how to build up a platform that integrates information about government assistance resources, social organization's assistance programs, a citizen's own intentions on providing assistance and beneficiaries' needs. With this we can enlarge the approach for social organisations to participate in social assistance and encourage social organizations, social workers and volunteers to do more in the sphere of social assistance. Additionally more charity resources in society can also participate in social assistance. Meanwhile, concrete services of social assistance, which are provided by social forces, can be purchased by government via trusts, contracting out, procurement, etc.

5. **Improving service:** Social assistance information systems, such as the National Dibao Management System, should be utilized to realize the communication with and inter-connection of information systems. Coordination between different authorities should also be intensified. An inter-authority, multi-level and information-sharing mean-test mechanism and information platform for social assistance must be developed so that the checking of applications can be digitalized, the administration can be conducted on-line, and information resources for checking claims can be shared. A basic database concerning the population who are poor should be developed and advanced technologies, such as cloud storage, should also be introduced into the management of social assistance.

## 中国社会救助体系的建立与发展

中华人民共和国民政部副部长宫蒲光先生



中国政府历来高度重视社会救助。《中华人民共和国宪法》第四十五条明确规定，“中华人民共和国公民在年老、疾病或者丧失劳动能力的情况下，有从国家和社会获得物质帮助的权利。国家发展为公民享受这些权利所需要的社会保险、社会救济和医疗卫生事业”。近年来，中国政府不断强化法治意识，坚持依法行政，从我们的国情出发，实施了一系列有力的政策措施，形成了具有中国特色的社会救助制度体系，有效地保障和改善了近 8000 万低收入人群的基本民生，促进社会公平正义，为全球反贫困事业作出巨大贡献。

2014 年 2 月，中国政府颁布《社会救助暂行办法》，其特点是，加强了制度的顶层设计，规定了中国社会救助制度的构成内容、申请审批程序、资金保障、救助标准和法律责任等，编织起一张保障贫困人群基本生活的安全网。根据《暂行办法》规定，当前中国社会救助制度体系主要由以下几个方面构成：

**（一）最低生活保障（低保）。**是指国家对共同生活的家庭成员人均收入低于当地最低生活保障标准、且财产状况符合规定条件的城乡贫困人口，给予最低生活保障的救助制度。最低生活保障是一项补差型现金救助制度，目前，最低生活保障已经基本做到了应保尽保、按标施保。最低生活保障实行属地管理，低保标准按照维持当地居民基本生活所必需的吃饭、穿衣、用水、用电等费用确定。低保没有时间限制，当家庭收入变化且超过当地标准将不再发放。

**（二）特困人员供养。**救助对象是无劳动能力、无生活来源且无法定赡养、扶养、抚养义务人，或者其法定赡养、扶养、抚养人无赡养、扶养、抚养能力的老年人、残疾人和未成年人，重点在基本生活条件、照料服务、疾病治疗以及办理丧葬事宜等方面提供救助服务。供养标准由省级或者设区的市级政府确定。供养对象根据个人意愿，既可以在当地建设的供养服务机构集中供养，也可以在家里分散供养。

**（三）受灾人员救助。**中国在减灾救灾方面的法律法规比较健全，自 20 世纪 80 年代以来，先后颁布了《中华人民共和国突发事件应对法》、《中华人民共和国防震减灾法》等 30 多部减灾救灾法律法规。2010 年 9 月颁布的《自然灾害救助条例》，规定



了自然灾害救助应急预案准备、物资储备、避难场所准备、人员和装备等方面的救助准备工作，以及应急救助、信息发布、灾后救助、救助款物管理的具体内容。

**（四）医疗救助。**这项制度为城乡贫困人群提供医疗方面的资金支持和帮助，使其能够享有基本医疗卫生服务。医疗救助对象包括最低生活保障家庭成员、特困供养人员、低收入家庭中的重病患者、重度残疾人以及老年人等。医疗救助主要采取两种办法，一是资助贫困人群参加基本医疗保险；二是对经基本医疗保险报销后仍有困难的给予救助，并对医疗费用支出较大的实施重特大疾病医疗救助。

**（五）教育救助。**教育救助的目的是帮助那些因经济原因上学有困难的学生完成学业。中国已基本建立起从学前到研究生教育全覆盖的教育救助政策体系。教育管理部门根据救助对象在不同教育阶段的需求，采取减免费用、发放助学金、给予生活补助、安排勤工助学等方式，保障他们的基本学习、生活需求。教育救助标准由省级政府根据经济社会发展水平和救助对象的基本学习、生活需求确定。2014 年中央财政共下达义务教育“两免一补”等补助资金 1345.2 亿元（约合 211 亿美元）。

**（六）住房救助。**住房保障部门通过配租公共租赁住房、发放租赁补贴、农村危房改造等方式，对符合规定标准的住房困难家庭给予住房救助。住房困难标准和救助标准由县级以上政府根据当地经济社会发展水平、住房价格水平等因素制定。截至 2014 年底，通过住房配租及发放住房租赁补贴等形式，全国累计解决了近 4000 万户城镇家庭的住房困难。同时，2014 年中央还下达了农村危房改造补助资金 230 亿元（约合 36 亿美元）。

**（七）就业救助。**对低保家庭中有劳动能力并处于失业状态的成员，通过贷款贴息、社会保险补贴、岗位补贴、培训补贴、费用减免、公益性岗位安置等办法，给予就业救助。2014 年，全国共有 20 余万低保家庭成员通过公益性岗位实现就业。

**（八）临时救助。**临时救助是国家对遭遇突发事件、意外伤害、重大疾病或其他特殊原因导致基本生活陷入困境，其他社会救助制度暂时无法覆盖或救助之后基本生活暂时仍有严重困难的家庭或个人给予的应急性、过渡性的救助。这是我们于 2014 年刚刚建立的一项制度。在社会救助制度体系中，临时救助具有兜底保障的意味，是社会安全网中的最后一道防线。

为确保各项社会救助制度顺利实施，我们还相应健全完善了工作机制。在部门协调方面，中央政府建立了由民政部牵头、27 个部门参加的全国社会救助部际联席会议，部门之间的信息沟通、定期会商、动态专报等工作机制非常健全。同时，相关部门积极推动建立跨部门、多层次、信息共享的救助申请家庭经济状况核对机制，协助民政部门开展救助对象认定。在经办服务方面，乡镇（街道）层面建立了受理社会救助申请的窗口，及时受理、转办救助申请事项，做到“一门受理、协同办理”，确保“求助有门、受助及时”。在规范管理方面，根据经济社会发展水平和物价变动水平适时调整各项救助标准，基本实现社会救助标准与物价上涨挂钩联动，确保救助对象基本生活水平不因物价上涨而降低。完善社会救助与就业联动衔接机制，有劳动能力的社会救助对象，申请社会救助时先进行失业登记，已经实现就业的在核算其家庭收入时扣减必要的就业成本，引导积极就业。在“救急难”方面，将公众日常生活中可能碰到的所有急难事项都纳入制度保障范畴，通过各项救助制度和动员社会力量参与，解决其面临的实际困难。

目前，中国还有相当数量的人口因种种原因陷入生活贫困，基本民生保障任务十分繁重。所以下一步，我们将重点做好以下工作：



**一是明晰发展目标。**坚持把健全救助体系、完善运行机制、提升救助水平、提高托底能力作为社会救助事业发展的主要任务，关注“十三五”时期社会救助改革创新的重点领域，形成制度完善、相互衔接、托底有力、运行高效的社会救助管理服务体系。

**二是提升法治水平。**坚持依法行政，完善社会救助法规体系，为社会救助实施提供法治保障。充分发挥法律法规在规范行为、引领工作中的作用，推动地方政府立足当地实际，制定地方性法规，在扩大救助范围、创新救助方式、拓展救助内容、强化监督管理等方面完善配套政策，确保在制度范围内、法治轨道上实施救助。

**三是加强综合救助。**进一步创新救助理念和方式，建立多元化的服务平台，开展物质保障、生活帮扶、精神慰藉、心理疏导、能力提升、资源链接等相结合的综合性救助，实现救助方式的多样化、组合化、专业化和个性化，最大限度拓展社会救助服务内涵，发挥社会救助体系的综合效用。

**四是引导社会参与。**我们将进一步研究搭建政府救助资源、社会组织救助项目、公民个人救助意愿与救助对象需求对接的信息平台，畅通社会力量参与社会救助的渠道，引导社会组织、专业社工、志愿者等参与救助服务，引导更多的社会慈善资源参与社会救助。同时，将社会救助中的具体服务事项通过委托、承包、采购等方式，由政府向社会力量购买服务。

**五是提升服务手段。**加快部署和广泛应用全国低保管理等社会救助信息系统，实现相关信息系统的互联共享，进一步加强部门协作协同，建设跨部门、多层次、信息共享的社会救助申请家庭经济状况核对机制和信息平台，实现信息化核对、网络化管理、核对信息资源共享。推动建立贫困人口基本信息数据库。探索将云计算、大数据等先进技术引入社会救助管理服务。



Mr Prof. Tito Boeri, President of the National Social Insurance Agency - INPS, Italy

## The Welfare State



In the last few years, the banking system in Europe experienced several stress tests aimed at assessing the vulnerability of financial institutions to negative economic developments, such as serious drops in GDP or changes in interest rates. However, a similar analysis has not been carried out with reference to a key pillar of the European Union: the welfare state.

The welfare state is supposed to act as a safeguard, particularly during difficult times like those which have occurred in Europe since the economic crisis. It essentially has three key functions.

- The first function - perhaps its overriding purpose - is to provide relief from poverty or to prevent a rise in poverty rates;
- the second function is to protect workers from risks related to privately labour market, by providing unemployment benefits in case of job loss;
- the third function is to promote labour force participation.

In a period of economic crisis the first of these functions is clearly the most important.

The Great Recession has been compared to the Great Depression of the 1930s with referral to several aspects; according to specific measures, for some countries the last few years have been actually even worse: the fall in GDP in some southern European countries has been larger this time than during the Great Depression. Also comparing the industrial production trends - very nicely captured by Barry Eichengreen and Kevin O'Rourke - it is clear that, in some respects, things have been even worse.

However, for the most part, the classic image of the Great Depression, with huge numbers of middle class people suddenly becoming poor, has not appeared during the Great Recession. Indeed something different occurred such as the increase of homeless people. Hence, it is very important to precisely analyse the impact of the welfare state, now that data concerning incomes, consumption patterns and labour market are available.

*The "stress test" of the European welfare state.* At first some basic threshold levels are calculated. For instance, how much should GDP decrease before the poverty start increase? In order to neutralize the changings of poverty thresholds over time, it is necessary to consider poverty as an absolute value: it has been calculated the relative poverty threshold in a certain year, which is 60 per cent of the median income in a country, and frozen it over time in real terms. Hence, if someone slips below this threshold in future years, he will be classed as being in poverty, even if the median income changes.

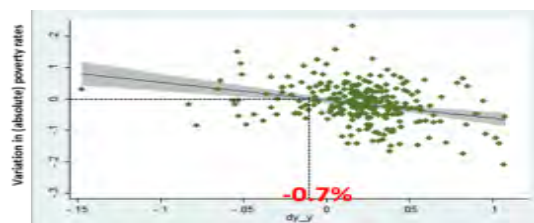


Figure 1 – EU threshold of GDP decline for poverty to increase

It turns out that for the European Union as a whole, a recession which results in a drop of 0.7 per cent of GDP will significantly increase the poverty rate. However there is a large variation between EU countries. Whereas in some southern European countries even a milder recession will increase poverty rates, in the Nordic countries a recession as high as 5 per cent of GDP does not result in a rise in poverty rates. This underlines that there are substantial differences in the way in which different countries in Europe react to these conditions.

Similar findings come from analysing the poverty rates and unemployment rates. In southern Europe it is sufficient to have a rise in unemployment of around 1.3 base points to get a poverty increase, while in the Nordic countries the relation between poverty rates and unemployment is almost flat: unemployment can rise significantly without affecting poverty. Therefore there is a problem of vulnerability in certain parts of Europe which does not exist in other countries to the same extent.

Part of the reason of the higher vulnerability of Southern European countries is that these countries have developed institutions which make them particularly vulnerable to economic shocks. In particular, in the past these countries relied on some extent on families' support, which constituted a kind of informal welfare state. They also transformed and reformed their labour markets in a partial way. They introduced so called 'two-tier' systems, where there is a coexistence of workers with open-ended contracts and those with fixed-term contracts in the same labour market.

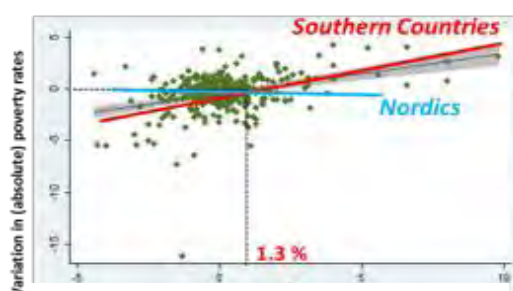


Figure 2 - EU threshold of Unemployment rate for poverty to increase (Nordics and Southern Countries)

During this recession, employers clearly found it more convenient lying off those workers who did not have a permanent contract because it was far less expensive doing it. This occurred even if workers were younger or potentially more productive. At the same time, the system is heavily imbalanced when it comes to welfare. A pure unemployment insurance system requires a long contribution period, and since these workers typically have many short period of employment, they often fail to reach the level of contributions that would make them eligible for full unemployment benefits.

Thus, these issues need to be tackled. On the one hand, these countries need to address the contractual dualism which exists and find a way to unify the labour market, and this is something which can be done independently in each country. For example, Italy recently introduced a graded security contract which is really aimed at absorbing temporary workers into permanent jobs. This worked just by making it easier for employers to lay off workers in the initial stage of their career, with the protection that gradually increasing throughout an individual's employment.

Another reform which these countries should pursue is to make the coverage of unemployment benefits wider, while trying to build up a safety net for those who become unemployed. This would make their welfare systems more similar to those which exist in northern European countries. However, this second approach is more difficult to implement at the national level. Whereas addressing contractual dualism has no fiscal implications, increasing the coverage of unemployment benefits has direct fiscal implications and is relatively expensive to achieve.

In several Eurozone countries which are undergoing fiscal consolidation policies this is not feasible. Thus, a conclusion in terms of policy analysis that can be drawn from this situation is that when there

are asymmetric shocks within a monetary union, which hit some countries more than others, the fiscal rules that prevent these countries from adopting strategies to improve their welfare systems, are extremely damaging.

These policies have an important supra-national dimension. Looking at what is happening with unemployment in Europe, it emerges that it has become increasingly divided in terms of countries, or even in terms of regions. Historically there have been very significant regional differences within countries, for example between the North and South of Italy. However, the countries which have suffered during this recession have been damaged entirely – in strong regions as well as weaker regions, with a few exceptions. Meanwhile, the convergence in social spending within the EU that was taking place before the crisis has been interrupted.

Thus, one might then wonder whether as a result of all of these factors it is necessary to think more about coordination in terms of Europe's social model. There are clearly spill-overs in juridical terms, and there is the outstanding issue of poverty, which should be one of the key priorities, given the founding principles of the EU. There are also implications from macro-standpoint, as more coordination in terms of welfare spending would provide automatic stabilizers which have to be more efficient than those which have been used during the recession.

How should this be done in practice? There are proposals to introduce an EU-wide safety net or an European unemployment benefit system. In light of the current policy debates in Europe, both of these proposals might seem like extremely difficult objectives to reach. However, perhaps something less ambitious may be a better way to proceed, for example an equal opportunity contract for young workers in Europe, which gives them some funding to pay for training or to buy pension or unemployment benefit rights. Anyway, definitely one of the key lessons that can be drawn from this stress test is that Europe just doesn't need a welfare state, it also need a welfare union.

The need of an effective welfare union is even more clear while considering the current welfare frameworks of the different European Countries and there is a common concern, especially among the northern European countries. This concern is related to a

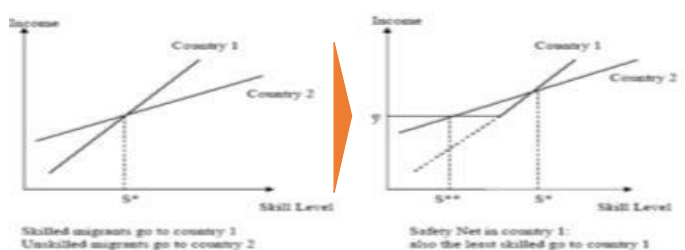


Figure 3 - Social welfare and the skill composition of migrants

sort of “welfare shopping” made up by migrants moving towards countries with the highest and most “profitable” welfare provisions. Taking into account the current context, characterized by the combined effect of the huge migration flows to Europe and the necessary cuts to the public spending due to the crisis, the attention to those issues inevitably raises.

There are some evidences that provision of welfare attracts more migrants, notably low-skilled: in fact, the presence of a Safety-net in a certain Country do attract both skilled and unskilled migrants, because the latter, all things being equal, can benefit of a higher potential income compared to the one achievable in an another Country where no minimum guaranteed income (MGI) is provided.

Similarly, according to the European Union Survey of Income and Living Conditions (EU-SILC), migrants seems to be beneficiary of not-contributory welfare programmes more likely than natives (e.g. housing and family allowances, education related allowances, etc.).

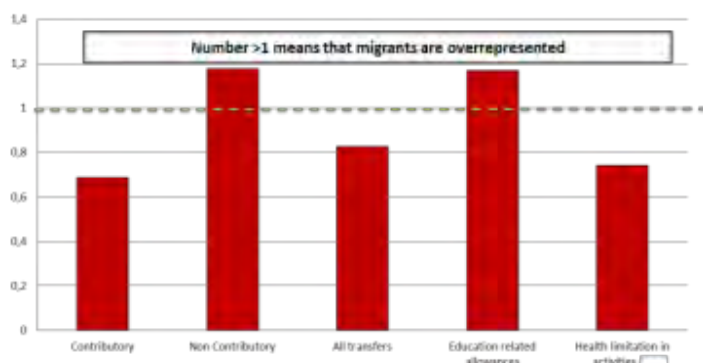


Figure 4 - Migrant to natives odds ratios of the receipt of various types of transfers

There is no doubt that “welfare shopping” is strictly related to the different level of welfare provisions provided by countries: the harmonization of welfare provisions and levels across European countries would significantly reduce migration related to «welfare magnets». With regard to minimum guaranteed income (MGI), one of the “welfare magnets” that attract migrants to the specific European

countries which provides it, it implies a very difficult trade-off between:

- imposing the same nominal level across regions;
- differentiate the MGI nominal level, taking into account the peculiar cost of living of different areas, such as urban areas and rural areas.

Establishing the same MGI nominal level across poorest and richest area may reduce migration, due to the highest real MGI value in poorest area. However, on the other hand, an homogeneous MGI level may lead to a kind of “moral hazard” among people living in poorest area (e.g. rural areas) who may find more favorable receive the cash benefit than look for a job.

In order to overcome this trade-off, INPS developed a proposal to introduce an MGI in Italy for people aged 55 and above, based on the ISEE - means testing, using information concerning incomes and assets of the entire households. Targeting the MGI to people aged 55 and above (that are typically unemployed due the crisis although at the same time they haven’t reached enough contribution periods to retire) have less problems of work (dis)incentives (the “Moral hazard”) and are less willing to move to another city or country, canceling out any «welfare shopping» issue.

Overall, these lessons from the Great Recession can be very valuable for China, a country even more diversified and heterogeneous than Europe, with huge differences in per capita income, labor market conditions and cost of living.

As the Great Recession confirmed that MGI is an essential tool to prevent that mass unemployment translates in mass poverty, MGI effects on migration and interactions with other social transfers (unemployment benefits or pensions) must be carefully monitored. Furthermore, while designing the MGI, some key-points must be taken in account in order to design an effective social measure: means-testing (tools and carry-out modalities), work dis-incentives, controls (frequency and responsibilities) and data collection.

## 意大利国家社会保障署署长狄铎·薄爱礼先生

### 福利国家



在过去的几年里，欧洲的银行系统经历了多项压力测试，旨在评估金融机构在应对经济消极发展时的脆弱性，比如：GDP 的严重下降或者利率水平的变化。然而，关于欧盟的一个关键性支柱：福利国家，目前还没有类似的测试分析。

福利国家应该作为安全网而存在，特别是在困难时期，比如经济危机以来欧洲所面临的困难时期。福利国家在本质上有三项重要的功能：

- 第一项功能—或许是它崇高的目标—减轻贫困或者防止贫困率的增长；
- 第二项功能是通过在失业时为工人提供失业津贴，使工人免遭民营劳动力市场的风险；
- 第三项功能是促进劳动力的参与。

在经济危机时期，第一项功能显然是最重要的。

一直以来，人们就在多个方面将大衰退与 20 世纪 30 年代的大萧条进行比较；根据具体的测量，实际上有些国家在近几年的情况更糟了：欧洲南部一些国家的 GDP 下滑程度比大萧条时期更为严重。巴里·艾肯格林和凯文·欧’鲁尔克也对大衰退与大萧条时期的工业生产趋势进行了很好的比较，发现大衰退时期的工业生产在某些方面的情形显然更加糟糕。

然而，大量的中产阶级人群突然成为贫困群体，在很大程度上可以说是大萧条时期的经典图景，这一图景直到大衰退时期仍然存在；但实际上，大衰退的图景在某些方面已经发生了变化，比如无家可归人口数量的增加。因此，非常有必要对福利国家的影响进行精确的分析，目前，收入、消费模式和劳动力市场相关的数据都是可利用的。

**欧洲福利国家的“压力测试”** 首先是对一些基本的临界水平的测算。比如，在贫困开始增加之前，GDP 应该在多大程度上产生变化？为了中和伴随时间变迁而产生的贫困线的变化，将贫困看作是一项绝对值是非常有必要的：对特定年份的相对贫困线的测算结果是一个国家收入中位数的 60%，扣除随时间变化的物价因素后，这一 60% 的标准



是固定不变的。因此，如果一个人的收入水平在未来几年滑到该水平线之下，即便中位收入这一指标发生变化，也不会影响他被划入贫困人口行列。

事实证明，将欧盟国家看作一个整体，经济衰退导致 GDP 下滑 0.7 个百分点将会使贫困率显著增加；然而，不同的欧盟国家间有很大的差异。因此，对欧盟南部的一些国家而言，即使轻微的衰退也会引起贫困率的增长；在北部国家中，即使产生 GDP 下滑 5 个百分点的经济衰退，也不会造成贫困率的增长。这暗示了欧洲的不同国家应对经济衰退的情形的方式是有差异的（图 1）。

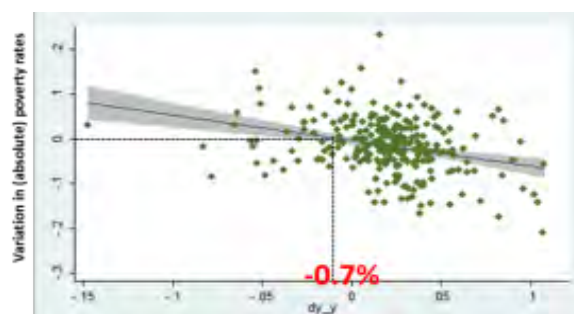


Figure 5 – EU threshold of GDP decline for poverty to increase

图1- 欧盟国家 GDP 的下滑水平与贫困的增加

对贫困率和失业率的分析也有类似的发现。在欧洲南部的国家中，失业增加到 1.3 个基准点就足可引起贫困的增长，然而在北部的国家中贫困率和失业的关系大致是持平的：失业能够在不影响贫困的情况下得到显著增长。因此，在相同的失业程度下，欧洲的某些国家存在脆弱性的问题，而在其他一些国家则不存在这种脆弱性。

欧洲南部国家的脆弱性相对较高的部分原因是，这些国家有发达的制度使得他们在经济冲击面前尤其脆弱。特别是，这些国家在过去在一定程度上依赖家庭支持，这种家庭支持构成了一种非正式的福利国家；他们也经历了劳动力市场的局部的转型与变革，引进了所谓的“双层”体制，即在劳动力市场中同时存在开放期限和固定期限两种不同的雇佣合同形式（图 2）。

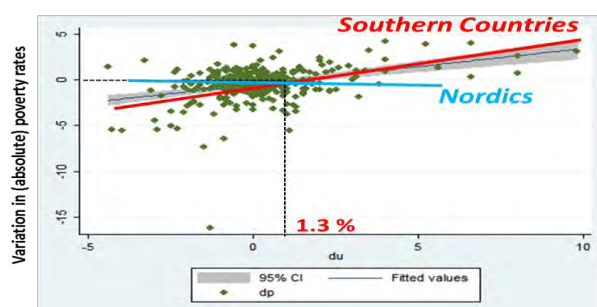


Figure 6 - EU threshold of Unemployment rate for poverty to increase (Nordics and Southern Countries)

图2 欧盟国家失业率水平和贫困的增加（北部和南部国家）

雇主们明显发现，在衰退期解雇那些没有永久合同的工人更加容易，因为解雇这类工人的代价更小；即使这类工人更加年轻或者更有潜在的生产力，这种现象也会发生。同时，就福利而言，这一开放期限的雇工系统是严重不平衡的；一个纯粹的失业保险系统需要一个较长的贡献期，鉴于这些工人通常会有一些短期的雇工，他们经常不能达到贡献水平，以至于使其不能享受全额的失业津贴。

因此，需要解决以上问题。一方面，这些国家需要解决现存的合同的双重性问题，并且找到统一劳动力市场的方法，这是可以在每一个国家中独立实现的。比如：近期，意大利引入了分等级的安全合同，旨在将临时工人纳入长期的永久性工作中；这项制度通过使雇主更容易在雇员职业生涯的初期解除其雇佣合同，使个体在其雇佣期间得到逐步增强的保护而起作用。

这些国家需要进行的另一项改革是扩大失业津贴的覆盖范围，同时尽力建立起失业人员的安全网；这将使欧洲南部国家的福利体系与北部国家的福利体系越来越接近。然而，这第二种途径在国家层面更加难以实施；解决合同的双重性问题没有财政上的影响，

然而，扩大失业津贴的覆盖范围有直接的财政影响，并且需要付出相对昂贵的财政资金才能达成目标。

在几个目前正在进行财政整顿的欧元区国家中，上述第二项改革措施是不可行的。因此，对这种情况进行政策分析可得出以下结论：当一个货币联盟内的不同国家存在不对称的经济冲击的时候，受到冲击较大的国家，其财政制度受到极大的损坏，使得这些国家不可能通过接受上述策略以改进其福利体系。

这些改革政策有一种重要的超一国家的维度。审视欧洲正在发生的失业现象，在不同的国家中越来越呈现差异性，甚至呈现地区的差异性。历史上，国家内一直存在显著的地区差异，例如，意大利的北部和南部。然而，经历过大衰退的国家已经受到完全的损毁（也有一些例外）——不论是经济实力强的地区还是弱的地区。同时，欧盟国家削减社会支出发生在经济危机爆发前。

因此，有的人可能会感到奇怪：作为上述要素的一个结果，是否有必要多考虑一下欧洲不同社会模式的协调。司法条目泛滥是显而易见的现象，贫困也是突出的问题，基于欧盟的建立原则，贫困问题应该被视为关键的优先项之一。在宏观角度也有一些启示，更多的协调福利支出上将提供自动的稳定器，这种稳定器将比在大衰退时使用的措施更加有效。

上述启示在实践中应该怎么执行呢？引进欧盟范围的安全网或者欧洲失业津贴体系是给出的提议。鉴于当前欧洲存在的政策争议，以上两个提议可能看起来很难达成目标。然而，或许，没有这么大的野心是更好的方式，比如，给欧洲的年轻工人同等的就业机会，给这些年轻人提供培训的资金或者购买养老保险，或者给他们享受失业津贴的权利。总之，从这项压力测验中可以吸取的一个关键的教训是，欧洲不仅仅需要一个福利国家，还需要一个福利联盟。

当考虑到欧洲不同国家现有的福利框架以及对北部欧洲国家的共同关切时，建立一个有效的福利联盟的需要更加明显了。这种共同的关切与一种“福利购物”相关，这一现象由移民向福利保障最高且最“有利可图”的国家流动所引起的。当前的形势以大规模的移民流向欧洲和危机所带来的必要的公共开支削减的综合效应的混合效应为特点，考虑到这一特点，便不可避免的加强了对这些问题的关注。

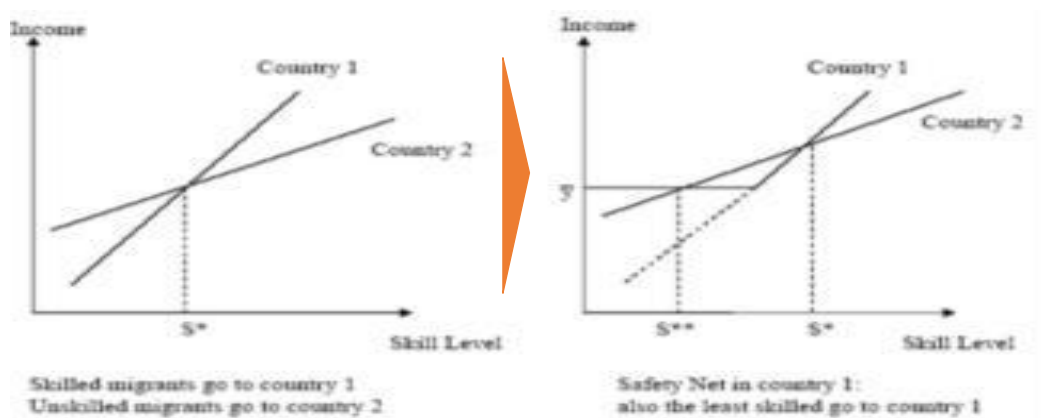


Figure 7 - Social welfare and the skill composition of migrants

图3 社会福利和移民的技能构成

这里有一些证据显示，福利的供给吸引更多移民，这些移民具有显著的低技能特征：事实上，特定国家的安全网的出现确实不仅能够吸引富有技能的移民，也能够吸引没有技能的移民；因为福利是平等的，与没有最低收入保障计划（MGI）的国家相比，后者更有可能获得更高的收入（图 3）。

类似的，依据欧盟收入和生活条件调查（EU-SILC），移民似乎比本地居民更有可能获得非贡献型福利项目（比如：住房和家庭津贴、教育相关的津贴等）（图 4）。

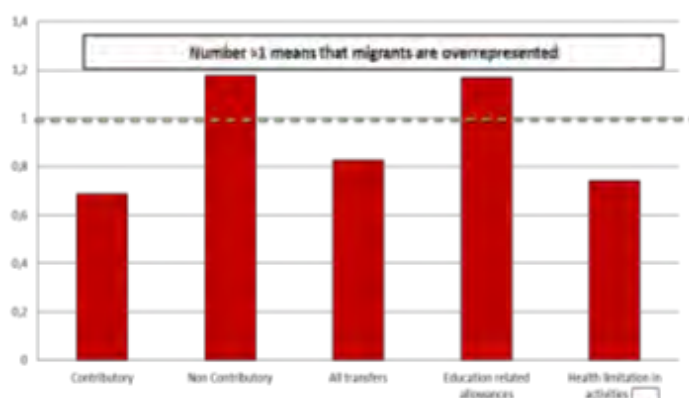


Figure 8 - Migrant to natives odds ratios of the receipt of various types of transfers (EU15)

图 4 移民与本地居民接受不同类型的转移支付的比率

毫无疑问的是，“福利购物”与不同国家的不同福利供给水平紧密相关：欧洲国家福利供给及水平的和谐将显著降低与“福利磁铁”相关的移民现象。考虑到最低收入保障计划（MGI），一个能吸引移民去欧洲某个国家的“福利磁铁”，即使这个国家所提供的福利保障，这一现象很难达成以下两种情况间的权衡：

- 不同地区使用相同的测量水平；
- 最低收入保障计划（MGI）的测量水平差异，将不同地区的特殊生活花费考虑在内，比如：都市地区和农村地区。

由于在贫困地区可以获得最高的最低收入保障计划实际收益的价值，在贫困地区和富裕地区建立同样的最低收入保障计划（MGI）测量水平可以减少移民。然而，另一方面，均衡的最低收入保障计划水平可能导致最贫困地区的居民产生“道德危机”（比如：农村地区），这些居民可能会发现接受现金补贴比找一份工作更受欢迎。

为了解决上述权衡，意大利社会保障署提议引进最低收入保障计划覆盖意大利 55 岁以上的人口，建立在 ISEE—支付能力调查的基础上，这一调查使用与整个家庭的收入和财产相关的信息。最低收入保障计划的瞄准对象是 55 岁以上的人口（通常是因经济危机而失业的人口，即使他们还没有达到退休的贡献要求），这些人口很少有工作激励（阻碍）上（道德危机）的问题，也很少有人希望搬迁到其他的城市或者国家去居住，这就抵消了“福利购物”的问题。

总体看来，大衰退的教训对中国而言也是非常有价值的，中国比欧洲更加多元、不均，在人均收入、劳动力市场条件和生活花费上有很大的差异。

大衰退证实了最低收入保障计划是一个有实质性作用的工具，它可以防止普遍失业演变为普遍贫困；该计划对移民产生的影响，及其与其他转移支付（失业津贴或者养老金）手段间的互动都必须被严密的监督。此外，在设计最低收入保障计划时，必须要考虑到某些关键点以设计出有效的社会测量手段：支付能力调查（工具和可执行的形式），工作阻碍因素，控制（频率和责任）以及数据收集。

## EU Social Assistance Policy Framework

Mr Tomas Burgos, Secretary of State, Ministry of Employment and Social Security, Spain



### **Spanish Social Protection:**

In Spain, in the public sphere, social protection is primarily organized through social security and social assistance/ social services.

The protective action of Social Security is intended to protect against certain contingencies or situations of need. It is provided legally by economic benefits intended to replace or compensate for the absence or insufficiency of income of beneficiaries when, for reasons of age or health, they have to stop working.

Social assistance is an instrument of social protection intended to cover situations of generic need, characterized by inadequate financial resources of all citizens or specific groups at social risk or special needs (disabled, elderly, persons at risk of social exclusion).

The System for Autonomy and the Care of Dependency (SAAD) is managed by IMSERSO, and the Ministry of Health, Social Services and Equality.

### **Public System of Social Services**

Spain has a Public System of Social Services responsible for dispensing the necessary services that respond to citizens' social demands. It ensures coverage of basic needs (food, housing, family nucleus, etc.) and more specific social needs, not covered by the other areas of social protection (benefits, pensions and financial aid from the Social Security mainly).

The key objectives of this public system of social services are, on one hand, to guarantee coverage of the population's social needs, given the universal nature of the system, and on the other, to promote the social inclusion of all people and groups in the society in which they live, promoting equality and social equity. In conclusion, social services help to achieve greater social welfare, with the improvement of living conditions for the whole population.

### **Financing System:**

- The Autonomous Communities are responsible for its funding.



- The Central Government, through the “Concerted Plan”, established in 1988, supports the Autonomous Communities both financially and technically to ensure the basic provision of social services throughout the country.
- The State, Autonomous Communities and Local Corporations are involved.

However, the role of Central Government has been important for the momentum and contribution to the development of a network of social services throughout the national territory and their maintenance up until the current date

In 1987, the then already initiated intergovernmental cooperation in the construction of the social services system was formalized through the Concerted Plan for the Basic Social Service Benefits Development. This was promoted by the then responsible Ministry, the Ministry of Social Affairs. It was an agreement of economic cooperation, management, information and technical assistance, including the three public administrations in social services field, to guarantee all citizens the right to basic social services on an equal basis, regardless of their country of residence. In addition to this program, the Ministry of Health, Social Services and Equality continued with technical and financial support to other social programs (Gypsy Development Plan, support for families and children ...), that is supplying loans in the State Budget for their development in the regions.

### **Reference Catalog of Social Services:**

Regulatory diversity in the management of social services of each Autonomous Community and the different terminologies and casuistry of the different territories, has promoted consensus approval of a reference catalogue of social services between the Ministry of Health, Social Services and Equality and the Autonomous Communities. This catalogue lays some basic principles and describes the different social services, serving at the same time to define their common quality criteria and good use - solidarity and responsibility.

This Catalogue also contains some basic principles governing the system and it describes the various benefits of services (information, guidance counseling, diagnosis and assessment, personal autonomy, home care and respite care; intervention and family support and child protection intervention; prevention and social inclusion, legal protection); economic benefits (minimum income support, aid to victims of domestic violence, persons in situations of dependency and others such as social emergency aid, to foster care, mobility and for removing barriers and promoting personal autonomy) as well as quality criteria and good use.

### **IMSERSO. Framework of the Social Assistance Policy**

The Spanish Institute for the Elderly and Social Services, (Imsero), attached to the Ministry of Health, Social Services and Equality, is the Social Security Management Entity through which the Spanish Government defines policies for the elderly and for people in situations of dependency.

Its objectives and actions are centred on the citizen.

These policies contain a large component focused on the development and provision of services.



It must be recalled that the economic situation in 2011 presented uncertainties and demands that stability of public finances be restored, in order to return to a lasting growth path. Despite this, the Government's efforts have made it possible to maintain policies for the elderly as a priority.

With regard to economic benefits, there can be no doubt that pensions represent the highest priority for older people. Imsero deals with non-contributory Social Security pensions, intended for those people with inadequate economic resources and who have either never made a contribution or have done so for an insufficient time period to be entitled to a Social Security contributions-based pension.

There are two classes of non-contributory pensions: the non-contributory disability pension, for citizens in a situation of disability, aged between 18 and 64 and in a situation of need, and the non-contributory retirement pension, for those aged 65 and over and in a situation of need. Both guarantee an economic benefit, free medical and pharmaceutical care and supplementary social services.

In 2014, Imsero paid a total of €2.355 billion in non-contributory retirement and disability pensions to 451,816 persons, 68% of whom were women.

### **System for Autonomy and the Care of Dependency (SAAD):**

Particular mention should be made, given their importance, of benefits paid to persons in a situation of dependency. In other words, those who for reasons resulting from their age, illness or disability, require the care of another person or persons or substantial assistance in order to perform their basic daily activities. These benefits are granted to such individuals irrespective of their level of income or resources. They are regulated under Act 39/2006, of 14 December 2006, which establishes the basic conditions to guarantee equality in exercising the subjective right of citizens to the promotion of personal autonomy and the care of persons in a situation of dependency. It was essential for this purpose that SAAD (System for Autonomy and the Care of Dependency) be established, on the basis of coordinated and cooperative action by the National Government and the Autonomous Regions.

The benefits granted may be economic or service benefits, and are applied nationally. They are:-

- Services for prevention and the promotion of personal autonomy
- Remote support services
- Day and night centres.
- Residential care.
- Economic benefit tied to the above services.
- Economic benefit for a personal assistant (carer).
- Economic benefit for care in the family context and support for non-professional careers.

### **Public Spanish Social Security System**

In order to understand how the Spanish Social Security system works, it is necessary to start by indicating its main features:

- It is a public, solidarity system based essentially on contributions.

- a) It is a public system, as it guarantees to all citizens adequate protection in situations of need.
- b) It is a solidary system. This solidarity shows itself in two ways:
  - Solidarity between generations: The Spanish system, as a system of distribution, means that the younger generations pay contributions, to finance the pensions of the current pensioners.
  - Solidarity between citizens in the different territories: The Spanish system starts from the concept of single cash account, i.e., the contributions collected throughout the national territory are used to finance the benefits of all Spanish citizens.
- c) It is essentially a contributory system, although, as I soon will explain, there are two levels of protection in our system.

All issues concerning the field of Social Security (both the present system and its financial stability and its future benefits) are in Spain analysed and debated within the Toledo Pact. This is a Commission of the Chamber of Deputies where all parliamentary groups are represented. It was created in 1995 and has since then subscribed successive reports with recommendations approved with great majorities. It has been guiding successive reforms of the system and it keeps doing so today.

The number of registered members of Social Security in August 2015 is 17,180,899.

It manages more than 9.7 million pensions of which 9.3 million are contributory pensions. 500,000 is the number of recipients of non-contributory pensions and family benefits.

In 2013 we reformed the system by adjusting the conditions under which a person could access early retirement. Now you can only retire 4 years early if the retirement is involuntary, and 2 years early if it is voluntary.

Also, there was a reduction in the coefficients in calculating the pension amount. These are now according to the number of years of worked.

Our Social Security system has been deeply reformed. Many of the reforms that have entered into force in 2013 have a transitional period, which in some cases lasts until 2017.

## 欧盟社会救助政策框架

托马斯·布尔果斯，西班牙社会保障国务秘书



### 西班牙社会保障（保护）：

在西班牙公共领域，社会保护首先是通过社会保障和社会救助/社会服务进行组织的。

社会保障体系保护性工作的目的是：向因健康或年龄原因而停止工作的、且无经济能力或经济能力不足的受益人，依照法律规定为其提供经济性福利，以保护其特定的偶发事故或艰难处境。

社会救助是社会保护的一种途径，旨在保障普通性需求，是面向所有财务资源不足的公民或特殊贫困群体（残障、老人、遭受社会边缘化如社会排斥的人群）。

在西班牙，自理能力与帮扶照料体系（SAAD）由 IMSERSO、卫生、社会服务与平等部管理。

### 社会服务公共体系

西班牙有专门负责面对公民社会需求提供必要服务的社会服务公共体系，旨在确保基本需求（食物、住房、核心家庭等）以及更多的专项社会需求，而不保障其他领域的社会保护（福利、养老金和来自社会保障系统的救助等）。

社会服务公共体系的主要目标是：一方面，保障公民的社会需求，给予系统内普惠的保护；另一方面，推动社会所有人群与个体的融合于其所生活的社会，促进平等与社会公平。总之，社会服务主要是通过改善全国人民的生活条件而帮助实现更好的社会福利。

### 筹资体系：

- 自治社区自己负责其筹资工作。
- 中央政府则通过 1988 年建立的“凝聚计划”（Concerted Plan），支持自治社区，在财政与技术方面保障全国享有基本的社会服务。
- 国家、自治社区和地方企业都要参与到筹资体系中来。

中央政府在建立全国社会服务网络并将其保持至今日的整个过程中，角色甚重，作用极大，贡献良多。

1987 年，经由当时的社会事务部，原来已有的社会服务体系的政府间合作通过凝聚计划（Concerted Plan）正式形成，其目的在于发展基本社会服务福利。该计划系经济合作、管理、信息和技术协助方面的协议，吸纳了所有社会服务领域的行政部门，以保障所有公民能够在平等的基础上享有社会服务的权利，而无论其所居住的国家。在此计划之外，卫生、社会服务于平等部继续对其他社会性项目提供技术与财务支持（如 Gypsy 发展计划，系向家庭成员与儿童提供支持等），其方式是中央财政通过贷款为地区发展提供支持。

### 社会服务参考目录

由于各个自治社区的管理制度差异与不同地区间在用语和问题解决方式上的不同，促成了卫生、社会服务与平等部与自治社区之间达成共同的《社会服务参照目录》。该目录列举了一些基本原则并描述了不同的社会服务项目，同时确定了共通的质量检验和服务标准——即：团结与责任。

该《目录》也包括了一些管理该系统的基本原则并描述了各项服务性福利（信息、指引咨询、诊断和评判、个人自理、居家护理和紧急护理；干预和家庭支持、儿童保护干预；居家护理、预防与社会包容、法律保护）和经济性福利（最低收入支持、家庭暴力受害人帮助、无生活自理能力人士和其他人士的社会紧急救助、护理、移动或移除障碍、提高个人自理能力），此外还有质量检验标准。

### IMERSO 社会救助政策框架

西班牙老人与社会服务署（IMERSO），隶属于卫生、社会服务与平等部，系社会保障管理机构。西班牙政府通过该机构制定关于老人与无依靠人群的社会政策。其目标与工作则指向全体公民。

这些政策包含了大量关于发展与提供服务的内容。需要提醒的是，2011 年的经济危机带来了多种不确定性，需要回应公共财政的稳定，以便回到长期增长的轨道上。不但如此，政府还努力让老人政策保持在优先位置。

在经济性福利方面，养老金对于老人而言是首要的。IMERSO 管理非缴费型的社会保障养老金，分发给经济来源不足、但又没有向缴费型社保缴费或者缴费时间不足的老人。

非缴费型养老金分为两种类型：一是非缴费型残障养老金，提供给 18 岁到 64 岁之间身体残障的人士；二是非缴费型退休养老金，提供给年满 65 岁的人。这两方面为公民保障经济性福利、免费医疗和药物照顾以及辅助性社会服务。

2014 年，IMERSO 为非缴费型退休和残障养老金支出 23.55 亿欧元；受益人为 451816 人，其中 68% 是妇女。

### 自理能力和帮扶照料体系（SAAD）

需要特别指出的是，向需要帮扶（dependency）的人提供福利是很重要的。也就是那些因年龄、疾病和残障而需要其他人提供实质性帮助来进行日常活动的人。无论这些人的收入水平和收入资源多少，都会获得福利。这些福利规定于 2016 年 12 月 4 日生效的 39/2006 号法案。该法为所有公民平等地获得实现个人生活自理和获得帮扶照料的主人翁权利提供了基本条件。这就是 SAAD 体系建立的关键原因，且该体系是在全国政府和自治地区政府的合作基础上建立的。

所发放的福利可能是经济性的或服务性的，且全国通用。各项福利如下：预防和增进个人生活自理能力；远程支持服务；昼夜服务中心；居家服务；上述服务的经济性福利；个人护理的经济性福利；家庭内部护理和支持非专业福利者的经济性福利。

### 西班牙公共社会保障体系

为了理解西班牙公共社会保障体系如何运行，需要指出该体系的主要特征：

- 该系统是兼具公共性与团结性的分配体系与缴费型体系。
- a) 首先这是一套公共性体系，因为该体系保障所有公民在需要时获得足够的保护。
- b) 一个团结性体系。从下列以下两点看出其团结性：
  - 代际团结：作为一套分配体系，西班牙社保体系意味着年轻一代缴纳社保费，为同时代的退休者提供养老金。
  - 行政区划间公民团结：西班牙社保体系发起于在全国范围内缴纳的单项社保费，而这些社保费则用于全国公民的福利。
- c) 再次，这是一个缴费型体系。不过，我后面会解释，这里面有两个层面的保护。

此外，西班牙社保相关的所有事务（包括当前的体系、财政的稳定和未来的福利）是通过 Toledo Pact 委员会进行分析与讨论的。这是一个由国会所有党群代表参与的长官会议委员会，1995 年成立。其后该委员会成功编制了一些报告，其中的建议获得了国会大多数议员的通过，且该委员会也成功地主导了社保体系的改革。今日依然进行同样的工作。

社保体系中注册人员是 17180899 人(增长中)，而我们所管理的养老金超过 9700 万欧元，其中 9300 万欧元系缴费型养老金，而另 50 万欧元为非缴费型养老金和家庭福利金。

我们的社会保障体系已经经过了深度改革，并且改革已经在 2013 年生效。其中大部分项目还有过渡期，其时间到 2017 年为止。



Ms Daniela Morosanu, Deputy Secretary General, MoLFSPE, Romania



### **Romania's targets in the area of social assistance:**

- The national objective within the Europe 2020 Strategy is to reduce the number of persons at risk of poverty and social exclusion by 580,000 between 2008 and 2020
- Our priority is the implementation of targeted measures towards the most disadvantaged groups, so as to achieve as large an impact as possible within the existing, reduced financial resources.

### **Key actions in achieving the targets:**

- I. Social Assistance System Reform
- II. Social Assistance Law
- III. Social Economy Legal Framework
- IV. National Strategy for Reducing Poverty and Promoting Social Inclusion 2016-2020 and the corresponding Strategic Action Plan and Annual Implementation Plans,
- V. National Strategy for Active Aging and Promoting the Elderly's' Rights 2016-2020 and the corresponding Strategic Action Plan and annual Implementation Plans.

### **Romania's National Social Assistance System**

- Operates on the basis of the "Law on Social Assistance" no. 292 / 2011, which establishes the legal, institutional and financial basis and the coordination framework, underlining and strengthening the basic principles which define the System,
- Represents the set of institutions, measures and actions by which both the State and civil society intervene so as to prevent, limit or remove the temporary or permanent effects of situations which can generate marginalization or social exclusion
- Intervenes as subsidiary or complementary to the social protection systems and comprises of the:
  - a) social assistance benefits system and
  - b) social services system

**Social assistance benefits** represent a form of supplementing or replacing income obtained through work, in order to ensure minimum living conditions are met. It is a form of support for social inclusion and a means of increasing the quality of life

The main social assistance benefits managed by MoLFSPE:

- Child State allowance
- Child raising allowance
- Family support allowance
- Home heating allowance
- Social aid for ensuring the minimum guaranteed income
- Monthly allowance and personal complementary budget for persons with a disability
- Placement child allowance
- Refugees' aid
- Meal subsidies for persons infected with HIV/AIDS
- Financial and emergency aid

### System of Social Services

This represents an activity or a mix of activities which aim to address social needs, as well as special needs, to overcome vulnerable situations, preventing and combating the risk of social exclusion, promoting social inclusion and increasing the quality of life.

- Social services have a proactive character and promote an integrated approach to people's needs, in relation to their socioeconomic situation, the state of health, their education level and their social environment
- Social services can be organized and granted in an integrated system with employment, health, education as well as social services, according to each situation.

The process of providing social services has the following mandatory stages/steps:

- Initial evaluation,
- Elaboration of the intervention plan,
- Complex evaluation,
- Elaboration of the personalized plan for assistance and care,
- Implementation of the measures from the intervention and the personalized plans,
- Monitoring and evaluating the services provided

## Reform of the Romanian social assistance system

Between 2005-2010 Romania's social benefit system included 14 types of benefits which had been developed without coordination or correlation with social services and active measures.

The Strategy of the Government (2011) in this field, established the grounds for the reform, based on clear results, regarding equity and efficiency

### The objectives of the Government's reforms in social assistance, aimed at:

- Increasing the system's fairness by extending the principle of granting assistance to those who needed it the most;
- Reducing the system's fiscal costs;
- Increasing the system's proactive approach by granting incentives to families who invested in their children's education and to adults searching and keeping jobs;
- Simplifying the system's administration and bureaucracy;
- Establishing clear objectives for programmes and monitoring their results for improving performance management.

Other documents include:-

- **National Strategy for Social Inclusion and Reducing Poverty 2016-2020 ,**
- **Reform of the Romanian Employment System,**
- **National Strategy for Promoting Active Aging and Protecting the Elderlys' Rights 2016-2020,**

### Conclusions:

Social services, together with social assistance benefits, as well as other social protection systems, intervene for solving problems which potentially generate social exclusion.

Though important steps have been made in reducing poverty as a result of the nation's structural reforms undertaken, the fight against poverty and social exclusion continues to be a national priority.

The Romanian Government through the Ministry of Labour Family, Social Protection and Elderly would be happy to share its best practices in the area of social assistance with anyone interested.

妲妮叶拉·莫若萨努，罗马尼亚劳动、家庭、社会政策和老龄事务部副秘书长



- **罗马尼亚在社保领域的目标：**

- 2020 欧盟各国目标：在 2008-2020 年期间，将面临贫困和被社会排斥风险的人口数量减少 58 万人
- 罗马尼亚的工作重点是，针对最弱势群体，实施有针对性的措施，用现有的、已减少的财力资源来达到较好的成果

**实现这些目标的主要行动：**

- I. 社会救助体系改革
- II. 社会救助法
- III. 社会经济法律框架
- IV. 国家 2016-2020 减贫和促进社会融合战略和相应战略行动计划和年度实施计划
- V. 国家 2016-2020 积极老龄化、促进老年人权利战略和相应战略行动计划、年度实施计划

- **罗马尼亚国家社会救助体系**

- 制度功能（依据社会救助法 292 / 2011 号规定），该法建立了一个法律、制度和财务方面单一的和协调的框架，加强界定该体系的基本原则。
- 代表了一系列的制度、措施和行动，通过这些制度、措施和行动，国家和民间社会可以介入并阻止、限制或者移出能够产生边缘化或者社会排挤状况所产生的暂时或长期的影响。
- 干预社保体系的辅助体系或补充体系，这些体系包括：
  - \* 社会救助福利体系
  - \* 社会服务体系

**社会救助福利**是一种补充或者替代通过工作所获得收入的一种形式，它的目的是为了保证最低生活水平，它也是支持社会融合和提高生活质量的一种形式

由 MoLFSPE 管理的主要社会救助福利：

- 国家儿童补贴
- 育儿补贴
- 家庭支持补贴
- 家庭供暖补贴
- 保证最低收入社会救助
- 残疾人每月补贴和补充预算
- 安置儿童补贴
- 难民救助
- 艾滋病餐补
- 财务和紧急救助

### 社会服务体系：

指的是为解决社会需求或社会需求、渡过难关所设置的活动或一些列活动，以防止或者抗击社会排除风险、保障社会融合、提高生活水平

- 在与社会经济形式、医疗状况、教育水平和社会环境相关的各个方面，拥有积极的特征，并且是满足人民需求的一体化的方式；
- 根据各种情况，可以在与就业、医疗、教育和社会服务一体化的体系中组织或者给予；
- 提供社会服务的流程分为以下法定几步/阶段：
  - 初始评估
  - 干预计划详述
  - 综合评估
  - 个人救助和护理计划详述；
  - 干涉和个人计划措施的实施
  - 所提供服务的监督和评估

### 罗马尼亚社保体系的改革：

在 2005-2010 年，罗马尼亚的社会福利体系包括 14 种福利，它们是通过与社会服务和积极措施没有进行协调和相互关联的情况下设置的。

2011 年政府在此领域的策略设定了改革的基础，主要是基于清晰的结果来进行改革，它主要是为了保证平等和效率。

政府在社会救助领域改革的目标包括：



通过延伸“将社会救助给予那些最需要的人”原则，提高该体系的公平性；

减少该体系的财务成本；

通过给予那些对于孩子教育进行投资的家庭或者找工作/设法保留工作的成年人提供激励措施，提高该体系的积极作用；

简化该体系的行政和官僚程序；

为各个计划建立清晰的目标，并监督结果，以提升绩效管理。

- 国家 2016-2020 年社会融合和减贫策略
- 罗马尼亚就业体系改革
- 国家 2016-2020 年积极老龄化和促进老年人权利战略和相应战略行动计划和年度实施计划

#### 结论：

社会服务、社会救助福利及其他社保体系共同进行干预，已解决问题，防止可能出现的社会排斥；

尽管由于国家采取结构性改革，在减贫领域已经采取了重要措施，脱贫和防止社会排斥仍然是国家工作的重点。

罗马尼亚政府，通过劳动、家庭、社会政策和老龄事业部，很愿意分享他们在社会救助领域的最佳实践。

Mr Marek Bucior, Deputy Minister of Labour and Social Policy, Poland



The social assistance system in Poland is regulated by the Law of 12 March 2004 “On Social Assistance”. Social assistance is organised through units of central and local administration in cooperation with organisations such as: foundations, associations, the Catholic Church, other churches, religious groups, employers and both natural and legal persons. The current Polish social assistance system was established as a result of the political transformation after 1989. It was further changed by the administrative reform of 1999 and Poland’s accession to the European Union in 2004.

Social Assistance is delivered at the administrative level. This is the level closest to citizens and the local community. The levels of social assistance are: Central level - the Ministry; Regional level - voivodes and regional social policy centres; Local level - social assistance centres and poviats centres for family support.

The aim and main rules of social assistance are to enable individuals and families to overcome difficult situations which they are unable to cope with using their own rights, resources and abilities; providing income at the social intervention level; providing professional assistance to families affected by social pathology; integration of a socially excluded person within the community and creation of a network of social services adequate to the needs.

In Poland there are several forms of social assistance and support. The major ones are:

- various categories of cash benefits and
- different forms of non-financial support, e. g.: services in the form of social work, care services, counselling. This is mainly legal and psychological support to help settle official matters or other key livelihood issues.

The strength of the Polish social assistance system is that it takes an individual approach to people in need. It allows significant flexibility on the part of local authorities and communities to shape local social assistance policy taking into account local socio-economic conditions.

Social Assistance policy faces universal challenges such as demographic change and the need to adapt the benefits provided. There is a need to consult actions proposed and to cooperate with all possible stakeholders in order to focus support on preventing exclusion and poverty as well as incentivising beneficiaries and making them independent.

## 波兰劳动和社会政策部副部长 马勒克·布乔尔先生



波兰的社会救助体系受 2004 年 3 月 12 日颁布的社会救助法律管制，该体系由中央和地方管理部门及以下组织组成：基金会、协会、天主教堂及其它教堂、宗教团体、雇佣方以及自然人和法人。当前波兰的社会救助体系是在 1989 年社会体制改革、1999 年的行政管理改革以及 2004 年波兰加入欧盟的基础上建立起来的。

波兰的社会救助在管理层面贴近市民和当地社区。社会救助主要包括以下层面：

- ▶ 中央层面—部委
- ▶ 地区层面—省和区域社会政策中心
- ▶ 基层层面—社会救助中心和县 / 区家庭支持中心

社会救助的宗旨和主要原则是帮助个人和家庭摆脱依靠他们自己的权利、资源和能力所不能克服的困境，在社会干预层面提供收入补贴，为受社会问题影响的家庭提供专业的社会救助，使被排斥的个体在社区中实现社会融合，根据需求搭建社会服务网络。

在波兰，社会救助有不同的支持形式，主要包括：

- ▶ 不同类别的现金福利
- ▶ 不同形式的非财政支持，例如：以社会工作为形式的社会服务，照护服务，咨询服务—主要是法律咨询和心理咨询，帮助人们解决因公事务及其他生计问题。

波兰社会救助体系的优势在于满足人们的个性化需求，该体系赋予地方政权和社区很强的灵活性，以使福利政策能够适应当地的社会经济条件。

社会政策体系面临着诸多普遍性挑战，比如，人口变化以及如何使变化后的人口适应既有的福利供给。有必要在行动上进行咨询并与一切可能的利益相关者合作以聚焦社会排斥和贫困的预防，并使受益人活跃起来，使其走向独立。

## 5. Sessions of 2015 EU-China High Level Forum

### Session 1: Comparison of EU and China Social Assistance Legislation



**Moderator:** Chen Jialin, Deputy Director-General, Social Law Office of the Law Work Committee of the Standing Committee of the National People's Congress

### Development trend of China social assistance legislation



Mr Zheng Gongcheng, Professor, Renmin University, President of China Social Security Association

Social assistance legislation is an international regulation. It is the request for the legalization of power, the legalization of responsibility, and the reality. China has made great achievements on Social Assistance Legalization. However adopting the principle of “rule of man”, institutional separation and methodology problems etc. are all barriers to legislation. Therefore, the legislation process on social assistance should be restarted as soon as possible by conducting related researches, taking the Charity Law as a benchmark and positing social assistance legislation as the fundamental law. And, the professionalization of the administration, digitalization of information system and cooperation with charitable organizations need further improvement.

## Development and challenges of European social assistance legislation



Ms Zofia Czepulis-Rutkowska, PhD, Institute of Labour and Social Studies, Poland, EU expert

Both China and EU face challenges on social protection. China is bigger and more diverse with a less developed social protection system than in EU countries. This makes social assistance more important in China's social protection system. And, the common challenges of EU and China exist in fighting poverty and inequality, seeking measures for social inclusion and addressing the population aging process. In EU countries, different models of social policy have different roles for social assistance. EU countries' experiences, especially those of the transition countries, may provide some good practices in terms of social protection and social assistance system solutions, such as efficient targeting and good administration. This will help realizing the goals of the social assistance system. Proper legislation, with task divisions between central and lower administrative levels will lead to an efficient social assistance system.

**Discussant:** Mr Bi Yingda, Social Legal System of the Legal Affair Office of the State Council.



Expressed his gratitude to the speakers of session 1.



**Discussant:** Ms Marzena Breza, PhD, EU Resident Expert on Social Assistance



In times of ageing and economic downturns, EU countries have developed new approaches to Social Assistance, such as adjusting their ageing policy and making better use of labour market measures. “Europe 2020 for smart, sustainable and inclusive growth” was a project as a part of the social inclusion policy on Social Assistance and countries built a cooperation platform such as the “Social Protection Committee for EU countries at the European Level”. This provided an open method for coordinating and monitoring the social situation across the EU and for making country specific recommendations. In making suggestions for China, it should take the solid legal basis of social assistance as the core for managing and administering the social assistance system, establish permanent monitoring as a main issue for transparency and financial effectiveness, focus on job-related instruments within social assistance mainly among working population and take work as the best way to be out of poverty and the need for social assistance.

## 议题一：中欧社会救助立法比较



主持人：陈佳林先生，  
全国人大常委会法工委社会法室副主任

## 中国社会救助立法发展趋势



郑功成先生，  
中国人民大学教授，中国社会保障学会会长

虽然当前我国已取得阶段性进展，但人治传统形成的路径依赖、体制分割、立法方式等方面的问题的存在阻碍了社会救助立法进程。应尽快重新启动社会救助立法程序，开启立法研究、参照慈善法的立法，将社会救助法定位为基本法；同时，辅之以经办机构职业化、信息系统建设以及慈善事业配合。

## 欧洲社会救助立法的进展与挑战



索菲娅·捷普礼斯-璐德克夫斯卡（Zofia Czepulis-Rutkowska）  
女士，波兰劳动与社会研究院专家，博士，欧盟专家

中国与欧盟在社会保障方面面临的挑战有异有同。较之欧盟国家，中国幅员辽阔且社会多元，在中国的社会保障制度发展并不完善的形势下，社会救助显得尤其重要；扶贫、消除不平等现象和寻求社会融合的措施，人口老龄化进程是中欧面临的共同挑战。在欧洲，不同的社会政策模式下，社会救助扮演的角色也不同。欧盟国家的经验，尤其是转型国家的经验，可能会为中国社会保障和社会救助制度问题的解决提供借鉴。有效的保障对象瞄准和良好管理对实现社会救助目标至关重要，适当的立法是社会救助制度有效实施的基础条件，而立法应对中央和下级管理机关的任务进行划分。

点评人：毕英达先生，国务院法制办社会法制司副巡视员



毕英达先生表达了对议题一中发言人的感激。

点评人：马哲娜（Marzena Breza）女士，中欧社会保障改革项目社会救助部分长期驻华专家



欧盟国家在人口老龄化、经济下滑等时期的社会救助新途径主要有：调适老龄人口政策；更好的运用劳动力市场；使社会救助工作成为社会包容政策的一部分，如“**欧盟2020：优化型、可持续、包容性增长计划**”；搭建欧盟国家间合作计划/平台（全欧级别），如设立社会保障委员会监督欧盟/各国特定问题的社会状况并以开放的合作方法为国家级社会政策设定“共通”目标与路径。对中国社会救助发展的建议：为社会救助系统的管理和运行提供坚实的法律基础，通过长期稳定的监管确保政务公开与财政有效性，重视社会救助工作中工作人员对工具的应用，将促进目标群体就业作为脱离贫困与社会救助的最佳方式。

## Session 2: Central and Local Responsibilities for Allocating Social Assistance



**Moderator:** Ms Chen Bailing, Director General of Policy and Regulation Department, MoCA

## Current Management Responsibilities for Allocating Social Assistance in China



Mr Liu Sihai, Director of Office for Minimum Livelihood Guarantee of Hubei Provincial Civil Affairs Bureau

The Management of Social Assistance covers policy making, policy implementation and monitoring. The responsibility for allocating social assistance at different governmental levels varies according to the different management contexts. Social assistance policy is mainly made by Governments at central and provincial level, and the final implementation on setting social assistance benefit levels, approval of applicants' claims and delivering benefits is carried out at county government level. Governments at and above county level, as well as their social assistance departments are responsible for monitoring and improving institutions involved in monitoring. From the analysis of "Financial Resources of Social Assistance in Hubei and Its Management", the following problems and challenges are identified: the allocation of responsibilities does not match reality; the financial responsibility of the provincial government is not clearly defined; there is an institutional barrier to the coordination of financial resources and a lack of financial support to improve institutional capacity.

## The Social Assistance system in EU countries – Sharing Responsibilities at Different levels of Government<sup>1</sup>



Mr John Halloran, Chief Executive Officer, European Social Network

Since traditional social assistance and welfare services have problems with layers of government with overlapping responsibilities, traditional assistance equates to entitlement, as well as social services for the children, the disabled and the mental illness, it's necessary to involve people and support caregivers, have a clear legal policy framework, improve quality standards and data on the population's and individual's needs, reduce layers of government and overlap, make a change from administration to leadership, and attach importance to personalization and partnership.

**Discussant:** Ms Ji Ning, Inspector, Income Distribution Department, NDRC



This discussion on central and local government responsibilities in allocating resources for Social Assistance is important. During the 13th Five Year Plan, China will experience a key transformation with slowing economic and financial revenue growth. As the social assistance system is mainly supported through financial avenues, an enhanced social assistance financial support system is needed. With the development of the urbanization and household registration system, nearly 100 million rural residents will become urban residents. Among the migrants, people with special difficulties need to be covered by the government. It needs a scientific allocation of central and local government responsibilities. The central government should focus more on policy making and balancing the financial burdens at local level. Local governments should pay more attention on determining social assistance levels. The government should attach importance to linking-up different policies so as to avoid overlap and inefficiency. The government should provide policies to make the social organisations and the market be involved in supporting social assistance resources.

<sup>1</sup> European Social Network is an independent network for directors of public social services, health, education and employment in Europe from 35 countries and devolved regions and territories. It provides a knowledge transfer platform and better recognition for the role of regional and local government, brings local and practice based experience into policy, advocates service users' empowerment and ensures service management quality.



**Discussant:** Mr Pavel Janeček, Head of International Cooperation Unit, Ministry of Labour and Social Affairs, Czech Republic



In the Czech Republic the Ministry of Labour and Social Affairs, Labour Office, and Social Security Administration are responsible for social assistance. Social assistance benefits in cash are paid from the state budget and governed by the Labour Office. This has the advantage of a unified methodology, more direct communication with the Ministry and synergy with employment policy. The social benefits help maintain many people above the income poverty line while the expenditure for the whole social protection system is quite low. Social services are provided with the cooperation of State, regions, municipalities and NGOs at home or in the community where the client lives. Funding comes from the State Budget and the European Structural Funds.

## 议题二：中央与地方社会救助责任划分



主持人：陈百灵女士，民政部政策法规司司长

### 社会救助管理和财政责任的划分



刘四海先生，湖北省民政厅最低生活保障办公室主任

中国社会救助管理内容包括社会救助政策的制定、政策的落实以及监督管理，各级政府在上述管理过程中的责任划分也因管理内容而异。救助政策的制定主要在中央和省级层面，县级政府及相关部门负责落实（主要包括救助标准制定、救助对象审批、资金发放等环节）。县级以上人民政府及其社会救助管理部门负责监督检查并完善相关监督管理制度。通过对湖北省救助资金筹集及管理使用现状的分析，发现其存在以下问题：责任划分与现实情况不符，省级财政责任模糊不清，资金统筹使用存在制度障碍，能力建设资金保障缺失。

## 欧盟国家的社会救助体系——不同层级政府间社会救助责任划分<sup>2</sup>



约翰·夏罗兰（John Halloran）先生，欧洲社会组织联合机构首席执行官

传统社会救助和公益服务面临各级政府职责重叠的问题和挑战，传统救助多局限于现金救助，儿童、残疾人、精神病人等群体的福利性服务不足。因此，要促进民众的参与、支持救助服务发展，明确法律政策框架，提高服务品质，精简政府机构以避免职责重叠，完善人口和个人需求数据，从“管理”向“领导”转变；重视个性化和合作伙伴关系的建立。

点评人：纪宁女士，国家发展改革委收入分配司巡视员



新形势下，讨论中央和地方社会救助责任划分议题很有现实意义。首先，“十三五”期间，中国经济处于转型升级的关键阶段，经济增长放缓成为新常态，对财政收入持续增长的预期也不可能过高；社会救助资金主要源自财政支持，这就需要更加完善财政支持政策以实现社会救助制度的托底保障。其次，随着新型城镇化的推进和户籍制度的改革，“十三五”期末，将有近 1 亿农业转移人口进城落户，社会流动性加剧，政府需将流动人口中的困难人群纳入救助范围，这就需要更加科学、更加明晰各级政府责任的划分。中央应更多的把握制度发展方向，均衡地区间的财政负担；地方政府要协调各方力量，更精准的确定救助标准。再次，政府要重视救助制度间的衔接，避免制度实施中的交叉、重叠和缺漏，建立信息共享机制，以最大程度发挥制度效能。最后，政府应提供政策支持以引导社会力量、市场参与到社会救助服务和资源、资金支持中，处理好政府、市场、社会之间的关系。

<sup>2</sup>欧洲社会网络是欧洲公共社会服务、医疗保健、教育和就业主管人员的独立网络，由 35 个国家及下辖地区和区域各级政府组成，为社会管理人员和经理人提供知识传送平台，将地方实践经验融入欧洲政策，使人们更好的认识区域和地方政府的角色，倡导对被服务者的赋权并保证服务管理品质。

点评人：帕维尔·雅奈齐格（Pavel Janecek）先生，捷克共和国劳动与社会事务部国际合作司司长



捷克共和国的劳动和社会事务部、劳动局、社会保障局分工合作完成社会救助政策的制定及实施。捷克的非缴费型社会救助金，均通过国家财政预算支出并由捷克劳动局管辖，其好处是管理方法统一，能够直接与劳动和社会事务部沟通并与就业政策协调；劳动和社会事务部主要负责处理对捷克劳动局做出的非缴费型社会救助金决策提起的上诉。社会保障局负责对依赖他人照料的程度进行医学鉴定。虽然社会救助金使很多人生活在贫困线之上，但其在整个社会保障体系中的支出相当低。社会服务行业由国家、区域主管部门、各市政府以及非政府组织协作在委托人家中或所在社区提供服务，社会服务资金由政府预算和欧洲区域发展基金构成，逐级下发给服务提供商和用户。

## Second Day



*First row Mr Michiel Van Der Heyden, Policy Officer International Relations, Federal Ministry of Social Security (FPS Social Security), Belgium; Ms Marzena Breza, EU Resident Expert Component 3, EU-CHINA SPRP;*

*Second row: Mr Stefano Patriarca, EU Resident Expert Component 2 / Team Leader, EU-CHINA SPRP; Mr Edmondo Salinaro, Manager of Civil Invalidity Department, National Social Insurance Agency - INPS, Italy; Ms. Francesca Giannini, INPS-Support to Project Leader;*

*Third row: Mr Jean Victor Gruat, EU Resident Expert Component 1, EU-CHINA SPRP; Ms Valentina Pignotti, Assistant to Component 2 / Team Leader, EU-CHINA SPRP;*

第一排左起依次是比利时联邦社会保障公共服务部国际关系司政策官米歇尔·凡·德尔·海登先生，中国—欧盟社会保障改革项目第三部分欧方常驻专家马哲娜女士；

第二排左起依次是中国欧盟社会保障改革项目第二部分欧盟常驻专家/项目组组长斯岱法诺·帕特礼雅尔卡先生，意大利国家社会保障署残障事务司执行司长爱德蒙多·萨礼纳若先生，意大利国家社会保障署项目支持人员弗朗西丝卡·詹尼尼女士。

第三排左起依次是中国欧盟社会保障改革项目第一部分欧盟常驻专家圭亚先生，中国欧盟社会保障改革项目第二部分项目领导人助理。





*Zuo Huibin, Consultant, Division of Social Assistance, Provincial Civil Affair Department, Anhui Province.*  
安徽省民政厅社会救助处调研员左会斌



*Guo Jun, Vice Director, Division of Social Assistance, Provincial Civil Affair Department, Shaanxi Province.*  
陕西省民政厅社会救助处副处长郭军先生



*Yu Liedong, Director, Bureau of Social Assistance under Provincial Civil Affair Department, Jiangxi Province.*

江西省民政厅社会救助局局长虞烈东先生



*From left Mr Wu Zengfeng, Director, General Office of the Department of Social Assistance, MoCA; Mr Liu Yong, Director, Bureau of Social Assistance under Provincial Civil Affair Department, Hunan Province.*

左起依次是中华人民共和国民政部社会救助司综合处处长武增锋先生，湖南省民政厅社会救助局副局长刘勇先生。

### Session 3: Basis and Methods of Determining the Minimum Living standard



**Moderator:** Mr Angelo Marano, Director General in the Ministry of Labour and Social Policies, Member of the board of auditors of INPS, Italy

#### Quantitative mechanisms for China's Minimum Living Standards



Mr Guan Xinping, Professor, Nankai University

Currently, there are three basic methods for calculating the Dibao standard in China: Basic Living Expenditure Methods, Engle Index Methods and Consumptive Expenditure Ratio Methods. And, other two methods also exist in local practices – a percentage of the local Minimum Wage and a percentage of local income. However, calculating Dibao standards in China has the following problems: Low level and mono-standard; disparate methods in making local decisions without a national standard; strong function for the eligibility threshold, but weak function in the benefit level; and its implementation in rural areas is much lower than in urban areas. Suggested reforms suggestions are to raise the level with co-measurements (promote active employment strategy, pilot a multi-tier standard system and have more social services for the poor with professional social worker involvement); have a unified standard on the national floor standard, a unified standard applying to both rural and urban areas, the same standard for Dibao as for the Poverty Alleviation & Development Program; using a relative standard; changing the single cash standard system and focussing more on categorical standards (old-age, disability, etc.).



## Introduction of ISEE (Equivalent Economic Situation Indicator)



Mr Luca Sabatini, Managing Director, Department for Income Support Benefits and ISEE, INPS, Italy

Since 2000, the means test for social assistance benefits and services in Italy has been based on the ISEE. It is calculated with the same rules throughout the whole country and its validity has no territorial restrictions. In 2013, five new ISEE were introduced (e.g. University ISEE, ISEE for Health Care/Residential Health Care for Disabled Persons, “Current” ISEE, etc.) in addition to the ordinary one. The objective was to make the indicators as fair and as representative of actual household conditions as possible and to reduce social benefits’ overlapping and the “cliff effect”. Since 2015, it is possible to simultaneously request more ISEEs for several social benefits that are granted by different institutional providers, if needed. ISEE is calculated using three categories of data: data self-certified by the applicant, data gathered from other public administrations and data gathered from INPS database. All the information flows are totally digitalized with several controls to identify fraud attempts. They use only real information for calculating indicators. In the Italian social assistance framework, ISEE also provides Policy Makers with important inputs to develop the whole social assistance framework. This allows institutions to: broaden or limit the access to a specific social assistance measure, identify a households’ social assistance needs, support the evolution of the social benefits and services framework, address the social assistance budget and monitor the wealth trend.

**Discussant:** Ms Wang Wenjun, Director, Dibao Division, Social Security Department of MoF



When determining the minimum living standards we should be clear on the following aspects: How to target the poor people in the social security system is the basis of policy implementation. Determination of the minimum living standards will affect the benefit scale, benefit standards and public financial expenditure directly. Therefore, it is important for social assistance and social security policy development. Determination of minimum living standards should be based on historical traditions and the development situation with the principle of moderation and reasonableness.

The social assistance system does not only include the Dibao program. It also includes dedicated and temporary social assistance programs. The adjustment of minimum living standards will affect its linkage with other programs in the social assistance system, and also the linkage between the social assistance system, the social welfare system and the social insurance system. Determining the minimum living standard needs scientific methods with multi-indexes based on local reality and the support of information technology.

**Discussant:** Mr Koen Vleminckx, PhD, Director of the Research and International Cooperation Department, Federal Ministry of Social Security (FPS Social Security), Belgium



The foundation of, and method for, determining minimum living standards includes the relative method with an at-risk-of-poverty threshold and the absolute method with reference budgets. The relative method is based on the “European Statistics on Income and Living Conditions” (SILC) survey, which indicates low income compared to other residents in that country, rather than measure wealth or poverty. Under the absolute method, reference budgets are scientific so as to define the minimum resources (measured by the price of a household’s basket of goods and services) required to adequately participate in society. These may differ because of different institutional/cultural/ economic context and geographical and physical living conditions. Reference budgets have several advantages such as helping to build social consensus on what is an adequate income. From January 2014 to June 2015, the European Parliament piloted the “*European Reference Budgets Network*” project with funds from the European Commission to develop a common methodology and reference budgets in three household types (single, one adult with two children, and two adults and two children) in the capital regions of the 28 Member States.



### 议题三：最低生活保障标准确定的依据与方法

主持人：安哲洛·马拉诺（Angelo Marano）先生, 意大利国家社会保障署审计会成员兼劳动与社会政策部综合司司长



### 中国的最低生活保障标准及其确定方法



关信平先生，南开大学教授

当前，我国最低生活保障标准的确定主要有三种方法：基本生活费用支出法、恩格尔系数法、消费支出比例法。一些地方实践中还存在与最低工资标准挂钩的方法以及与人均可支配收入挂钩的方法。中国城乡居民最低生活保障标准在运行中存在以下问题：水平偏低；标准单一；标准制定方法不统一，缺乏全国统一最低标准线；强划界标准、弱保障标准；农村面临的问题更为严峻。改革最低生活保障标准的政策建议：提高标准的同时积极促进就业，试行多级标准，大力发展服务救助（尤其是加强专业社会工作的服务）；统一标准，即制定全国统一的最低标准、加强低保与扶贫标准的衔接等；采用以收入或消费的中位数为基数的相对标准；改变单一的现金标准、提高类别标准（如老年人、残疾人等）。

## 意大利社会救助中的经济状况等值指标（ISEE）介绍



卢卡·萨巴迪尼（Luca Sabatini）先生，意大利社会保障署收入福利与 ISEE 司执行司长

自 2000 年起，意大利国家社会保障署开始根据反映实际家庭条件的综合性指标——经济状况等值指标（ISEE）进行家计调查，以决定是否发放社会救助福利及服务；计算规则及指标在全国范围内通用。2013 年，在上述通用指标的基础上，又在以下方面增加了 5 项新等值指标：大学经济状况，父母未婚且分居的儿童/学生的经济状况，残疾人医疗保健及居家医疗保健经济状况，“趋势”经济状况等，以使这些指标能更公平的反应家庭的实际情况，降低社会救助的重叠和“悬崖效应”。从 2015 年起，若有需要，申请人可同时申请不止一项经济状况等值指标以获取由不同机构提供的多种社会福利。ISEE 的计算基于三类数据：由申请人自我认定的数据，公共管理部门搜集的数据，意大利社会保障署数据库中的数据。所有的信息流均已实现数字化，通过多重控制防止欺诈行为的发生，并且在指标计算时仅使用真实的数据。在意大利的社会救助框架中，ISEE 也致力于为政策制定者对整体社会救助框架的构建，使相关制度可以拓宽或限制具体的社会救助手段的获取路径，鉴别家庭的社会救助需求，支持社会福利和服务框架的发展，解决社会救助预算，并监督财富变化趋势。

点评人：王文君女士，财政部社会保障司低保处处长



对社会救助标准的确定和调整应该认识到以下四个方面：社会保障制度如何把穷人有效的、公平的选择出来是政策实行的一把尺子，救助标准的确定直接影响到待遇规模和待遇水平，以及公共财政支出的多少，因此社会救助标准的确定在整个社会救助甚至社会保障政策中十分重要；救助标准的确定要基于历史与现实的发展，应把握适度、合理的原则；社会救助体系不仅是由低保制度构成，还包括专项救助和临时性救助制度，在制度体系的框架中救助标准的调整会影响到与其他救助制度的衔接，救助项目与福利项目、保险项目的衔接；救助标准确定的方法要科学，要符合实际情况，指标体系要多元，还应以信息化作为科学方法的保障。

点评人：科恩·弗莱明克（Koen Vleminckx）先生，比利时联邦社会保障部国际合作与研究司司长



最低生活标准确定的依据和方法有：基于面临贫困风险的临界点的相对法和基于基准预算的绝对法。相对法基于欧洲收入和生活状况统计（SILC）指数，该指数衡量的是较该国其他居民而言的低收入，而非贫富，但低收入并不一定表示生活水平低。绝对法所依据的基准预算是确定有尊严的参与社会生活至少所需资源（商品和服务）的科学方法。基准预算会因制度、文化、经济背景、物质生活条件而异，是对“充足的收入”达成社会共识的手段，也可通过最低商品与服务花费的预算呈现最低个人可支配收入以及政府所提供的商品与服务的效果。欧洲议会于 2014 年 1 月到 2015 年 6 月试点欧洲基准预算网络项目（由欧洲委员会资助）以开发一种通用方法，对 28 个欧盟成员国首都地区的三类（单身人士、带两个孩子的一名成年人、两名成年人和两个孩子）家庭制定基准预算。

## Session 4: Delivery of Social Assistance Services in Rural Areas



**Moderator:** Ms Marzena Breza, PhD, EU Resident Expert on Social Assistance

### Delivery of Social Assistance Services in Rural China



Mr Zuo Ting, Professor, China Agricultural University

The current steps in place to measure the effectiveness of delivering Social Assistance in rural China are mainly on system institutionalization, inter-sector cooperation and articulation, capacity building of administration and delivery, village committees' active roles, and the mobilization and participation of social organisations. However, the measures for carrying out service delivery are facing challenges, such as difficult of accurate targeting heavy financial burdens for Governments in poverty-stricken areas; poor facilities for collective support; insufficient staff and social workers and imperfect inter-sector cooperation. Suggestions for enhancing the effective delivery of social assistance should include strengthen articulation and inter-sector cooperation at county level; strengthening institutional and individual capacity building at township level; increasing Wubao collective support facilities' input and temporary assistance at township and county level; designating a specific member of the village committee in poverty-stricken areas to be responsible for Social Assistance and poverty reduction; and innovate and foster social organisations (including community organizations).

## Service Delivery of Social Assistance in Groups with the Main Risk of Social Exclusion



Mr Thierry Weishaupt, International Cooperation Manager, MGEN – General Mutual Fund for National Education, France

MGEN is a health mutual company in France managed by shareholders (clients). It advocates equal access to healthcare services to promote social inclusion by conducting 4 activities (Public compulsory health insurance management, Complementary insurance with lifelong coverage, Health care services, and Healthcare management and prevention). It mobilizes local communities to help vulnerable groups. MGEN has cooperated with the China Social Security Capacity Building Center and the China Insurance Regulatory Commission since 2009 and 2015 respectively to promote a mutualist model for social inclusion. Lessons learned from MGEN inclusion activities include: building alliances between operators at local levels; health and social inclusion are intertwined; equal access to health care is a means of reversing exclusionary processes and promoting a holistic health view is a driver of social inclusion; focusing on “mutual” as social leverage and focusing on new technologies to prevent exclusion.

**Discussant:** Mr Wang Yanzhong, Researcher, China Academy of Social Sciences



Prof. Zuo Ting discussed the situation concerning the social assistance system in rural China and social assistance service delivery. He said Dibao targeting is facing deficiencies in human resource and technical capabilities at the township level. The involvement of autonomous social organizations (i.e. Village Committees) and other social organizations makes social assistance easier at community level. Therefore, the Government should encourage other social forces such as enterprises and NGOs to become involved in rural social assistance. MGEN in France is a kind of autonomous social organization and it is a relatively new social management form. In looking at the future the key question is how to cultivate and support the development of civil society since it is important for the social inclusion of the poorest people.



**Discussant:** Mr Marcin Adamczyk, Deputy Director, National Agricultural Advisory Centre, NGOs in combating social exclusion in rural areas of Poland



Combating social exclusion in rural areas in Poland is based on NGOs in the public, private and non-profit sectors. Twenty five percent of NGOs are located in rural areas where the risk of social exclusion is sixty per cent of the total population. Twenty six and a half percent of farmers with farms under 2 hectares are at risk of social exclusion. Unemployment in rural areas 730,000 people. Functions of NGOs are mainly to interact with people who are at risk of social exclusion and to provide assistance, care and education through activities on material/psychological/pedagogical support and care services. The funding sources of NGOs include member fees, local governments' grants, donations from business and individuals, bank interests and 1% of tax. Local Action Groups (LAG) and Educational Farms Network are two NGOs' with best practices in combating social exclusion in the rural areas of Poland.

#### 议题四：农村地区社会救助服务的传递



主持人：马哲娜（Marzena Breza）女士，中欧社会保障改革项目社会救助部分长期驻华专家

#### 中国农村社会救助服务传递情况分析



左停先生，中国农业大学教授

当前中国主要从社会救助的制度化建设、跨部门的协作与衔接、社会救助系统的能力建设、村民委员会作用的发挥、动员社会力量参与等方面增强农村社会救助服务的传递。但上述举措的在实施中面临多项挑战，如救助对象的精准识别难，地方财政压力大；民政救助集中供养的基础设施差，乡镇社会救助人员、社会工作机构和人员不足；跨部门的制度衔接与工作合作难度大等。改善农村社会救助服务传递的建议：在县级加强社会救助政策之间及其与扶贫开发等政策的协作和衔接；加强乡镇社会救助机构和人员的能力建设、加强乡级集中供养设施建设投入；建议村委会设立专门的社会救助委员；鼓励社会力量以及社区组织（包括农村学校和卫生室、计生组织、妇联组织和民间组织）参与。

## 边缘群体社会救助服务传递- MGEN 社会融合视角的医疗保健



提尔利·魏少德 (Thierry Weishaupt) 先生，法国国家教育系统互助医疗保险联盟国际合作处长

MGEN 是法国的一家由股东（也是其顾客）管理的私营互助医疗保险公司，通过四大融合性项目（强制性公共医疗保险管理、终身补充保险、医疗保健服务、医疗保健管理和预防）以及对社区的动员帮助弱势群体摆脱社会排斥，通过平等地提供医疗保健服务推动社会融合。MGEN 自 2009 年起与中国社会保障能力建设中心合作推广互助模式，平等地提供医疗保健服务（补充医疗保险）、老人长期护理服务，并实施社会政策以减少社会排斥；2015 年尝试参与中国保险监督管理委员会发布的互助发展试点计划。MGEN 社会融合活动的经验是：与地方运营商（地方政府等公共部门、社会组织、企业、其他基层利益相关者）结盟；医疗保健和社会融合相互交织，人人享有医疗保健服务是扭转社会排斥过程的手段，医疗保健愿景的实现是社会融合的动力；关注“互助”的社会杠杆和防止社会排斥的新技术。

点评人：王延中先生，中国社会科学院研究员



左停教授分享了中国农村社会救助体系的相关内容。在乡镇层面，社会救助服务传递及低保对象的审查面临人力和技术支持的不足；社区层面，村委会等社会自治机构或社会组织参与社会救助，比较容易开展工作。应该鼓励其他社会力量，企业、非政府机构等参与到农村社会救助中来。法国的 MGEN 类似于自治性社会组织，对中国而言是一种新的社会管理体制，在今后的社会建设中如何借鉴欧盟经验培育和扶持这类组织对于最需要帮助的贫困人口的社会融合有重要的作用。

点评人：马尔钦·雅丹齐格（Marcin Adamczyk）先生，波兰国家农业指导中心副主任



防治波兰农村地区社会排斥是基于存在于公共部门、私营部门和非营利性部门中的非政府组织，这些非政府组织中有 25% 位于农村地区。农村地区社会排斥风险率为 60%，遭受社会排斥风险的农民（其农场面积多数都小于 2 公顷）占 26.5%，农村地区失业人数 73 万。非政府组织在防治社会排斥中发挥的作用是联结、提供救助服务、照顾与教育等，开展的主要活动有物质、心理、教学支持以及照顾服务；其资金来源主要有会员费、地方政府拨款、企业及个人捐助、银行利息及 1% 的税收。防治波兰农村地区社会排斥的非政府组织的最佳实践有地方行动小组和农场教育网络。

## 6. Summary of the EU-China Forum

Mr Gabriele Uselli, Managing Director, Individual Account Department, INPS, Italy



Mr Uselli, the Project Leader of the EU-China SPRP, highlighted some challenges for the Project which are very complex and involve many EU and Chinese partners at the governmental level. The HLF was an important event in the implementation of the EU-China Social Protection Reform Project especially for Component 3 of the Project which is coordinated by Ministry of Civil Affairs of the People's Republic of China and the Ministry of Labour and Social Policy of the Republic of Poland. Mr Uselli expressed his gratitude to all participants and encouraged them to contact the EU-China SPRP Office for any further information.

Mr Kang Peng, Director General, International Cooperation Department of MoCA



Mr Kang underlined the importance of the event with more than 100 participants and high level speakers including Mr Li Ligu, Minister of MoCA and Mr Hans-Dietmar Schweisgut, Ambassador of the European Union to China. He spoke highly of the fruitful discussions and knowledge exchanges of this event on the following topics: the legal framework of social assistance, central and local government responsibilities in allocating resources, the basis and methods for determining the minimum living standards, and the delivery of social assistance services in rural areas. He also emphasized that MoCA has always paid attention to exchanges and cooperation in the social assistance field and been willing to learn international experiences and practices. It has also willing to share the Chinese experiences and successful practices to the global society. He stressed that the HLF is a solid foundation for further, closer cooperation between the EU and China on social protection issues.



Ms Monika Szostak, Director, International Co-operation Department, Ministry of Labour and Social Policy, Poland (SPRP Component 3 Coordinator)



Ms Szostak stated that the HLF has been very successful in addressing out issues and in highlighting the challenges of reforming the social assistance system. The event showed that the development of social equality and inclusiveness has become a key policy issue in China. Establishing a new social assistance system, including the Minimum Livelihood Guarantee Scheme, the Five-Guarantee Scheme and dedicated social assistance schemes was the crucial step in Chinese welfare policy reform. The HLF discussion showed that further development is needed to meet the population's demands. Both China and the EU Member States have been going through challenging times: rapid ageing of the population, labour market problems, inequalities, and the need for financial sustainability at the same time. Ms Szostak expressed her appreciation to all speakers and discussants of the event.

## 6. 中国—欧盟高级别会议总结

嘉布礼业列·吴赛利先生，意大利国家社会保障署个人账户司执行司长



吴赛利先生是中国—欧盟社会保障改革项目的领导人，他强调，项目面临很多非常复杂的挑战，这些挑战在政府层面涉及欧盟和中国的诸多合作者。此次高级别会议对于欧盟—中国社会保障改革项目，特别是对由中华人民共和国民政部和波兰家庭、劳动与社会政策部负责协调的项目第三部分的开展意义重大。吴赛利先生表达了对所有与会者的感激并鼓励与会者通过中国—欧盟社会保障改革项目办公室获取更多项目相关的信息。

康鹏先生，民政部国际合作司司长



康鹏先生强调了 100 多位与会者以及民政部部长李立国先生、欧盟驻中国大使史伟先生等高级别发言人对于此次会议的重要性。他高度赞扬了此次会议在社会救助体系的法律框架、中央和地方的责任分担、低保标准制定的依据和方法以及农村社会救助服务传递等方面所进行的充分的讨论和知识交流。他强调，民政部历来重视社会救助领域的国际交流与合作，重视对国际经验与实践的学习与借鉴，民政部也愿意与国际社会分享中国在社会救助领域的经验以及成功的实践；此次高级别会议为今后欧盟与中国在社会保障领域的进一步合作奠定了基础。

莫妮卡·索斯塔克女士，波兰劳动与社会政策部国际合作司司长



索斯塔克女士认为此次高级别会议对于呈现社会救助体系改革中面临的问题及挑战而言是非常成功的。此次会议显示，社会公平和社会的包容性发展已成为一项关键的政策问题；包含最低生活保障、五保和专项救助的新型社会救助体系的建立是中国社会福利政策改革的关键一步。通过此次高级别会议上的讨论，需要更进一步的发展以满足人口的需求，中国和欧盟的成员国一直处于充满挑战的时期：人口的快速老龄化、劳动力市场问题、不平等以及财政的可持续性发展需求等。最后，索斯塔克女士向发言人和讨论者表达了谢意。

# Reflections on the High Level Forum Discussion and an Overview of EU Best Practices Related to the Challenges of the Social Assistance System in China

*Zofia Czepulis-Rutkowska*



## Introduction

This report is the result of my mission to China between 13 September and 22 September 2015.

During my stay in Beijing I participated in the Higher Level Forum as a speaker delivering a lecture on the European Union's solutions in the social assistance area.

The key issues concerning a social assistance law in China were addressed in the Assessment Reports, during the High Level Forum as well as during the meetings with the Chinese experts and a meeting with the MoCA representative. Also some key issues for EU Member States are indicated because even if they are not a source of immediate concern for China they are important for the future.

In this report I refer especially to the systems used in Germany, Sweden and the UK. The focus on these countries is justified by the fact that they are not covered by the consortium report and therefore this choice provides for wider range of relevant experiences in social policy organization and financing. The countries represent specific models of social policy: conservative, social -democratic and liberal that are in themselves important institutional solutions differing in terms of, among other things, preventing poverty and providing for social integration.

The divisions of welfare state types and the corresponding role of social assistance was addressed in a intervention "Challenges of Social Protection Policies" by Professor Tito Boeri, the President of INPS, Italy and also in my presentation (Zofia Czepulis-Rutkowska) "Comparison of the EU and China's Social Assistance Legislation" during the 2015 EU-China High Level Forum on Social Protection Reform Challenges for the Legal Framework of Social Assistance. In the following part of the report the key issues concerning the social assistance system in China, as identified during the High Level Forum and meetings with experts, are addressed.

It should be noted that the issues raised in each separate section overlap to some extent with other sections.

## I. SOCIAL ASISTANCE AND POVERTY PREVENTION

The High Level Forum confirmed the will and determination of the Government of China to reform the Social Assistance System so that the poor people of China could be lifted out of poverty and also integrated into society. This was clearly stated in the opening speech of Mr LI Ligu, the Minister of

MoCA who underlined that being eligible for government help in the case of poverty is a basic right of Chinese citizens. To this end the social assistance system has the main role to play.

The Chinese experts further explained the process of introducing social assistance aspects into the political and institutional agenda. The importance of this social policy segment has for a long time been acknowledged as both the Di Bao systems - urban and rural - have been introduced and have grown in terms of both beneficiary numbers and expenditure. Currently as the importance of social assistance is being stressed also the solutions on how to improve the system are being sought. In this area the experience of EU Member States' institutions, having identified problems and policy dilemmas, may be useful for Chinese policy makers.

In the European Union the problems of poverty and social exclusion have been gaining more attention in recent decades due to economic and social changes. The European Union as an International Organization has repeatedly underlined the need to undertake the necessary measures to decrease the number of people who live in poverty or are socially excluded. The Open Method of Coordination, a new EU social policy tool introduced in early 2000, was applied first to address poverty and social exclusion. Other segments of social policy (pensions and health care systems) were addressed. This, points to the priorities of the EU social institutions.

The recent EU Strategic Document "Europe 2020" is also clear on the priority for poverty prevention. The goal of decreasing the number of poor by 20 Million by the year 2020 was established in this document. A social assistance system is the main social tool for securing poverty prevention and social inclusion. In the context of possible insights for China it should be noted, however, that social security institutions other than social assistance institutions, are on the whole, well developed and quite generous in most of the EU's Member States.

As social policy is a direct competence of the Member States, the European Union only develops the general guidelines for specific policies such as social assistance. All the EU Member States run social assistance schemes. Whilst they differ in many respects they also have much in common. The examples of different social protection systems and social assistance schemes, as well as common challenges faced by these systems in the European Union's Member States, were presented in the interventions by Professor Boeri and Dr Zofia Czepulis-Rutkowska during the High Level Forum.

The organisational structure of social assistance in the EU Member States depends on many factors: their specific general social policy principles and their more immediate objectives. The level of a country's economic development matters since it may determine its level of social spending. The objectives of social assistance can be defined as providing social subsistence means, or more generous benefits, that allow persons to live in dignity and to integrate with the society. In the EU countries the latter apply as a rule.

The EU Member States are often divided into three different types by social policy models: conservative, social-democratic and liberal that are represented by Germany, Sweden and United Kingdom. The German social policy is based on social insurance systems connected with the employment status. Sweden's social policy is characterized by a wide range of universal benefits granted under specific circumstances which are generally non-means tested and the UK's social benefits are lower than in



Germany and Sweden and there is a long tradition of the means testing. This short description does not only present the general picture, but points out some major differences.

Social assistance seems to be most important in the UK and less important in Germany and mostly in Sweden where other social policy measures are in place to prevent poverty.

The German Law stipulates that social assistance is provided so that all its beneficiaries can live in dignity. Social assistance is to cover the minimum needed to maintain a socially acceptable living standard.

In all EU Member States, social assistance is considered a very important institution providing necessary (in cash or in kind) transfers if other social security institutions fail to prevent poverty (Neubourgh de Ch, Castonguay, Roelen 2007). Social security, in addition to social assistance comprising old-age pension systems, disability pension systems and others, is still efficient in preventing poverty and social exclusion. However due to labour market changes social insurance systems are becoming less generous and it is most likely that they will become even less generous in the future. More important is that person gets social assistance as a last resort safety net.

## II. A CENTRAL LAW ON SOCIAL ASSISTANCE

The Minister of MoCA reminded us that many activities and studies had already been undertaken and their deliverables had laid solid foundations for a comprehensive legal framework. It was strongly emphasized during the High Level Forum that the introduction of one central comprehensive legal framework on social assistance would be conducive to efficient poverty alleviation. It was claimed, in several interventions, that the currently in-force regulations (interim regulations) cannot guarantee efficient poverty reduction, because of the lack of sufficient support for a central comprehensive legal framework. The Assessment Report on the Social Assistance Legal Framework also includes such a recommendation.

In this context two issues were emphasized. The first was that the current set of regulations is segmented and does not always allow to unify and to define clearly practices across the country. The second issue was the difficult process of Law enactment. The difficulties with overcoming different views and diversified interests of Departments involved in the reform process led to the development of a strong barrier blocking the successful completion of the legislative process. This view was expressed strongly in the Professor Zheng Gongcheng's intervention during the High Level Forum.

According to Professor Zheng Gongcheng the key to finding consensus on the Social Assistance Law is the coordination of the stakeholders' involvement in the legislative process. Currently different ministries and departments represent different views and interests. Professor Zheng Gongcheng in his intervention during the High Level Forum pointed out that process used in introducing the Charity Law can be viewed as an effective legislative process.

Other Chinese experts explained that a political decision is necessary to introduce a single social assistance law. During the meeting at MoCA it was stated that the decision preparatory process is still in the stage of being defined and that this process would take some time. The Charity Law is an easy one when compared to social assistance and the process of its implementation has been much less

complicated. Therefore, it was claimed that recommendations included in the Chinese Assessment report on the interim social assistance law may or may not be fully relevant to furthering the reform process.

During the High Level Forum, I agreed with the debate participants that the introduction of a complex reform involving many stakeholders needs orchestrated measures. I referred to the Polish experience with the implementation of the reformed old-age pension system reform in 1999. There were several ministries involved in this process and to orchestrate their efforts, an extra office – a central government representative (plenipotentiary) office – was established to coordinate the reform process. This move turned out to be efficient and the reform was implemented.

Summing up: the Chinese standpoint (represented by the experts, researchers and by the MoCA representatives) was that a central law would be instrumental to the efficient running of social assistance schemes. It is however still to be decided when such a law should be implemented.

In the European Union Member States social assistance schemes are regulated by a central law. In each case, despite the fact that there is one central law, it was reformed thoroughly as a response to social and economic changes.

Countries such as Poland, Germany and Sweden will be reviewed as possible best practice example in this respect.

Poland is an EU "new" Member State that underwent significant socio-economic transition in its move to a market economy in the recent two-and-a-half decades. The economic transition resulted, amongst other things, in acute social problems – unemployment and poverty increased in the first place. A strong and well-designed law became inevitable.

In China since the early 1950's the government has established regular quota relief, the five-guarantee scheme, disaster relief, temporary relief and other social assistance schemes. During the planned economy period, state owned enterprises provided full and life-long employment and many social benefits, old age pensions among them. Economic free market oriented reforms resulted in a restructuring of state owned enterprises that led to the unemployment of many workers. On the top of this, negative for them development, they had also lost the right to various types of social protection. Because of that, since the 1990's-ties China, has been introducing social assistance measures.

It seems therefore that experience of those EU Member States that underwent transition from a planned to a free market economy may be particularly relevant for China. In Poland, also, state owned enterprises which had been providing many social benefits were liquidated after the transition. It has to be noted however that in Poland, still under the planned economy system, there were social benefits provided by the government run social security systems that played a central role in social protection.

In 1991 the first Social Assistance Law was introduced in Poland. It replaced a previous law from 1923, practically having not much importance. Also the previous law was called "social care law", not social assistance. The change of name from social care to social assistance shows that the intention of the intervention had been changed. The new law aims at helping people to regain the ability to be active, hence it should assist people in their own efforts rather than just providing care. Social assistance,

which used to be governed by the Ministry of Health and Social Care, was transferred to Ministry of Labour and Social Policy. This may be relevant for China, since in this way social assistance gained more importance and became more directly connected with labour market policies. This Law was amended and then replaced by a new social assistance law in 2004. There is an ongoing debate on some elements of the social assistance law, but there is no doubt that a central law, properly located in the administrative structure, has been instrumental in addressing many social problems.

It should be noted, however, that in Poland some benefits outside of social assistance are means tested so in a sense they are similar to social assistance. These are regulated outside of the social assistance law. The main example is family benefit. It is means tested however its eligibility threshold is higher than the general one. It is also guaranteed. Family benefits are considered family policy instruments rather than poverty prevention per se.

In Germany social security comprises five statutory branches: sickness insurance, long-term care insurance, pension insurance, accident insurance and unemployment insurance. In addition, there is also State social support, basic provision for jobseekers in old age and in the event of reduced earning capacity as well as various family benefits and a housing allowance. The social law is divided into twelve separate books. The XII Book is on Social Assistance (Socialhilfe).

In Sweden the Social Services Act regulates social assistance. Introduced in 1982 it modified thoroughly the previous law called "Social Aid Law" that replaced an even earlier "Poor Law" from 1918. It has also been amended several times. Modifications included, but were not limited to, tightening of the eligibility criteria. Social assistance beneficiaries have to now actively seek jobs or to participate actively in labour market activation programs. They also have to use their own assets first (Rescaling Social Welfare Policies in Sweden 2006)

This short reference to different countries from the perspective of their economic situation, size of population and also welfare state development illustrates the common assessment that social assistance law needs one central law of the same importance as the other social policy systems. Also the social assistance law shows that this law is instrumental in introducing new values and rules in society in the case of Poland, Germany and Sweden (and not only these countries). The central law sends a clear message as to the importance attached to it by the authorities. The law is to play important role as a means of communicating the specific goals of the Government's policy. In the case of many EU Member States the central law showed that social assistance is not only about passive help but also, if not in the first place, activation in the social sphere and in the labour market.

The central law established in these countries was given more importance and impact. It was transformed according to evolving socio-economic circumstances.

### III. DIVISION OF RESPONSIBILITIES

The question of the division of responsibilities was raised in particular in the intervention of Mr Liu Sihai, Director of Office for Minimum Livelihood Guarantee of Hubei Provincial Civil Affairs Bureau, in his presentation during the High Level Event "Current Management Responsibilities for Allocating Social Assistance in China."

Professor Zuo Ting in his intervention “Delivery of Social Assistance Services in Rural China” also raised the problem of administrative responsibility but in the context of the rural/urban division. The administrative responsibility division was further discussed during the meetings with Chinese experts especially with professor Zuo Ting. Professor Zuo explained the situation of very deep differences between urban and rural areas. Some big cities and their residents are in a good economic position, whereas rural areas are much poorer. Poverty is observed to a much greater extent in the Western part of China than in the Eastern part, especially along the sea coast. All these regional differences create a significant challenge for the division of administration since it is widely believed that differences in living standards across the country should not be too big. Rather social security in general, and social assistance in particular, should minimize the differences.

In China, a big and diverse country, the responsibilities should by all means be divided between the respective administrative levels. This is open to further discussion and decisions are needed on how this division should be organized. The lower levels of administration have more information about both the situation in a particular part of the country in terms of economic opportunities on the one hand and living costs on the other hand. So there are strong arguments to delegate decisions to the lower administrative levels. The question arises whether sufficient resources would be available at this lower administrative level and if not, then how the higher administrative level should bridge the resources’ deficit. Still such a delegation results in differences in the level of social assistance benefits and causes inequalities across the country.

It was proposed during the High Level Forum that the central government might set general rules, for example, concerning the poverty line determination methods, whereas lower administrative levels might decide about the level of poverty line using their knowledge about the specific situation in a region.

The administrative power should, however, be backed with adequate finances. It happens though that the areas with the highest number of poor persons often lack sufficient finances. In order to secure efficient decisions concerning poverty prevention at lower administrative levels the government will have to be involved in financing.

Most European countries have delegated social assistance decisions from the central to lower administrative levels. This is because, as already mentioned, at the community level it is easier to determine what the people’s needs are, what are their resources and also what are the possibilities of the given community in terms of their financial and service capabilities. Countries differ however in many respects. First and foremost, it is important which administrative level decides on the benefit level and which sets the eligibility criteria. Second it is important, if social assistance is defined as a right of a citizen, that there is the facility to appeal if the decision against a claimant is unfavourable.

In Sweden and Germany, the municipalities play an important role in administration, but also in the financing of the social assistance system. Even though social assistance is decentralized, the municipalities receive part of their funding from the national level in the form of grants targeted at social assistance or without targeting. Without co-financing from the central government, some local authorities would not be able to cover the necessary expenditures. This feature of financing within decentralized social assistance systems seems to be relevant for the Chinese debate. The issue of the financial involvement of Central Government was raised during discussions.

As already mentioned Sweden has delegated social assistance to their lowest level of administration – municipalities. There are 3 levels of administration in Sweden and a municipality is the lowest. Social assistance is supervised by the National Board of Health and Welfare. The local administration of social assistance is, apart from minimum income guarantee, also responsible for care and service for children and families, care for the elderly and for the disabled. The Social Services Act states that everyone should be guaranteed a reasonable standard of living, which includes an adequate minimum income. According to Swedish law social assistance is a citizen's right. The Social Services Act originally gave the municipalities the authority to define how much money an individual needed so there were differences between municipalities. In order to give some guidance, in 1985, a recommendation on a social assistance norm was presented. Eventually in 1998 a legislated norm was introduced. As a consequence, the norm plays the role of a threshold. The municipalities have only the right to increase it, but are prohibited from decreasing it.

In Germany the Central Government law states that anyone who is unable to support him or herself with their own resources is entitled to claim social assistance.

Germany is by European standards a big state and because of that its experience in terms of administrative structure and division of responsibilities may be considered more relevant for China than other European countries.

The government structure was formed back at the end of 19<sup>th</sup> century when Germany was united in 1871. Social policy was increasingly decided at the central level but still the social schemes were administered in a decentralized fashion.

Responsibilities are divided into federal, state and local tiers of government. In addition to the federal authorities there are 16 States (Länder), which are divided into 32 regional authorities which encompass cities and rural districts.

The states (Länder) are responsible for establishing the standard rate. There are, however, “standard requirements” that have to be observed by all local governments. The standard rates may be supplemented under special circumstances such as: supplements for special needs, a one-off benefit for initial clothing, an educational package.

Mr John Halloran who spoke during the High Level Forum on “Social Assistance Systems in EU countries – Sharing Responsibilities at Different Government Levels” shed some light on nongovernmental organizations that are active at the community level mostly.

## V. BENEFIT AMOUNT

It was stressed in the Chinese presentations and discussions that the Chinese benefit amounts are low in absolute as well as in relative terms. Professor Zuo Ting showed that the benefit levels are less than 20% of income and about 1/3 of average consumption. Also the policies across the countries differ as well as the benefit amount. Not everybody gets a benefit because of budgetary constraints and also because sometimes people are not aware of the social assistance benefits.



In Europe the poverty line is often understood as 60% of median income. This is not however how it is set in most countries. Sometimes it is a norm based on calculations.

The benefit level calculation depends on available financial resources and the policy principle behind it. The specific calculation is based on a decision as whether the threshold should allow simply for biological existence or the capacity to live in dignity.

There is also the so-called reference budget that was presented in the Belgium context by Mr Koen Vleminx from the Federal Ministry of Social Security. Reference budgets have the aim of securing enough resources to allow people not just to be lifted out of poverty but also to integrate within society. As the Belgium presentation has shown the reference budget amount was well above the poverty indicator used for the social assistance system.

In Poland the reference budget calculations are run by the Institute of Labour and Social Studies in two versions. The first version is the so-called “subsistence minimum” and the second the social minimum. The first one is considered to be biological subsistence, whereas the second is a social integration measure. The type and composition of the family are taken into account. The social minimum, however, is too high for many reasons e.g. budgetary constraints and unfavourable labour market incentives. The social policy threshold has been closer to the subsistence minimum rather than the social minimum. In 2015 for a single person it is PLN 634 whereas in 2014 the social minimum was on average – PLN 1071 and the subsistence minimum – PLN 544. In 2014 the average household’s (of any composition) income was PLN 1340.

In Poland like in Belgium it is not possible to use the reference budget to pay the benefits. The social subsistence level is considered too low. Therefore, under the Polish system the threshold is not based on the reference budget.

In Sweden the amount of social assistance is expected to provide for integration within society. The benefit covers food clothing and footwear but also games and leisure, health and hygiene, telephone and TV licence fee. Additional amounts are provided for children. Also housing benefit is granted separately.

Apart from the threshold it is very important whether benefits are mandatory or discretionary. If the authority is obliged by law to pay benefit, the question arises if there is an obligation to pay a specific amount if eligibility criteria are fulfilled or to pay as much as is currently permitted by the available resources. The obligation of the authority to pay is crucial for the well-being of the beneficiary.

This feature was not directly addressed during the High Level Forum. The discussions with Chinese experts proved that this feature is not considered a priority at this stage of developing the social assistance law. However, whilst other aspects of setting the benefit threshold seem more important now, the issue of obligation versus discretion has to be raised in order to allow for proper insight into the EU Member States’ experience. The problem of the payment obligation may become more important once the Di Bao benefits rise and the unjustified takeout may start to occur on a wider scale.

In Poland the main social assistance benefit is still mandatory in a sense that the benefit has to be paid if the prescribed eligibility criteria are fulfilled. The social assistance threshold for the so-called

temporary benefit differs between a single person and family households. As already mentioned in 2014 the threshold for single person household equalled PLN 634 and for each person in a family – PLN 514. The benefit level cannot be lower than 50% of the difference between the beneficiary income and the threshold. It has to be emphasized that the threshold is low and also the benefit itself could be low.

Poland as a post-transition country with a national income lower than the “old” member states’ national income differs from the “old” member states in its capacity to allocate resources to social assistance. Due to scarcity of resources dedicated to social assistance, the Polish debate might be more relevant for China’s reform process.

In most European countries for example in Sweden, Germany and the UK there is an obligation imposed on the authority to pay the benefit in the full amount. Once the set criteria have been met, the beneficiary is certain to receive top-up money so that their income meets the criteria.

In this context the problem of the “welfare trap” emerges. Countries with mandatory social assistance benefits face the problem of welfare dependence. This means that social assistance beneficiaries would rather stay on the benefit than take up a job. Poverty trap exists when the benefit is withdrawn immediately after getting another source of income and, therefore, it is better in order to avoid welfare dependency not to cut the benefit immediately but rather to decrease it gradually so that the beneficiary has a premium for their effort to find a job.

## VI. MULTI-TIER SOCIAL ASSISTANCE

During the High Level Event the issue of the composition of the necessary help was debated. Most debate participants took the view that a multi-tier system is better tailored to very diverse situations than a simple cash benefit system. In China Dibao is the most important and most mature part of social assistance. However other benefits – the five guarantees and others are also very important for the population’s wellbeing, especially as the Dibao level is low. The multitier social assistance system and its development over the years in China is thoroughly described in the Assessment Report.

Two features in respect of the multi-tier solution are common in European Union Member States’ social assistance systems. Firstly social service benefits along with cash benefits play an important role. Secondly there are many additional benefits for special needs categories or when special circumstances occur. These “extra” benefits may be paid regularly or they may be one-time payment.

German law states that assistance is tailored to individual needs taking into account a claimant’s circumstances, wishes and abilities (SGB, Section, Social Security at a Glance 2015). Therefore, the assistance takes various forms. Assistance is provided in the form of services, benefit payments and benefits in kind (other than services) with cash benefits taking priority.

There are different levels of benefit for a person living alone and for co-habitants (spouses in most cases). There is also a different level for children in the following categories: under the age of 6, between 6 and 14 and from the age of 14 onwards. Social assistance covers assistance towards living expenses, a needs-based pension supplement, assistance towards healthcare, integration assistance

for the disabled, assistance towards overcoming special social difficulties and assistance in other circumstances.

These standard rates may be supplemented by the following:

- Supplement for special needs for certain groups (e.g. children, single parents, families, pregnant women, persons in need of extra nutrition due to certain diseases etc.)
- One-time benefits that are not included as a flat rate in the standard rate e.g. for initial clothing outfit (including in the case of pregnancy and birth) or initial fittings for a house
- Educational package for children and young people, which covers in particular needs relating to school trips, personalized school supplies, school transport, community lunches, sports, culture and leisure time activities and under certain circumstances learning/study support

Housing is on average expensive and represents a big part of a household's budget. Sweden's solution may be considered to be best practice in this respect.

The norm of social assistance is expressed in EURO and depends on age per month. The norm takes into account the following items: food, clothes and shoes, leisure, hygiene, child-youth insurance. The norm for the family is the result of summing the cost of these items according to the family's composition.

The social assistance norm does not include housing costs or energy. All these costs are covered in addition to the social assistance norm, provided that they are deemed reasonable. So the cost of, for instance, housing is added to the social assistance norm.

## VII. SOCIAL ASSISTANCE SYSTEM CHANGES

The Assessment Report, High Level Forum and discussions with the Chinese experts indicated a big change in social assistance in China especially in terms of introducing Dibao as a new measure followed by the growth in the number of beneficiaries as well as social spending.

Further changes are foreseen as new challenges connected with socioeconomic development and the current social assistance's system functioning emerge.

Social assistance in EU Member States has also undergone significant changes. Recently activation policies are expected to be carried out also via social assistance systems. Therefore, even if it is not directly of interest for China now, these changes most likely will become relevant for China at the later stage of its socioeconomic system development.

The issue of activation and the policy of social assistance benefits conditionality on labour market efforts was raised in some interventions. Dr Marzena Breza spoke on this subject in her intervention. The European Union policy is to activate people in the first place and give them benefits as a last resort. The idea is also to invest in people so that they could provide for themselves and turn to authorities for social assistance only in cases of real hardship. According to European Union Documents the main goal of policies should be employment as a means of preventing or fighting poverty.

Since the 1990's social policy in the EU as well as in the Member States has moved from the passive welfare state to an active and enabling welfare state (Elenveld 2014).

In the Netherlands the social assistance scheme is operated under the Work and Welfare Act. It underlines in a very straightforward manner the connection between the labour market and welfare benefits. Under the Act beneficiaries are obliged to participate in an employment program, if this is offered as a part of reintegrating work activities in the participation placement plan. The municipality may oblige certain beneficiaries to perform participation activities.

In Germany back in the 1960's social assistance aimed at providing temporary emergency support on low pensions for specific groups such as senior citizens. Later other problems became more urgent (Social Security at a Glance 2015): swelling unemployment, changing family structures and functions with population aging resulting in more dependent and disabled persons.

Social assistance in Germany is divided into two groups: those who at least theoretically can get employment and those who cannot. Those beneficiaries who can work are obliged to participate in work opportunities. A separate Book II of the Social Code was created for jobseekers aged between 15 and 4 who are able to work. They can claim new basic social security benefits but they cannot claim assistance towards living expenses. The benefits are similar to "normal" social assistance but also measures to integrate in the labour market are used in the form of employment promotion policy tools. Still in cases of being unemployed and of needing social assistance these beneficiaries would receive the Unemployment Benefit II to meet their costs of living. Both types of benefit are similar in terms of types and rates but the difference is that Unemployment Benefit II has to be applied for (European Commission 2013a).

The UK has reformed its social assistance system many times. For some time, the UK had various social assistance schemes including jobseeker's allowance, the Employment and Support Allowance, Income Support, Housing Benefit etc. The first benefit was targeted at able-bodied persons who were supposed to seek employment. The second was for those employed but with insufficient income and the third was for people who were not expected to get a job due to old age or disability. Housing benefit was a separate benefit (European Commission 2013c).

As a result of 2012 Welfare Reform Act one benefit – Universal Credit - was introduced that covers all six working-age benefits: income based jobseeker's allowance, income related employment and support allowance, income support, child tax credit, working tax credit and housing benefit. The justification of this reform is manifold but the most important rationale is to make people who are employable to make an effort to join the labour market and to reduce social assistance spending. Universal Credit claimants may be obliged to participate in the work preparation schemes.

One of the most widely discussed social problems in the UK is the dependency on the social system of people drawing the benefit and also of their children. There is a danger of passing dependency down the generations. It has often been claimed that people are trapped in benefits.

The changes are based on a belief that Universal Credit should be similar to the pay from employment. One way to achieve it is a monthly payment instead of a weekly or fortnightly payment. This is expected to allow for better planning of one's activities as well as one's expenditure. The benefit amount will be

capped so beneficiaries will know that they will not receive more than a certain amount annually. Another change concerns the housing benefit. This will allow only for accommodation tailored to meet family needs.

The law has been implemented gradually. This feature of the reform might be relevant for China as it is ever more difficult to implement a thorough reform in a very big and diverse country like China. In the UK the changes started on a very limited basis in April 2013 with new claimants who are single and who live in a small number of areas. It was planned that by the end of 2017 every eligible person will be moved to Universal Credit, but it has already been suggested that the deadline may be missed. At this stage the issue of conditionality connection with labour market does not seem crucial. Professor Zuo pointed out that current beneficiaries in China, especially those in rural areas, have mostly unemployable status, but that situation is going to change.

## VIII. OTHER IMPORTANT ISSUES

### Professionalization

An insufficient number of social assistance workers and insufficient levels of professionalism were also indicated. Professor Zuo claimed that it is a real problem in rural areas. Village committees temporarily play an important role in this respect.

Poland is a country that during the transition period invested in social work. Social workers are not only carers but counsellors, people who should help to overcome various problems in the family, in social life and in the labour market. Social work is instrumental in realizing activation goals.

Social work is also important in other social assistance systems. In the UK social assistance is also to a large extent based on social work. The German system provides guidance and support as required. To this end specialized education is available in each of these countries at College or University level.

Apart from education and professional competencies, social workers' remuneration also matters in achieving the goals of social work. In Poland remuneration is low and social workers are overburdened with field work and bureaucracy. These aspects should be kept in mind when discussing professionalization. Many factors contribute to professionalism in social assistance, not just education itself.

The issue of data collection was raised during the High Level Forum. Accurate data collection is necessary for both finding the persons in need of assistance and for a good assessment of their income and resources. Accurate data is crucial for good targeting.

In the European Union Member States, it is underlined that social assistance is efficient if everybody in need gets help and nobody who doesn't need it gets it. In practice this goal is extremely difficult to achieve. So the goal is rather to minimize the number of unjustified beneficiaries as well as the number of persons who do not take the benefits that they are eligible for.

In some European Union Member States, non take-up is considered a big problem. The UK is a good example in this regard. Because of the social stigma attached to social assistance (as opposed to



social insurance) some people would rather not claim it and stay poor. This is often the case of pensioners who feel humiliated when forced to use social assistance.

Data collection is important for the proper targeting of those in need but also in providing the necessary help quickly. Digitalization was pointed out as a means to this end. The lecture delivered by the Italian, Mr Luca Sabatini, Managing Director, Department for Income Support benefits and ISEE, presented the digital system of collecting relevant data for social assistance using many statistical data sets. It is indeed a comprehensive system allowing for fast and accurate assessment of a person's material situation according to the information available in the data sets.

It should be pointed out, however, that data collection and proper assessment of this data is crucial. Digitalization, of major importance especially in a big country, is a means to manage the data, but accurate data is a condition for good targeting.

Fraud is an issue raised by some at the High Level Forum. By all means it is a policy concern in China.

European Union Member State also face the problem of fraud. Recent reforms in the UK are hoped to limit fraud cases due to among other things the IT system developed for claiming Universal Credit.

### **Social organisations**

Non-governmental organisations or other forms of social co-operation can be conducive to achieving social assistance goals. NGO's are still not well developed in China. Some ideas about the contribution of social organisations were presented by Mr Thierry Weishaupt. His intervention was focused on helping the groups at the main risk of social exclusion. He has showed how different institutions and social organizations can work together to achieve a specifically defined goal that was not fully defined within general government policy.

Social initiative is necessary in itself but it is also necessary to mobilize some existing institutions to work in an innovative way. Innovation in social policy in general is one of most important themes of European Union Debate.

Poland, again as a post-transition country, can be a relevant example for China. Unfortunately, social organizations are yet not well developed in Poland. Not only are they not numerous but they are also concentrated in the cities. This means that they help those people who can often (due to easier employment access) be helped otherwise. Much effort has been put into social organizations' development as it is believed they are most helpful in particularly difficult situations sometimes not covered by government institutions.

It still needs time and effort because of both budgetary constraints in those organisations and also the Polish people's attitude to social organizations.

### **SUMMING UP**

China has been undergoing significant social protection changes within the recent decades. Social assistance has developed during recent times mainly due to the introduction and growth of the DiBao urban and rural programs.

Social protection systems are very well developed in European Union Member States, especially in the so called “old” Member States. The social protection systems and, as a consequence, the social assistance systems are diverse in EU Member States.

European Union Member States’ experience may provide some insight for Chinese experts and policy makers in terms of the various aspects of organizing and financing social assistance systems.

Some experience and good practices may be particularly relevant for China. Some other features may only be of interest for possible future developments.

## References

Eleveld Anja (2014) The duty to work without a wage. A legal comparison between the social assistance legislation in Germany, the Netherlands and the United Kingdom, *European Journal of Social Security*, September 2014

European Commission, Employment, Social Affairs Inclusion (2013a) Your social security rights in Germany, July 2013

European Commission, Employment, Social Affairs Inclusion (2013b) Your social security rights in Sweden, July 2013

European Commission, Employment, Social Affairs Inclusion (2013c) Your social security rights in the United Kingdom, July 2013

Ministry of Health and Social Affairs Sweden (2014) Memorandum, National Social Report 2014 – Sweden

Neubourgh de Ch., Castonguay J., Roelen K. (2007), Social Safety Nets and Targeted Social Assistance: Lessons from the European Experience, Social Protection and Labour, the World Bank, Discussion Paper NO.0718

Rescaling Social Welfare Policies in Sweden (2006) National report provided by Ake Bergmark, Renate Minas, Institute for Future Studies, Stockholm, February 2006

Terms of Reference (2015), Component 3 macro-activities, 1 European Expert, Senior social security specialist, European Best Practices (Annual Work Plan 2015 – Macro-Activity High Level Event 0.3)

# 高级别会议讨论的反思及与中国社会救助体系的挑战最为相关的欧盟最佳 实践经验

索菲娅·婕普丽思-露特考思卡女士



## 导言

本报告系笔者在 2015 年 9 月 13 日至 22 日出访中国期间的任务成果。

笔者在京期间参与了社会救助高级别会议，并担任发言人，阐述了欧洲联盟在社会救助领域的许多办法。

中国社会救助法律的核心问题将在评议报告中得到讨论，在社会救助高级别会议和与中国民政部代表、中方专家的历次会议中都曾讨论过。有关欧盟成员国的一些关键问题也有所涉及，因为虽然这些问题对于当下中国而言并非重要，但对未来或许有益。

在本任务报告中，笔者将专门谈及应用于德国、瑞典和英国的相关实践。将讨论核心调整至这三个国家是由于这些国家不在项目联合体之内，因而可以获得关于社会政策组织和筹资方面更广泛的经验。这几个国家代表了社会政策的特定模式，即保守主义、社会民主主义和自由主义。这些模式都是这些国家预防社会贫困、推进社会融合的重要制度方案。

关于“福利国家的模式划分”和“社会救助的相应角色”等问题，在社会救助高级会议上，通过意大利国家社会保障署署长狄铎·薄爱礼教授的发言——“社会保障政策所面临的挑战”和笔者的发言——“中欧社会救助立法比较”得到了讨论。本任务报告的后续章节将讨论在社会救助高级别会议上所认定的中国社会救助体系核心问题。

但须注明，每一单独章节所讨论的问题，或多或少与其他章节所讨论的主要问题有一定交集。

## 一、社会救助与贫困预防

社会救助高级别会议明确传达了中国政府改革社会救助体系以帮助贫困群众脱贫及融入社会的决心。中国民政部部长李立国先生在其发言中明确阐述了这一点。他还强调在贫困状态之下获得政府帮助是中国公民的基本权利。在这一问题上，社会救助体系将发挥主要作用。



EU-CHINA

中国专家则深入阐释了在政策与制度层面推进社会救助的过程。这一领域政策的重要性体现在：城乡居民低保制度的建立和制度受益群众数量与福利支出的提高。当前，社会救助体系的重要性再次被强调，更需要寻求完善社会救助体系的解决之道。就此，欧盟成员国的制度经验、所认定的问题和政策困境或可对中国的政策制定者有所裨益。

源于经济与社会情境的变化，贫困问题与社会排斥问题在近一二十年来得到了欧盟内部越来越多的关注。欧盟作为国际组织也反复强调要采取必要措施减少贫困人口和缓解社会矛盾。2000年，欧盟制定了新的社会政策工具——“开放性协调办法”。该办法首先被应用于缓解贫困和社会排斥问题。而其他领域的社会政策（养老、医疗体系）也使用该办法。这些领域都是欧盟社会制度的首要问题。

新近的欧盟战略性文件“欧盟 2020”也明确了贫困预防问题的优先性。在该文件中，欧盟明确了到 2020 年减少 2000 万贫困人口的目标。社会救助体系则是保障贫困预防和社会融合工作的主要社会工具。基于中国的语境，需要明确的是，社会救助制度之外的其他社会保障制度在很多方面都比欧盟成员国发展得更好，福利也更为慷慨。

由于社会政策与各成员国自身国力相对应，欧盟仅仅对专项社会政策（如社会救助）建立了基本指导框架。总体上，各个成员国都开展社会救助措施，在许多层面各有不同，但在许多层面也有共通之处。在薄爱礼（Tito Boeri）教授和索菲娅·捷普丽思-露特考思卡（Zofia Czepulis-Rutkowska）教授（即笔者）于社会救助高级别会议上的发言中，都讨论了各国社会保障制度、社会救助制度和其他社会制度所面临的挑战。

欧盟成员国的社会救助组织结构决定于多项因素：包括各国社会政策原则和更多的直接性目标。一国的经济发展水平对此非常重要，因为这决定了社会保障支出的水平。社会救助的目标可以界定为：提供基本生活社会补助（social subsistence）工具或满足体面生活与社会融合的慷慨福利。在欧盟，后者被采纳为社会救助的法则。

欧盟成员国通常根据社会政策模式被区分为三类：保守主义、社会民主主义和自由主义，分别以德国、瑞典和英国为代表。德国社会政策基于社会保险体系，该体系与就业状况挂钩；瑞典社会政策则主要体现为各种条件下授予的广泛的普惠性福利，且不与家计调查挂钩；而英国的社会福利则比德国与瑞典的都低，且其家计调查有长久的传统。这一简要的描述不仅表现的是各国的基本图景，也指出了各国的主要差异。

在预防贫困的问题上，社会救助在英国最为重要，在德国的重要性则相对较小，而在瑞典则有其他的社会政策办法发挥效用。

德国法律规定社会救助的提供须使得受益人口可以有生活的尊严，社会救助须保障最低福利以维持社会能够接受的生活标准。

在所有欧盟成员国中，社会救助都被视为相当重要的工具，使其在其他社会保障制度无法预防贫困时，（以现金或非现金的方式）提供必要的转移支付（Neubourgh de Ch, Castonguay, Roelen 2007）。社会保障体系，包括社会救助之外的养老保障体系、残疾人保障体系和其他体系，仍然在预防贫困和缓解社会排斥问题上发挥效用。但因为劳动力市场的变动，社会保险体系变得越来越不慷慨，且在未来会变得更不慷慨。于是，社会救助作为个人的最后一道安全网就显得越来越重要了。

## 二、中央层次的社会救助法律

中国民政部部长讲到，中国已经开展多项工作和研究，其产出成果为综合性法律框架奠定了坚实的基础。在社会救助高级别会议上，中方也强调了制定中央层次的综合性社会救助法律框架将对有效扶贫起到指导性作用。各方的发言也指出，当前的《社会救助暂行办法》尚不能保证有效的减贫，因为缺乏中央层次的综合性法律框架所提供的支持。在《社会救助法律框架评议报告》中，也将讨论针对此问题的建议。

在此语境之下，有两项议题须得强调。其一是，当前的社会救助各项法规尚属支离，无法保障一贯性，且不能明确界定全国各地的实践工作。其二是，执法过程困难。改革过程中各个部门之间的观念差异与利益差异导致了制度发展面临强大阻碍，抑制了立法进程的成功展开。在社会救助高级别会议上，郑功成教授强烈地表达了这一观点。

郑功成教授认为，要使各方在“社会救助法”上达成一致，关键就在于协调参与立法过程的各个利益相关方。当前，不同机构和部门之间持有不同的观点，有各自的部门利益。郑功成教授在其社会救助高级别会议的发言中认为，《慈善法》的通过可以视为一次有效的立法进程。

其他中方专家也阐释了政治决策对社会救助立法工作的必要性。在与民政部的会议中，民政部表示，决策的准备工作仍在进行，而这一过程仍需时日。《慈善法》相对于社会救助立法而言较为易行，且该法的执行工作亦不复杂。因此，民政部认为，关于《社会救助暂行办法》的评议报告所提出的政策建议不必然与未来的改革工作直接相关。

在社会救助高级别会议上，笔者同意与会者讨论的观点，即一项复杂的改革需要协调许多利益相关方。在此笔者将例举波兰 1999 年养老金体系改革执行工作的经验。波兰多个部门参与了此项改革工作。为协调各方，波兰成立了中央政府（全权）代表办公室来协调改革进程。这一举措最终实现了效果，使改革取得了成功。

总结而言：中国各方（专家、学者和民政部代表）都认为中央层次的法律是有效运行社会救助体系的重要工具，但通过具体的法律仍有待时日。

在欧盟成员国，社会救助由中央层级的法律规制。为应对经济社会所发生的变动，都会采取彻底的改革。

在此，波兰、德国和瑞典等国将被视为欧盟最佳实践的可能案例。

波兰是欧盟的“新”成员国，在二十五年内经历了从旧体制转入市场经济的重大社会经济转型。经济转型导致了尖锐的社会问题，首先就是失业与贫困的增加。因而强力和设计良好的法律就成为解决问题不可避免的途径。

中国从 1950 年代起建立了济贫制度、五保制度、救灾制度、临时救助制度和其他社会救助制度。在计划经济时代，国有企业提供完全的终身就业福利和其他社会福利，其中包括养老金。而市场经济改革则要求国有企业重组，继而导致了大量工人下岗。工人们失去了多项社会保障权利。于是，中国从 1990 年代开始就采取了新的社会救助办法。



因此，欧盟成员国从计划经济向市场经济的转型经验对中国而言非常重要。在波兰，国有企业也曾提供许多社会福利，但在转型之后都终止了。需要注明的是，在波兰计划经济体制中，政府主管的社会保障体系也提供社会福利，扮演着社会保护的核心角色。

1991年，第一项《社会救助法》在波兰通过。该法替代了1923年以来适用但并不十分重要的旧法。旧法被称为“社会照料法”，而非“社会救助法”。从“社会照料”到“社会救助”的变更显示出法律目的的演变。新法的目的是帮助人民重新获得工作的能力，因此可以帮助人民自己努力解决问题，而非仅仅提供照料。社会救助过去由卫生与社会照料部管理，后转由劳动、家庭与社会政策部管理。这对中国而言可算有关联的经验，因为通过这一方式，社会救助可以拥有更大的重要性并与劳动力市场政策更加直接地连接起来。新法曾有修订，并在2004年由更新的《社会救助法》代替。目前仍有针对《社会救助法》部分元素的讨论，但这一中央层次的法律无疑适合于整个行政体系，对解决很多社会问题而言是非常重要的工具。

但需要注明的是，在波兰，社会救助之外的一些福利是需要经过家计调查才发放的。因此在这一意义上讲，他们与社会救助类似。主要的案例就是家庭福利。它与家计调查挂钩，但其条件门槛则与总体标准有所不同（更高），也属于保障性福利。家庭福利更多地是被当成家庭政策工具而非贫困预防的工具。

德国社会保障包括五大法定分支：疾病保险、长期护理保险、养老保险、意外伤害保险和失业保险。此外还有国家主导的社会支持、有关务工人员、老人和收入能力下降基本保障规定及各项家庭福利与住房津贴。其《社会保障法》则分为十二章，其中第12章是关于社会救助（Socialhilfe）的。

瑞典的《社会服务法》规制社会救助工作。该法于1982年制定，改变了旧有的《社会帮助法》（Social Aid Law）和1918年以来的《济贫法》（Poor Law）。该法也经历了多次修订。修订案包括但不仅限于收紧福利申请标准。社会救助福利受益人员现在必须主动谋求工作或主动参与劳动力市场的工作带动项目（activation program），也必须首先积累资产（瑞典2006年社会福利重整政策）。

上述对不同国家经济状况、人口规模及福利国家发展情况的简要描述可以导出一个共同结论，即社会救助法也要像其他社会政策分支一样，有一项中央层次的法案。在上述三个案例中，社会救助法也是波兰、德国和瑞典（也不只是这三个国家）向社会引入新价值和新规则的重要工具。总之，中央层次的法律借助于其权威性和重要性向社会传达出明确的信号。这一法律在传达政府政策专项目标的过程中，扮演着重要的角色。在很多欧盟国家的案例中，中央层次的法律也表明社会救助不只是提供被动性的帮助，也同样包括带动受益人在社会与劳动力市场的工作能力（即使不是第一位的措施）。

上述国家所指定的中央层级的法律有很大的重要性和影响力，并且会根据社会经济状况的演变而不断转型。

### 三、责任划分

湖北省民政厅低保办公室主任刘四海先生在社会救助高级别会议上所作的发言——“当前中国社会救助责任分配管理”中指出，责任划分的问题被提到了特殊位置。

左停教授所作的发言——“中国农村地区社会救助服务传递”中，也讨论了行政责任的问题，但是在城乡区分的语境下讨论的。在与中方专家，特别是与左停教授的会谈中，行政责任划分问题得到了更深入的讨论。左停教授解释了城乡之间深度差异的状况。一些大城市及其居民经济状况良好，而农村地区则相当贫穷。中国西部地区的贫困较之东部地区，特别是沿海地区，更为严重。所有这些地区差异给行政划分造成了很大的挑战，因为大家认为全国各地的生活标准不应差距过大。而总体的社会保障体系和具体的社会救助系统就会面临这些差异。

在中国这样一个巨大而多元的国家中，须根据相应的行政层级划分责任。如何实施责任划分有赖于更深入的探讨与决策。较低层级的行政部门对国内具体地区的经济机会和生活成本两方面信息掌握较多。因此，有些观点强烈认为应给予较低层级的行政部门决策权。问题在于较低层级的行政部门是否具有足够的资源。如果没有，较高层级的行政部门应当桥接资源的短缺。此外，这种权责分派会导致社会救助福利水平的差异和全国不同地区间的不平衡性。

在社会救助高级别会议中，各方建议中央政府可设置总体性规则，例如关于贫困线制定办法的规则；同时较低层级的行政部门可就其对地方情况的了解决定当地的贫困线。

不过，行政权力应当有足够的财政支撑。一些贫困人口最多的地方常常缺少足够的财力。为了保障基层行政部门在预防贫困问题上有足够的决定权，政府应当投入财政支持。

许多欧盟国家都将社会救助问题的决定权从中央下放到地方。如前所述，这是因为在社区层级更容易决定何为群众所需、其资源如何以及在社区既定的财务与服务能力之下可能实现怎样的社会救助。但是各国在很多方面都有差异。首先，也是最重要的问题就是哪一层级的行政部门可决定福利水平和谁可以设定福利申请标准。其次，社会救助是被定义为公民可以申请的基本权利，即使条件不允许。此点非常重要。

在瑞典和德国，市政府在社会救助体系的行政和筹资过程中均扮演重要角色。虽然社会救助分权于地方，但市政府仍可获得部分由中央针对特定目标或无特定目标而划拨的资金支持。如果没有中央政府的财政支持，部分地方政府可能无法应付必要的开支。这一具有地方分权特色的社会救助体系筹资看起来对各方讨论中所谈及的中国中央财政参与问题非常相关。

如前所述，瑞典将社会救助权力分派到了基层——市政府。瑞典有三级政府，而市政府层级最低。社会救助归中央卫生与福利委员会监督。基层行政部门的社会救助工作，除了最低收入保障，也负责儿童与家庭照料与福利，还有老人与残疾人照料。《社会服务法》规定，每一公民均应获得合理的生活标准保障，包括充足的最低收入。因此根据瑞典的该项法律，社会救助属于公民权利。《社会服务法》最初授予市政府权力，用以决定每一个人所需资金额度，因此各市之间有所差异。为了对相关工作提供指导纲要，瑞典在1985年制定了《社会救助法建议》。1998年，正式通过了该法。从此，该法扮演着门槛的角色。市政府仅仅有权根据该门槛增加福利水平，但无权降低。

在德国，中央政府法律规定：任何不能通过自身资源自理生活的人均可申请社会救助。

德国按照欧洲标准而言是大国，因此其在行政架构和责任划分方面的经验相对于其他欧洲国家而言，与中国更为相关。

德国政府架构可追溯到 19 世纪，在此期间德国于 1871 年实现统一。嗣后社会政策多由中央决定，但社会保障计划仍保留由地方经办执行。

相关责任则分由联邦、州与地方政府承担。在联邦政府之外，有十六个州(Länder)。又分为 32 地区，包括城市与农村地区。

各州(Länder)负责设立社会救助标准比例。但是，所有地方政府必须遵循“标准制定要求”。在特殊情况下，标准比例会获得补助，例如：特殊需求补助、基本衣物一次性福利、教育一揽子福利等。

约翰·夏罗兰先生在社会救助高级别会议上作了“欧盟国家社会救助体系——各级政府责任划分”的发言，对在社区层级非常活跃的非政府组织进行了部分介绍。

#### 四、福利水平

中方的发言和讨论均强调，无论在绝对还是相对的立场上，中国的福利都是低水平的。左停教授展示的数据显示：福利水平低于收入 20%，为平均消费水平的 1/3。福利政策和金额在全国范围内都存在差异。因为财政预算限制以及部分群众对社会救助福利政策了解较少，并非人人都获得了应有的福利。

在欧洲，贫困线通常被认定为平均收入的 60%。这并非大多数国家划定的具体标准。有时候这是一条计算的基准。

福利水平计算取决于可以利用的财政资源和其背后的政策原则。专门的计算也取决于决策，即福利门槛的目的，是在于资助最低生活水平、还是在于提供体面生活。

比利时联邦社会保障服务部的科恩·弗莱明克斯(Koen Vleminx)先生介绍了比利时语境下的所谓“参考预算”。参考预算的目的在于保障足够的资源，以使公民不只是脱离贫困，更要融入社会。根据这位比利时专家的介绍，参考预算金额是高于社会救助体系贫困指标的。

在波兰，参考预算的计算由劳动与社会研究院进行，有两个版本：第一版本是所谓的最低生活标准，第二版本是最低社会保障。第一版本主要是用以维持最基本的生物性需求，而第二版本则是用于推进社会融合的办法。在此过程中，家庭的类型与构成是要被考虑的。但是最低社会保障因为诸多原因仍属过高，包括因为预算限制、不当的劳动力市场激励措施等。社会政策门槛更接近于最低生活标准，而非最低社会保障，如 2015 年发放给单个人的最低福利为 634 波兰元(名为：兹罗提)。2014 年最低社会保障平均水平为 1071 波兰元，而最低生活标准则为 544 波兰元。2014 年，任何构成形式的家庭平均最低收入为 1340 波兰元。

在波兰和在比利时一样，不可能用参考预算来发放福利。社会最低生活标准被认为过低。所以在波兰的体系内，福利门槛并非基于这一参考预算。

在瑞典，社会救助福利金旨在促进社会融合。其福利要解决衣食，也要解决运动休闲、卫生健康、电话电视费用。附加福利则提供给儿童。住房福利也是分开发放的。



在福利门槛之外，福利是法定还是随机的，也是非常重要的问题。如果政府必须依法发放福利，则问题在于在符合申请标准的前提下，政府是否有义务发放指定的金额。或者说根据现有的可支配资源发放适当的金额。政府的发放义务对于受益人福利而言是至关重要的。

这一问题在社会救助高级别会议上没有被直接谈及。与中方专家的讨论表明，这一问题在目前的社会救助法发展阶段上，还不是最优先考虑的内容。但是，设定福利门槛的其他问题目前则非常重要：关于法定性发放还是随机性发放的问题必须提上日程，以便找到欧盟国家合适的经验。当低保福利进行发放，并出现大规模不正当发放行为时，发放的法定义务问题就会出现。

在波兰，社会救助福利仍然是法定的，因为福利必须在预定的申请条件得到满足时才可以发放。发放给个人和家庭的社会救助临时福利门槛各有不同。如前所述，2014年，给单个人家庭发放的福利相当于 634 波兰元，而给多成员家庭中的个人所发放的是 514 波兰元。该福利的水平不能低于受益人收入与福利门槛之差的 50%。必须强调的是，福利门槛较低，所以福利本身也很低。

波兰作为转型后国家，其国民收入较之欧盟“老”成员国要低；与“老”成员国相比，配给资源投入社会救助的能力也有差距。鉴于配给社会救助的资源之稀缺，波兰在相关问题上的讨论，会与中国的改革进程有更多的相关性。

在大多数欧盟国家，例如瑞典、德国和英国，政府有义务支付全额福利。一旦受益人符合设定条件，就一定可以获得全额资金，使其收入与标准相同。

在此语境中，福利陷阱问题就出现了。设立法定社会救助福利的国家要面对福利依赖的问题，意思是社会救助福利的受益人更倾向于居家受益，而非外出务工。如果福利金在受益人获得其他收入来源后立刻断掉，受益人就会陷入贫困。所以为了避免福利依赖，最好的办法不是中断福利，而是逐渐减少福利，使得受益人能够被激发去寻找工作。

## 五、多层次社会救助体系

在社会救助高级别会议上，必要性救助的构成问题被广泛讨论。大多数讨论者都认为多层次的救助体系与单一的现金福利体系相比，能够更好地切入各种不同的状况。在中国，低保是最重要也是最成熟的社会救助制度。但是，别的福利制度——五保供养和其他制度对于人民群众的福利来说也是非常重要的，特别是因为低保福利水平还很低。多层次的社会救助体系及其多年以来在中国的发展在《评估报告》中得到完全阐述。

在欧盟成员国的社会救助体系中，有两个方面在多层次解决方案上具有共通性。第一是伴随着现金福利的社会服务福利发挥着重要作用。第二是针对特殊情况，有多重附加性的特殊类别福利。这些“额外”福利可以按照常规发放或者一次性发放。

德国法律规定，社会救助要适应个人需要，要考虑到申请人的处境、愿望和能力（SGB, Section, Social Security at glance 2015）。因此德国社会救助就拥有多种的形式。社会救助通过服务、福利发放和（服务之外的）非现金性福利实现，以现金福利为首要形式。

对独居个人和同居人员（多数情况为配偶），有不同水平的福利。对于儿童也有如下类别的福利水平：6 周岁以下；6-14 周岁；14 周岁以上。社会救助涵盖了：生活支出救助、需求型补充养老救助、医疗救助、残障整合型救助、特殊社会困难救助和针对其他情况的救助。

这些标准福利还有下列补充福利：

- 特定群体特殊需求补助（例如儿童、单亲、家庭、孕妇、因疾待养人员）。
- 标准福利未包含的一次性福利，例如基本衣物福利（包括孕期与生育）或基本住房福利。
- 青少年教育一揽子福利，涵盖了学校旅行、个性化学校资助、学校交通、社区午餐、运动、文化与休闲运动方面的特殊需求以及特定条件下的学习研究支持。

住房福利处在平均水平，系家庭预算的主要部分。瑞典对此的解决方案可以考虑为这一方面的最佳实践经验。

社会救助标准用欧元标示，并取决于年龄，按月计算。该标准考虑了如下事项：食物、衣鞋、休闲、卫生、青少年儿童保险。针对家庭的标准是根据家庭构成增加上述事项开支的福利。

社会救助标准并不涵盖住房或能源开支。因为这些开支都可以在合理的条件下获得补助，所以是放与社会救助福利标准之外的。因此他们（例如住房成本）被列为附加性社会救助。

## 六、社会救助体系的变化

评估报告、社会救助高级别会议及与中方专家的讨论，都表明中国社会救助领域发生了较大的变化。特别是在目标人群和社会福利支出增加的前提下，中国建立了低保制度，成为新的社会保护措施。

更深刻的变化来自于经济社会发展所衍生的挑战和当前社会救助体系的功能转型。

欧盟国家的社会救助也经历了较大的变化。近年来，工作带动政策也希望通过社会救助体系来实现。因此，即使这与当前中国的情况并非直接相关，这些变化对未来中国的社会经济发展也会变得越来越相关。

部分发言也讨论了社会救助制度的工作带动政策对劳动力市场的影响。马哲娜（Marzena Breza）博士在其发言中谈到了这一问题。欧盟政策的目的是在第一时间带动人民，而在最后时刻才给予福利。这一理念就是“投资于民、自力更生”，只在公民确实有困难的时候才寻求政府的社会救助。根据欧盟文件，各项政策的目标就是预防或对抗贫困。

自 1990 年以来，欧盟及其成员国的社会政策历经了从被动型福利到主动型和赋能型福利国家的转变。（Elenveld 2014）

荷兰社会救助制度是依照《工作与福利法》运行的。该法非常直接地强调劳动力市场和福利之间的关系。该法也规定，受益人有义务参加就业帮扶项目（如果该项目属于



参与型安排计划中的恢复就业活动的话)。市政府则会要求一定的受益人参与到这些活动中来。

在德国,1960 年代以来,社会救助的目标就是对养老收入较低的特定人群(如老年人)提供临时性的应急支持。之后,其他问题变得更为紧急(Social security at glance 2015):越来越膨胀的失业状况、不断改变的家庭结构与家庭功能和人口老龄化,这些都产生了更多的依赖人群和残障人群。

德国社会救助受益人群分为两类,即:理论上可以就业的和不能再次就业的。可以再就业的受益人有义务寻找工作机会。德国《社会法》第二章专门规定了年龄在 15 到 64 周岁之间的寻工人员相关事项。这些人员可以申请新的社会保障福利,但不可以申请生活保障型社会救助。这些福利类似于“正常”社会救助,但也是以就业救助政策工具为形式、推动其进入劳动力市场的措施。此外在失业并同时需要社会救助时,这些受益人可以获得二类失业福利,以解决其生活开支。这两类福利在类型和金额上都很类似,但不同的是,二类失业福利必须申请(欧盟委员会 2013a)。

英国已对其社会救助体系进行了多次改革。有时英国有各种类型的社会救助制度,包括寻工津贴、就业与补助津贴、收入补助、住房福利。第一项福利针对可以寻找工作的健康人群;第二项福利则是针对已经就业但无足够收入的人群;第三项则是针对因年老或残障而无法继续寻找工作的人群。而住房福利则是单独的福利制度(欧盟委员会 2013c)。

因为通过了《2012 年福利改革法案》,建立了统一记账福利制度(Universal Credit),囊括了所有流向工作时期的福利:收入型寻工津贴、收入相关就业与补助津贴、收入补助、儿童税点补贴、工作税点补贴和住房福利。此次改革是多层次的,但其最主要的改革动机就是想让可以就业的人员努力参加劳动力市场并减少社会救助的支出。统一记账福利制度的申请人可能被要求参加到工作准备计划中去。

在英国,受到广泛讨论的社会问题是依靠社会保障体系的人员同时收取其本人的福利和其子女的福利。因而就存在代际福利传递的危险。有说法认为人们深陷于福利陷阱之中。

因为人们认为统一记账福利制度应当类似于就业报酬,所以就出现了对该制度的改动。为此,一方面要实现按月发放,取代按周或双周发放,如此可以更好地计划个人活动和开支。福利金额设有上限,如此受益人会知道其每年福利收入有固定额度。另一方面涉及改动住房福利,使其仅仅适应家庭需要。

该法已经逐步实施。这一改革方式可能对中国的情况有相关性,因为在像中国这样的辽阔而多元的国家内推行彻底的改革显然是更困难的。在英国,改革从 2013 年开始,在有限的基础上,仅仅针对单独生活和生活在少数地区的申请人开展。按照计划,到 2017 年底,每一个符合条件的人员都可以覆盖到统一记账福利制度之下,但也有观点认为这一最终时限可能无法实现。在此阶段,制度与劳动力市场之间的衔接并非最重要的问题。左停教授指出,当前中国的(特别是农村地区的)受益人大多处在无雇佣状态,但是情况即将发生变化。

## 七、其他重要问题

## 专业化

社会救助工作人员不足与专业化水平不足的问题也被专家提了出来。左停教授认为这在农村地区是一个很现实的问题。村委会在这一方面临时性地扮演着重要角色。

波兰这个国家在转型时期曾对社会工作进行了投入。社会工作者不光是照料人，也是调解人，他们是帮助解决家庭问题、社会生活问题和劳动力市场所遇到的问题之人。社会工作对于实现带动工作的目标而言是很重要的工具。

社会工作者在其他社会救助体系中也非常重要。英国社会救助很大程度上也基于社会工作。德国的体系则有社会工作指导纲要和遵照要求提供的支持。为此，在各国的学院或大学层面都有可资利用的社会工作教育系统。

在教育系统之外，社会工作者所学得的专业能力和其酬劳对于达到社会工作目标而言非常重要。在波兰，这些都处在低水平，且社会工作者还有实地工作（田野工作）与行政科层的负担。这些方面在讨论专业化问题时都应考虑到。很多因素都影响着社会救助的专业化，而不仅仅是教育本身。

## 数据收集与数字化

数据收集问题在社会救助高级别会议中都被提了出来。精确的数据收集对于辨别需要救助的人群和较好地评定其收入与资源而言都是必要的。精确的数据对于较好地确定目标人员而言至关重要。

欧盟各成员国强调社会救助只有在所有困难群众都获得救助、无困难者不滥获救助时才算有效。在实践中，这一目标很难达到。所以真实的目标其实是减少不当福利受益人的数目，并增加符合条件的受益人数目。

在一些欧盟国家，应获福利而未获福利被认为是一个大问题。英国在这方面是一个好的样板。因为社会救助所带的社会标签（与社会保险相反），有些人宁愿保持贫困而不申请社会救助。这通常出现在一些退休人员中，他们会因必须申请社会福利而感到羞愧。

数据收集对于适当确定真实需要救助的目标人群而言是非常重要的，此外对及时提供救助也非常重要。数字化则被认为是达到这一目的的工具。意大利社保署收入支持福利司执行长官卢卡·萨巴蒂尼先生在其发言中介绍了意大利的 ISEE（家庭同等经济状况指标）体系。它就运用多种统计数据、通过数字平台为社会救助收集相关数据的。这确实是一个综合性工具，能够根据系统中的数据来快速而精确的评估申请人的物质生活条件。

但是需要指出，数据收集和对数据的适当评估至关重要。数字化在大型国家中有特殊的重要性，是一种管理数据的办法，但数据的精确性则是更好的确定目标人群的条件。

福利申请的欺诈行为在社会救助高级别会议中也被提了出来。针对欺诈的政策也是与中国极度相关的问题。

欧盟国家也面临着欺诈的问题。最近在英国的改革就希望控制欺诈案件，因为目前正在通过信息技术发展的统一记账福利制度。

## 社会组织

非政府组织或者其他形式的社会合作有助于达成社会救助目标。非政府组织在中国仍未发展成熟。提尔利·魏少德（Thierry Weishaupt）先生介绍了一些关于社会组织贡献的观点。他的发言聚焦于面临社会排斥风险的群体。他也展示了不同的机构和社会组织如何为达到特定目标进行协作，而这些目标在政府政策中则没有充分界定。

社会活动本身很必要，但也需要推动一些现有的机构以合作的方式进行社会活动。社会政策的创新基本上是欧盟所讨论的最重要的话题之一。

而波兰作为转型后国家，可以成为与中国相关的一个样板。但可惜的是，社会组织在波兰也没有发展成熟。并不仅是因为它们数量少，也是因为它们主要集中于城市，这意味着它们只能帮助到便于收到帮助的人（因为就业渠道较为方便）。国家也下了很大力气发展社会组织，因为国家认为它们对政府机构没有顾及的特殊困难状况有非常大的帮助，

因为社会组织财务预算的限制和波兰民众接触社会组织的方式有所不同，仍需要实践和努力来推动社会组织的发展。

## 总结

中国在近几十年来，社会保障体系经历了巨大的变化。社会救助体系因为城乡低保制度的建立而发生了深远的变化。

社会保障体系在欧盟国家则发展的较为成熟，特别是在所谓的“老”成员国中。社会保障体系以及社会救助体系在欧盟国家中各有不同。

欧盟国家的经验可以向中国专家和政策制定者提供一些深入的见解，特别是在社会救助体系组织和筹资的各个方面。

一些经验和良好的实践可能对于中国有特殊的相关性。一些其他的问题在未来的发展中也可能与中国有所关联。

## 参考文献

- Eleveld Anja (2014) The duty to work without a wage. A legal comparison between the social assistance legislation in Germany, the Netherlands and the United Kingdom, *European Journal of Social Security*, September 2014
- European Commission, Employment, Social Affairs Inclusion (2013a) Your social security rights in Germany, July 2013
- European Commission, Employment, Social Affairs Inclusion (2013b) Your social security rights in Sweden, July 2013
- European Commission, Employment, Social Affairs Inclusion (2013c) Your social security rights in the United Kingdom, July 2013
- Ministry of Health and Social Affairs Sweden (2014) Memorandum, National Social Report 2014 – Sweden
- Neubourgh de Ch., Castonguay J., Roelen K. (2007), Social Safety Nets and Targeted Social Assistance: Lessons from the European Experience, Social Protection and Labour, the World Bank, Discussion Paper NO.0718
- Rescaling Social Welfare Policies in Sweden (2006) National report provided by Ake Bergmark, Renate Minas, Institute for Future Studies, Stockholm, February 2006
- Terms of Reference (2015), Component 3 macro-activities, 1 European Expert, Senior social security specialist, European Best Practices (Annual Work Plan 2015 – Macro-Activity High Level Event 0.3)

## 7. Participants List

### EU Participants List

#### 外方参会人员名单

Name of the participants	Position/Institution/Organization
姓名	单位与职务
Mr Hans-Dietmar Schweisgut	Ambassador of the European Union to China
史伟	欧盟驻华代表团大使
Mr Lars Gronvald	Head of Development & Cooperation Section, Delegation of the European Union in Beijing
葛澜森	欧盟驻华代表团参赞
Ms Yi Xiaolin	Project Officer, Delegation of the European Union in Beijing
易小琳	欧盟驻华代表团项目官员
Mr Koen Vleminckx	Director of the Research and International Cooperation Department, Federal Ministry of Social Security (FPS Social Security), Belgium
科恩·弗莱明克	比利时联邦社会保障公共服务部国际合作与研究司司长
Mr Michiel Van Der Heyden	Policy Officer International Relations, Federal Ministry of Social Security (FPS Social Security), Belgium
米歇尔·凡·德尔·海登	比利时联邦社会保障公共服务部国际关系司政策官
Mr Pavel Janeček	Head of International Cooperation Unit, Ministry of Labour and Social Affairs, Czech Republic
帕维尔·雅奈齐格	捷克共和国劳动与社会事务部国际合作司
Mr Thomas Chollet	Deputy General Manager - Director of Operations, Expertise France, France
托马斯·萧乐	法国国际技术专家资源局执行司综合副司长
Mr Thierry Weishaupt	International Cooperation Manager, MGEN – General Mutual Fund for National Education, France
提尔利·魏少德	法国国家教育系统互助医疗保险联盟国际合作处处长
Mr Laurent de l'Espinay	Project Manager - Component 1 Coordinator, Expertise France, France
劳伦特·德·列斯皮奈	法国国际技术专家资源局项目第一部分协调主任
Mr Ettore Francesco Sequi	Ambassador of Italy to the People's Republic of China
谢国谊	意大利驻华大使
Mr Prof. Tito Boeri	President of the National Social Insurance Agency - INPS, Italy
狄铎·薄爱礼	意大利国家社会保障署署长
Mr Angelo Marano	Director General in the Ministry of Labour and Social Policies, Member of the board of auditors of National Social Insurance Agency - INPS, Italy
安哲洛·马拉诺	意大利国家社会保障署审计会成员兼劳动与社会政策部综合司司长
Mr Gabriele Uselli	Managing Director, Individual Account Department, National Social



嘉布礼业列·吴赛利

Mr Luca Sabatini

卢卡·萨巴迪尼

Mr Edmondo Salinaro

爱德蒙多·萨礼纳若

Mr Mario Barca

马礼奥·巴尔卡

Mr Mirosław Gajewski

林誉平

Mr Marek Bucio

马勒克·布乔尔

Ms Monika Szostak

莫妮卡·索斯塔克

Mr Marcin Adamczyk

马尔钦·雅丹齐格

Ms Zofia Czepulis-Rutkowska

索菲娅·捷普利斯-鲁特科夫斯卡

H.E. Doru Romulus Costea

多鲁·罗目鲁斯·科斯泰亚

Ms Daniela Moroşanu

妲妮叶拉·莫若萨努

Ms Olivia Rusandu

欧丽维亚·罗山杜

Mr Tomas Burgos

托马斯·布尔果斯

Ms Pilar Madrid

庇乐尔·马德里

Ms Lucía Ortiz

露茜娅·欧尔提兹

Mr Pedro Flores Urbano

Insurance Agency - INPS, Italy

意大利国家社会保障署个人账户司执行司长

Managing Director, Department for Income support benefits and

ISEE, National Social Insurance Agency - INPS, Italy

意大利国家社会保障署收入福利与 ISEE 司执行司长

Manager of Civil Invalidity Department, National Social Insurance Agency - INPS, Italy

意大利国家社会保障署残障事务司执行司长

Project Officer, International Department, FORMEZ PA

意大利福尔梅兹行政培训中心国际合作部项目官员

Ambassador Extraordinary and Plenipotentiary of the Republic of Poland to the People's Republic of China

波兰驻中华人民共和国特命全权大使

Deputy Minister of Labour and Social Policy, Poland

波兰劳动和社会政策部副部长

Director, International Co-operation Department, Ministry of Labour and Social Policy, Poland

波兰劳动与社会政策部国际合作司司长

Deputy Director, National Agricultural Advisory Centre, Poland

波兰国家农业指导中心，副主任

Senior Researcher, Institute of Labour and Social Studies, Poland

波兰劳动与社会研究院资深研究员欧盟专家

Ambassador of Romania

罗马尼亚驻华大使

Deputy Secretary General, Ministry of Labor, Family, Social Protection and Elderly, Romania

罗马尼亚，劳动、家庭、社会保障与老龄事务部副秘书长

Public Manager, Social Services Directorate, Ministry of Labor, Family, Social Protection and Elderly, Romania

罗马尼亚，劳动、家庭、社会保障与老龄事务部社会服务司公务司长

Secretary of State, Ministry of Employment and Social Security, Spain

西班牙就业与社会保障部国务秘书

Head of Cabinet of Secretary of State of Social Security, Ministry of Employment and Social Security, Spain

西班牙就业与社会保障部社会保障国务秘书组组长

Deputy Director of International Social and Labour Relations, Ministry of Employment and Social Security, Spain

西班牙就业与社会保障部国际社会与劳动关系司副司长

Director of International and Iberoamerican Foundation for

	Administration and Public Policies – FIIAPP, Spain
裴德若·弗罗尔斯·武尔巴诺	西班牙国际与伊比利亚美洲行政与公共政策基金会主席
Mr Agustin Antonio Fernández	Director of Public Administration and Social Affairs Unit, International and Iberoamerican Foundation for Administration and Public Policies – FIIAPP, Spain
阿古斯汀·安东尼奥·费尔南德兹	西班牙国际与伊比利亚美洲行政与公共政策基金会公共行政与社会事务处处长
Mr Carlos Moreno	First Secretary, Embassy of Spain
卡洛斯·莫列诺	西班牙驻华大使馆一等秘书
Mr Javier Isturiz	Political Counsellor, Embassy of Spain
哈维尔·易思图礼兹	西班牙驻华大使馆政治顾问
Mr John Halloran	Chief Executive, European Social Network
约翰·夏罗兰	欧洲社会组织联合机构首席执行官
Elena Glinskaya	Program Leader, Beijing Office, World Bank
葛蔼灵	世界银行世界银行驻华代表处国别业务协调人
Shi Weilin	Social policy specialist, UNICEF
史威琳	联合国儿童基金会驻华代表处项目官员
Irene Bain	Social Development specialist, Asian Development Bank
白爱莲	亚洲开发银行驻中国代表处社会发展专家
Hu Lan	Key-Account Manager for Chinese Partner Sino-German Legal Cooperation Programme, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
胡 兰	德国国际合作机构（GIZ）中德法律合作项目中国事务主任
Mr Stefano Patriarca	EU Resident Expert Component 2 / Team Leader, EU-CHINA SPRP
斯岱法诺·帕特礼雅尔卡	中国欧盟社会保障改革项目第二部分欧盟常驻专家/项目组组长
Mr Jean Victor Gruat	EU Resident Expert Component 1, EU-CHINA SPRP
圭 亚	中国欧盟社会保障改革项目第一部分欧盟常驻专家
Ms Marzena Breza	EU Resident Expert Component 3, EU-CHINA SPRP
马哲娜	中国欧盟社会保障改革项目第三部分欧盟常驻专家
Mr Leonardo Mazzoli	Office Manager, EU-CHINA SPRP
列奥纳多·马佐利	中国欧盟社会保障改革项目办公室主任
Ms Ma Lan	Project Assistant, EU-CHINA SPRP
马 岚	中国欧盟社会保障改革项目项目助理
Ms Valentina Pignotti	Assistant to Component 2 / Team Leader, EU-CHINA SPRP
毕若华	中国欧盟社会保障改革项目项目组长助理
Ms Wang Qingqing	Assistant to Component 1, EU-CHINA SPRP
王庆庆	中国欧盟社会保障改革项目第一部分助理
Mr Giovanni Lin Guowang	Translator/Interpreter, EU-CHINA SPRP
林国旺	中国欧盟社会保障改革项目翻译



中方参会人员名单  
China Participants List

Li Liguo	Minster, Ministry of Civil Affairs
李立国	民政部部长
Gong Puguang	Deputy Minister, Ministry of Civil Affairs
官蒲光	民政部副部长
Kang Peng	Director General, International Cooperation Department, MoCA
康 鹏	民政部国际合作司司长
Liu Xitang	Director General, Social Assistance Department, MoCA
刘喜堂	民政部社会救助司司长
Chen Bailing	Director General, Policy and Regulation Department, MoCA
陈百灵	民政部政策法规司司长
Luo Xin	Director, Multilateral Division of the Department of International Cooperation, MoCA
罗 新	民政部国际合作司多边处处长
Bi Ying	Officer, Department of International Cooperation, MoCA
毕 莹	民政部国际合作司主任科员
Wei Shengyi	Officer, Department of International Cooperation, MoCA
韦胜毅	民政部国际合作司主任科员
Wu Zengfeng	Director, Administration Division of the Department of Social Assistance, MoCA
武增锋	民政部社会救助司综合处处长
Jiang Wei	Director, Urban Areas Division of the Department of Social Assistance, MoCA
蒋 玮	民政部社会救助司城市处处长
Sun Yang	Vice Director, Rural Areas Division of the Department of Social Assistance, MoCA
孙 杨	民政部社会救助司农村处副处长
Tian Gu	Director, Medical Aid Division of the Department of Social Assistance, MoCA
田 固	民政部社会救助司医疗处处长
Zhang Lin	Director, Supervision Division of the Department of Social Assistance, MoCA
张 琳	民政部社会救助司监察处处长
Zhang Jingjing	Vice Director, Advisory Centre of Identification of Low-Income Family, MoCA
张晶婧	民政部低收入家庭认定指导中心副处长
Wang Guan	Officer, Advisory Centre of Verification and Identification for Low-Income Family, MoCA
王 冠	民政部低收入家庭认定指导中心干部

Chen Jialin	Deputy Director General, Social Law Office of the Law Work Committee of the Standing Committee of the National People's Congress
陈佳林	全国人大常委会法工委社会法室副主任
Ji Ning	Inspector, Employment and Income Distribution Department, NDRC
纪 宁	国家发展改革委就业和收入分配司巡视员
Zhang Xinmei	Director, Income Distribution Department, NDRC
张新梅	国家发展改革委就业和收入分配司处长
Tang ling	Consultant, Income Distribution Department, NDRC
唐 玲	国家发展改革委就业和收入分配司调研员
Song Gongmei	Deputy Director General, International Cooperation Center, NDRC
宋功美	国家发展改革委国际合作中心副司长
Jiao Xueli	Executive Director, International Cooperation Center, NDRC
焦学利	国家发展改革委国际合作中心执行总监
Chang Hao	Director of Division, International Cooperation Center, NDRC
常 皓	国家发展改革委国际合作中心处长
Clair Wang Yingsi	Officer, International Cooperation Center, NDRC
王颖思	国家发展改革委国际合作中心主任科员
Wang Yue	Officer, International Cooperation Center, NDRC
王 悦	国家发展改革委国际合作中心副主任科员
Fu Jinling	Deputy Director General, Social Security Department, MoF
符金陵	财政部社会保障司副司长
Wang Wenjun	Director, Dibao Division, Social Security Department, MoF
王文君	财政部社会保障司城乡低保处处长
Huang Yaodong	Consultant, Institutional Actuary Division, Social Security Department, MoF
黄耀冬	财政部社会保障司制度精算处调研员
Liu Yutong	Division Director, International Cooperation Department, Ministry of Human Resource and Social Security
刘宇彤	人力资源社会保障部国际合作司处长
Chen Hongying	First Secretary, Department of International Trade and Economic Relation, MoFCOM
陈红英	商务部国际经贸关系司一等秘书
Bi Yingda	Social Legal System of the Legal Affair Office of the State Council
毕英达	国务院法制办社会法制司副巡视员
Jiang Chunli	Senior Researcher, China Center for International Economic Exchanges
姜春力	中国国际经济交流中心信息部副部长、高级研究员
Zheng Gongcheng	Professor, Renmin University, Member of the Standing Committee of the National People's Congress , Chairman of China Social Security Association



郑功成  
Guan Xinping  
关信平  
Wang Yanzhong  
王延中  
Zuo Ting  
左 停  
Grace Guo Yu  
郭 瑜  
Gang Shuge  
江树革

中国人民大学教授、中国社会保障学会会长  
Professor, Nankai University  
南开大学教授  
Researcher, China Academy of Social Sciences  
中国社会科学院研究员  
Professor, China Agricultural University  
中国农业大学教授  
Assistant Professor, Renmin University of China  
中国人民大学助理教授、项目专家  
Associate Researcher, Beijing Academy of Social Sciences  
北京市社会科学院副研究员、项目专家

Liu Sihai  
刘四海  
Sun Haisen  
孙海森  
Zhao Huayun  
赵华云  
Lu Hongyan  
卢宏艳  
Zhu Kun  
朱 昆  
Ren Benwen  
任本文  
Liu Guogang  
刘国刚  
Zhao Junru  
赵俊儒  
Shen Jianming  
沈建明  
Wang Guangyan  
王广焱

Deputy-Director General, Office of Minimum Livelihood Guarantee,  
Provincial Civil Affairs Department, Hubei  
湖北省民政厅最低生活保障办公室主任（副厅长）  
Deputy-Director General, Social Assistance Bureau under Provincial  
Civil Affairs Department, Xinjiang Uygur Autonomous Region  
新疆维吾尔自治区民政厅社会救助局局长（副厅长）  
Vice Director, Division of Social Assistance, Municipal Civil Affair  
Bureau, Beijing  
北京市民政局社会救助处副处长  
Officer, Division of Social Assistance, Municipal Civil Affair Bureau,  
Tianjin  
天津市民政局社会救助处主任科员  
Officer, Division of Social Assistance, Provincial Civil Affair  
Department, Hebei  
河北省民政厅社会救助处主任科员  
Deputy Director, Division of Social Assistance, Provincial Civil Affair  
Department, Shanxi  
山西省民政厅社会救助处副处长  
Director, Division of Social Assistance, Provincial Civil Affair  
Department, Inner Mongolia  
内蒙古自治区民政厅社会救助处处长  
Officer, Division of Social Assistance, Provincial Civil Affair  
Department, Liaoning  
辽宁省民政厅社会救助处主任科员  
Director, Division of Social Assistance, Provincial Civil Affair  
Department, Jilin  
吉林省民政厅社会救助处处长  
Director, Dibao Bureau under Provincial Civil Affair Department,  
Heilongjiang  
黑龙江省民政厅最低生活保障管理局副局长（正处）



Xing Yuetan	Assistant, Division of Disaster Relief, Municipal Civil Affair Bureau, Shanghai
邢月潭	上海市民政局救灾救济处副主任科员
Yang Ming	Vice Consultant, Division of Social Assistance, Provincial Civil Affair Department, Jiangsu
杨明	江苏省民政厅社会救助处副调研员
Jiang Weihong	Officer, Division of Social Assistance, Provincial Civil Affair Department, Zhejiang
蒋伟红	浙江省民政厅社会救助处主任科员
Zuo Huibin	Consultant, Division of Social Assistance, Provincial Civil Affair Department, Anhui
左会斌	安徽省民政厅社会救助处调研员
Yu Liedong	Director, Bureau of Social Assistance under Provincial Civil Affair Department, Jiangxi
虞烈东	江西省民政厅社会救助局局长
Yao Zizhao	Vice Director, Division of Social Assistance, Provincial Civil Affair Department, Shandong
姚子照	山东省民政厅社会救助处副处长
Zhang Wei	Vice Director, Division of Social Assistance, Provincial Civil Affair Department, Henan
张伟	河南省民政厅社会救助处副处长
Zhang Qingqing	Officer, Dibao Office under Provincial Civil Affair Department, Hubei
张青青	湖北省民政厅最低生活保障办公室主任科员
Liu Yong	Director, Bureau of Social Assistance under Provincial Civil Affair Department, Hunan
刘勇	湖南省民政厅社会救助局副局长（正处）
Zhang Meiling	Officer, Division of Social Assistance, Provincial Civil Affair Department, Guangdong
张美玲	广东省民政厅社会救助处干部
Pan Zhiwu	Director, Bureau of Social Assistance under Provincial Civil Affair Department, Guangxi
潘志武	广西省民政厅社会救助局局长
Wang Fuli	Chief Officer, Bureau of Social Assistance under Provincial Civil Affair Department, Hainan
王芙丽	海南省民政厅社会救助局副局长科员
Huang Mei	Consultant, Division of Social Assistance, Municipal Civil Affair Bureau, Chongqing
黄玫	重庆市民政局社会救助处调研员
Long Fei	Officer, Officer, Division of Social Assistance, Provincial Civil Affair Department, Sichuan
龙飞	四川省民政厅社会救助处主任科员
Wu Qijun	Vice Director, Bureau of Social Assistance under Provincial Civil Affair



吴启军

Lei Huijia

雷蕙嘉

Guo Jun

郭 军

Yu Bing

俞 昺

Liu Haining

刘海宁

Guo Chaodong

郭朝东

Pan Ge

潘 戈

Department, Tianjin

贵州省民政厅社会救助局副局长

Officer, Division of Social Assistance, Provincial Civil Affair

Department, Yunnan

云南省民政厅社会救助处主任科员

Vice Director, Division of Social Assistance, Provincial Civil Affair

Department, Shaanxi

陕西省民政厅社会救助处副处长

Assistant, Division of Social Assistance, Provincial Civil Affair

Department, Gansu

甘肃省民政厅社会救助处副主任科员

Director, Division of Social Assistance, Provincial Civil Affair

Department, Qinghai

青海省民政厅社会救助处处长

Vice Consultant, Division of Social Assistance, Provincial Civil Affair

Department, Ningxia Hui Autonomous Region

宁夏回族自治区民政厅救助处副调研员

Director, Division of Disaster Relief, Xinjiang Production and Construction Corps

新疆生产建设兵团民政局救灾救济处处长

## 8. Annex1. Post-conference papers

### 8.1 Speeding up the Legal Process of Social Assistance

Zheng Gongcheng, President of China Association of Social Security, Professor of Renmin University of China



Building a country, ruled by law, is the only way for China to become modern and powerful. The Social Security System provides for the basic livelihood needs of the people. It is vital for them and affects their overall situation and the country's long-term national development which will undoubtedly need to provide more stable security for the people which can be achieved through legalization. Social assistance is the most basic of institutional arrangements, shouldering the responsibilities of alleviating the crisis for urban and rural residents and determining the bottom line of today's social justice. It needs to enter as quickly as possible into the legal process. Therefore, completing the legislation for the social assistance system is not only the proper meaning of building China to a country which is "Ruling by Law", but the inevitable choice for improving the social security system's legislation.

#### I. Social Assistance is the most basic and the oldest part of the Social Security System

In China, the concept of social security is larger than in most countries. The social security system is huge. The social security system is a social policy, which is provided by the State for the protection and improvement of national life. It typically includes social assistance, social insurance, social welfare, special care and philanthropy and can be associated with commercial insurance. The common features of the statutory institutional arrangements are that they are established by laws, government-led, supported by finance, reflect the national social security or welfare rights and having as its main function the protection of basic living and providing long-term stability. It is a reliable system for universal well-being in China. Non-statutory institutional arrangements are characterized by being voluntary, being supported with policy, organized together with social and market forces, reflecting the multi-level characteristics of the social security system. Its main function is to expand the material basis of the social security system, to meet the needs of some members of society. It is a beneficial supplement to the statutory social security system, but lacks certainty.

Social assistance is one of the three basic security systems (like the social insurance and social welfare systems). It is not only the statutory social security system, but it is the most basic and oldest system. Social assistance is part of the essential institutional arrangements, and of the most universal arrangements all over the world. It is the total responsibility of a government to provide the baseline or

minimum life-support. If there is no social assistance or it has loopholes, it will cause someone to fall into crisis mode for various reasons.

Social assistance has a long history. It has existed since ancient times, and has played the most important role in disaster and poor relief in history. The three strategies, which include cash payments, providing food and supplies and providing disaster relief assistance nowadays, have three thousand years of history in China. Disaster relief is a necessary policy for rulers to avoid social unrest and regime crisis. If the rulers are of great importance to the population's livelihood then the poor would pay attention to disaster relief. As long as the Famine Relief Measures were complete, they would be not suffer from famine; On the contrary, there will be famine when facing disaster and chaos. Famine is the background of some of the biggest peasant uprisings in history. The Qin dynasty had the national prosperity to wipe out six countries, but it only existed for two generations because it paid no attention to the people's livelihoods and providing for them during disasters. The Sui dynasty was powerful and rich enough to cut the Beijing-Hangzhou Grand Canal, but experienced the same fate as the Qin dynasty because it did not take into account the need for disaster relief. The Han and Tang dynasties drew lessons from the former, paying more attention to the population's livelihoods, disaster relief and poverty, eventually establishing flourishing peace and prosperity and reaching the peak of China's feudal society. In the Song Dynasty, a large number of relief measures for the poor and the weak or unfortunate reached a very high level. This was called the "ancient welfare state". Seen as the most basic and long-standing social security system, social assistance provides us with both positive and negative mirrors since ancient times. Learning from the experiences and lessons of history deserves the attention of the rulers.

Of course, the social assistance of history cannot match that of today. It is an institutional system including a plurality of relief items. At present, China's social assistance programs contain a system of minimum living standards, assistance to the poor, disaster relief, medical assistance, education assistance, housing assistance, employment assistance, temporary assistance, as well as other assistance. Compared with the other social security systems, social assistance provides minimum guarantees, whilst social insurance can be expected to provide basic living security, and social welfare is based on improving the quality of life and meeting individual needs. Thus, social assistance is intended for low-income disadvantaged groups, the unfortunate who suffer as a consequence of natural disasters, as well as for individuals falling into crisis mode of survival and those with special difficulties and those who cannot extricate themselves from poverty for other various reasons. They constitute the vulnerable groups who need government help and social assistance in a contemporary society. Solving their livelihood problems will solve the weaknesses of people's livelihoods.

It should be emphasized that social assistance is a way to protect the bottom line of social justice, reflecting the Government's minimum responsibility for livelihoods and the conscience of the whole of society. However, the bottom line is not static, moving with the nation's development. As it reduces or even eliminates extreme poverty and continues to improve people's living standards, the bottom line will rise. The objective of the assistance will move from extreme poverty to relative poverty. According to the United States and other developed countries, more than ten percent of low-income groups will need government assistance. In China, social assistance will always play an important role on the basis of institutional arrangements in the processes of the Chinese social security system. Whether the

Government pays attention to social security, we need to observe whether or not it values social assistance. To judge whether a country has a sound social security system, the first step is to see whether the country has a sound social assistance system; meanwhile, enhancing the level of social assistance is a symbol of upgrading national social security. By paying attention to the bottom line, emergency relief, sustainable development and connecting with other social security systems, the level of social assistance adapts to the level of economic and social development and is in a reasonable position based on the specific features of the social assistance system. Only by having a perfect social assistance system, can the government ensure that every member of society will not get into the problem of survival for various reasons.

## II. Social assistance should move into the legislative sphere

Social assistance needs to move into the legislative sphere, not only because it is the most basic and oldest social security system, but also for the following points:

1. The rights based on law. Social assistance is the most basic social or social security right for the population. If that right is guaranteed by legislation, this right can be converted into legal rights and truly become an actual right.
2. Responsibility statutory requirements. The Government must assume the prime responsibility for protecting and improving the population. , Providing vulnerable groups and unfortunate persons with material or other forms of assistance is a Government's inherent mission but the size and the way of fulfilling that responsibility needs to be regulated by the law. On the one hand, the government is responsible for providing social assistance. On the other hand, this responsibility should not be self-determined or prescribed by the Government. Only the Legislature can have a strong constraint for implementing social assistance.
3. International general rules. Internationally, the first step is to enact social assistance legislation because the most vulnerable groups are often in need of assistance. Social security legislation in Western countries arose from the United Kingdom in 1601 promulgating the "Poor Laws". In modern society, the developed countries also tend to be the first have in place the legal norms of social assistance and then to legislate for social insurance and social welfare. The objective laws of a social security system reveal that fair value is primarily concerned with vulnerable groups.
4. The need for legislation to solve practical problems. China has yet to develop a "Social Assistance Law". In February 2014 the government promulgated "Interim Measures of Social Assistance". This covered administrative rules and temporary administrative norms. Although it can address some problems associated with the social assistance practice it is still not enough to specify and constrain the operation of the entire system. In practice, social assistance should include all levels of government sharing responsibility, the relief conditions and qualification of the objects, the operation of professional relief agencies, as well as the punishment for misconducts. All of them are short of strict legal norms and as a consequence the system has many difficult problems in its operation. This situation will lead to the lack of guaranteeing responsibilities and rights, making it difficult to provide stable security expectations and bring about a crisis of confidence in the public as well.



In summary, having social assistance legislation is an inherent requirement of the system with an objective of solving a lot of the practical problems in the management of social assistance.

### III. Periodical progress of, and reasons for, the delay in legislation for social assistance

In the era of planned economy, the social assistance system in China was a typical example of the rule by man. It was basically stipulated by official documents. After the reform and opening-up, the Government accorded great importance to the enactment of laws that pertained to the field of social assistance. As result of having such high importance, the State Council of China successively stipulated and promulgated the following laws and some of their corresponding amendments:

- Regulations for Five-guarantee Work in Rural Area in 1994 and its Amendment in 2006,
- Regulations on Minimum Living Guarantee for Urban Residents in 1999,
- Measures for Salvaging Vagrants and Beggars in Cities in 2003,
- Regulations for Relief Service After Natural Disasters in 2010, and finally
- Draft Decree on Social Assistance in 2014.

The development of social assistance services has therefore been bolstered by the legal basis on account of the enactment and implement of these laws and governmental regulations.

Among the above-mentioned laws and governmental regulations, the recently stipulated Draft Decree on Social Assistance is the most significant. This interim decree is a key step in the legalization of China's social assistance service. It not only, for the first time, legalizes and regulates a comprehensive social assistance system into a legislatively authorized decree, but it also ascribes the Government's responsibility and the mechanism for positioning the Government as the chief administrator and coordinator. It therefore has laid a sound foundation for the making of a specialized law for the social assistance system. Meanwhile, the legislature of China has initiated the process of drafting the Charity Law, and the preliminary draft has been submitted for the first deliberation to the Standing Committee of NPC in late October, 2015.

However, the current social assistance decrees and regulations are only administrative regulations stipulated by the Government. They have a low legal status and have defects such as vaguely defined duties and responsibilities. As the most basic part of the social security system, as well as being the instrument of defining citizens' basic civil rights and the government's duty to ensuring the population's livelihood, social assistance in China still does not have its own specialized law. This demonstrates a legislative delay lagging behind the implementation. The reasons for the legislative delay related to social assistance are as follows:

- (i) A stereotypical concept formed via the tradition of the rule by man. Most people consider social assistance as emergency measures or the good deeds of the Government, not as the self-evident rights of citizens and a duty of the government. Thus, they will seldom think of legislation of such law to secure their expectation for stability.
- (ii) Legislative barriers caused by the dissection of system. In the comprehensive system of social assistance different projects are administered by different Ministries. Issues such as the system of

minimum living standards etc. fall into the executive ambit of the Ministry of Civil Affairs. However, the MCA is somehow curbed by the Ministry of Finance, and there are also some organizations like the Labour Union, Women's Federation and CDPF etc. that can use public resources to play parts in the social assistance service. This dissected system causes difficulty in reaching a legislative agreement among different ministries and administrative departments.

(III) Problems with the legislative procedures. There are two major problems with the legislative procedures associated with social assistance. First, there are limitations in an administration dominated legislative process. In the background of a separated administrative power, coordination among departmental interests is the prerequisite for the legislation. The legislature cannot play their full role in this process. Second, the aim of the legislation is to establish "big democracy" and thus compromise "small centrality". This means that with the "swarming-in" of many administrative departments, the executive power of the chief administrator will be restrained and the situation will become more complex. In the nearly ten-year legislative marathon, there have been three hiatuses all on account of disagreement among different departments. Bifurcations on the range of legislative regulations, as well as some immature reforms in assistance projects, also play their role in the delaying of the legislation.

(iv) Other factors. One factor is that the harsh restrictions on permanent staffing have directly influenced the specialization and professionalization of social assistance agencies. Current social assistance agencies widely utilize the method of employing "off-staff" personnel. This has a great practical side-effect on the assistance system. These "off-staff" personnel cannot be punished even if they do not abide by the rules. There are other factors that can also hamper the legislation process, to wit, the equivocally defined duties between central government and local government on social assistance etc..

#### **IV. Legislative procedures for a social assistance law should be resurrected as soon as possible**

The social assistance system is closely related to the Government's basic duties and the population's basic rights. If there are no restrictions from law, there will be no authoritative basis for the implementation of the social assistance system. Ergo, making a specialized Social Assistance Law is of high necessity and imminence. The 10th and 11th Standing Committee of NPC have had the making of Social Assistance Law listed in their five-year legislative plans. However, such plans have never been enacted and remain in abeyance. There are objective reasons for the abeyance, and resurrecting the legislative procedure can meet the need of further developing the social assistance system. In this particular milieu of comprehensively implementing governing the country by law, if one important system, which is closely related to the Government's basic duties and the population's basic rights is not buttressed and regulated by law, then apparently the population people cannot be provided with a steady expectation of security. Consequently, there will be twisted situations in practice and the law-breakers cannot be legally punished. Therefore, it is of great urgency to resurrect the legislative procedure for the Social Assistance Law and in the interim to ameliorate the related legal regulations in order to ensure the social assistance system is implemented in an orderly and legal manner. Additionally, strict regulations and punishment measures should be utilized to prevent and eradicate all

kinds of law-breaking actions. In a word, the legislation of Social Assistance Law shall be resurrected as soon as possible. Ergo, I propose that:

- (i) The Ministry of Civil Affairs should conduct studies on the legislation of social assistance as quickly as possible. It can conduct the studies themselves or they can delegate the studies to an institution with related academic background. The entrusted institution ought to draft or solicit drafts on the Social Assistance Law. By doing so, the legislative process can be theoretically and completely bolstered as far as possible.
- (ii) The Charity Law can be used as a reference for drafting the Social Assistance Law. The whole legislative process can consist of three parts: the dominance of the Internal and Judicial Affairs Committee of NPC, participation of MoCA and intelligent back-up by non-government organizations.
- (iii) The Social Assistance Law should be positioned as the fundamental law in the sphere of social assistance. The law should thus stress the unequivocal definition of the Government's rights and obligations, establish the framework of, and basic legal basis for, a comprehensive social assistance system, regulate the unified administrative system and operating mechanism, and define the legal responsibilities that the related subjects shall assume etc..
- (iv) The related mechanisms should be improved. Such mechanisms consist of the professionalization of the delegated institutions and departments, the construction of information systems and the cooperation of philanthropies etc..

## V. Deepening reform of the social assistance system

Maturity of the reform of the social assistance system is the prerequisite for the legislation. An immature reform of the system will only lead to the immaturity of the legislation. Such immature legislation will not fulfill expectations and even, conversely, impede the perfection of the system. Consequently it is essential to intensify the reform of the social assistance system and simultaneously emphasize promotion of the social assistance legislation.

- (i) Optimizing the current system and securing the baseline. Optimizing the system should be the priority. Practical measures for optimization are as follows. First, the overlapping assistance should be changed into classified assistance. Those assistance projects that overlap with minimum living standard system will be divided and applied according to the assistance needs of the lowest-income group. This would mean that those who have difficulties in medical treatment, education, housing etc., and who cannot solve those problems themselves, can apply for the corresponding assistance even if they are not in the minimum living standard system. This measure is essentially aimed at the neutralization of the twisted parts in the minimum living standard system and the disparities that are growing among the marginalized groups. Also, this is the must-do that will allow the more difficult families to get social assistance from the government. The second measure requires clarification between the social assistance and the social welfare system, namely, deleting welfare for the disabled and senior citizens that is tagged onto the minimum living standard system. This deletion will help unravel the original duties of every assistance project and correct the systematic malposition of the different guarantee systems. The last measure demands an essential remediation of flaws. Those

emergency assistance projects which have not been included in the social assistance system shall be included henceforth. The remedial inclusion will help construct an umbrella system of social assistance, through which the bottom line of the system will be secured and qualified applicants thereby assisted appropriately.

(ii) To clearly define the Government's duties and to orderly distribute responsibilities among central and local governments while harnessing the market and social mechanisms as auxiliaries. It is unquestionably acknowledged that social assistance pertains to the duties of Government. And it is necessary to unambiguously define the dividing line between the Government's duties and the distribution of responsibilities among central and local administrative powers. A reasonable division would be like this: the Government's duties ought to entail the guarantee of a basic living standard for groups with difficulties and the security of the bottom line. There should be a certain ratio for the distribution of responsibilities among central and local governments, like 7:3, 6:4 or 5:5. A stabilized distribution of duties can have governments of all levels understand their duties in the sphere of social assistance and therefore mobilize financial resources in a planned way. Moreover, there are real examples of heavy governmental liability caused by some of the social assistance projects. Therefore it is certain that market and social mechanisms shall be harnessed as positive auxiliaries. Take assistance after a natural disaster as an example. It is unsustainable and unfair to provide assistance by mobilizing national resources. The Government's duty should be restricted to the aspects of urgently assistance persons and the public health services during or after a disaster. The colossal cost needed for post-disaster reconstruction should be raised via a market mechanism e.g. business insurances as far as possible. Additionally, philanthropy can play a beneficial role in the relief services and post-disaster reconstruction. If the market mechanism and philanthropy can be developed and harnessed, the dividing line of the Government's duties will be clear and the market, society and disaster-stricken citizens can be readily coped with. Such actions will strengthen China's muscle in coping with disasters. In a word, re-distribution of the responsibilities in the sphere of social assistance has become an urgent task as well as a prerequisite for a mature and complete social assistance system.

(iii) Reform the system and optimize the mechanism. It is now urgently required that the administrative structure of power division by multiple departments shall be altered, the inter-department coordination system cancelled and the MoCA administered social assistance service clearly established. Only with those actions can executive power be highly unified and public resources rationally distributed. Then the related departments can cooperate according to their duties. Conspicuously, this highly-centralized administrative system is the only sine qua non of an effective administrative accountability system, which can ensure flawless systematic arrangements and assist umbrella social groups who have difficulties. Furthermore, a professionalized operation should be promoted. The fact that agent operation twisting is systematic practice without punishments illustrates that a specialized institution is required for the implementation of social assistance. Thus it is better to establish a specialized institution for social assistance rather than holding an intense grip on staffing and continuing the agent operation function with its system-rotten effects. Once it is ensured that this specialized institution is function well, wasted resources in the sphere of social assistance can be avoided and public credibility maintained.

(iv) Cooperate with related systems and establish a correspondingly stimulative mechanism. Firstly, social assistance service requires active cooperation from social insurance, social welfare and even charities and business insurance. Cooperation, on the basis of respecting respective patterns and duties, should be reasonably planned and developed hand in hand as far as possible. For example, it is better to establish corresponding welfare systems for the elderly and the disabled respectively rather than categorizing them into the social assistance or even the minimum living standard systems. And this solution, per se, is a necessary step to establish a clearly-defined social assistance system. Furthermore, a stimulative mechanism needs to be established in order to avoid the vicious circle of poverty. Some countries as well as regions like Chinese Hong Kong have widely utilized an effective stimulative mechanism. This would will allow the assisted subjects to apply for a tax-free income when they work. By doing so, assisted subjects can work and create values for the betterment of their lives instead of getting a deduction for assistance costs from their earned income, etc..

Finally, other measures have to be taken including reinforcement of information technology for social assistance and improving the technical back-up units for maintaining a sound systematic functionality.

In short, because of the necessity for, the importance of, and the basic nature of social assistance, we should find it a reasonable position in the overall social security system. Under the condition of optimizing the system's structure and a reasonable share of responsibility, we should promote social assistance into the mature and legal system orbit. A sound comprehensive social assistance system will be the first block of the stable development of Chinese society.



## 8.1 加快社会救助法制化进程

郑功成, 中国社会保障学会会长, 中国人民大学教授



建设法治国家是中国走向现代化强国的必由之路。社会保障制度因关乎基本民生与全民切身利益, 影响着国家全局与长远发展, 无疑更加需要通过法制化来为全民提供稳定的安全预期。而社会救助作为最具基础意义的制度安排, 肩负着免除城乡居民生存危机的保障责任, 决定着当今社会的底线公正, 尤其需要尽快步入法制化轨道。因此, 社会救助制度的法治化, 不仅是法治中国建设的应有之义, 更是社会保障制度应当尽快步入法制化轨道的必须选择。

### 一、社会救助是最基本、最悠久的社会保障制度安排

中国的社会保障是一个大概念, 中国社会保障体系也是一个庞大的制度体系, 是国家为保障与改善国民生活而建立的各种具有经济福利性的社会政策的统称, 它通常包括社会救助、社会保险、社会福利、优抚安置四大法定制度安排和慈善事业、与之相关的商业保险两大非法定制度安排。法定制度安排的特点是依法设立、政府主导、财政支持, 体现的是国民的社会保障或福利权利, 主要功能是保障基本生活、解除后顾之忧、提供稳定安全预期, 是国家长治久安与全民福祉的可靠制度保障; 非法定制度安排的特点是自愿设立、政策支持、社会与市场力量举办, 体现的是社会保障体系的多层次性, 主要功能是壮大社会保障制度的物质基础, 满足部分社会成员的需求, 是对法定社会保障制度的有益补充, 但具有不确定性。

社会救助是与社会保险、社会福利并列的三大基本保障系统之一, 它不仅是法定的社会保障制度安排, 而且是最基本、最悠久的社会保障制度安排。一方面, 社会救助属于必不可少的制度安排, 也是世界各国最具普遍性的制度安排, 它由政府承担全部责任, 提供的是底线或最低或生存保障, 没有社会救助制度或者社会救助制度存在漏洞, 便必定有人因各种原因陷入生存危机。另一方面, 社会救助属于自古以来就有的社会保障制度安排, 中国历史上的救灾济贫几乎就是社会保障的代名词。当今灾害救助所采取的发放现金、提供食物与物资、以工代赈三大方略在中国有了三千年历史, 救灾是历代统治者避免社会动乱和政权危机的必须之策。若统治者重视民生必重视救灾济贫, 只要荒政措施完备, 即使遭遇大灾也还会形成饥荒; 反之, 有灾必荒, 有荒必乱, 中国历次大的农民起义均以灾荒为背景, 以抢米抢粮为前奏。秦朝因国力强盛而剪灭六国, 却因不重民生与振济灾民等仅历二世即亡; 隋朝国力强盛、富庶无比, 能够开凿京杭大运河, 史载国库储粮堆积如山, 同样因不重民生与救灾等而致天下大乱, 同样只历二世而亡。汉、唐之初正是吸取了前朝之教训, 重视民生、振济灾民与贫穷, 虽灾不荒, 终创下太平、



繁荣之盛世，成就中国封建社会无可争议的高峰。在宋代，针对贫穷与弱势或不幸者的各种救助措施则达到了相当高的水平，亦堪称古代福利国家。可见，作为最基本、最悠久的社会保障制度，社会救助自古以来就为我们提供了正、反两方面的借镜，历史上的经验教训尤其值得今天治国理政者重视。

今天的社会救助当然非历史上的社会救助可以比拟，它是一个包含了多个救助项目在内的制度体系。目前中国社会救助的主要项目有最低生活保障、特困人员救助、灾害救助、医疗救助、教育救助、住房救助、就业救助、临时救助，以及其他救助。与其他社会保障系统相比，社会救助提供的是最低保障，社会保险提供的是可预期的基本生活保障，社会福利则立足于提高生活质量并满足个性化需求。因此，社会救助面向的是低收入困难群体、天灾人祸中的不幸者，以及因其他各种原因陷入生存危机与特殊困难而无法自拔者，他们构成了当代社会极需要政府与社会援助的弱势群体。解决了他们的生计问题，便是解决了保障民生的短板问题。

需要强调的是，社会救助保障底线公正，反映政府对民生的最低责任和整个社会的良心。不过，这个底线不是一成不变的，而是伴随着国家发展、极端贫困现象减少甚至消除与人民生活水平的持续提升而不断提升，并必定从过去主要救助极端贫困人口演变成主要救助相对贫困人口为主。以美国等发达国家还有 10% 以上的低收入群体需要政府救助为参照，在中国社会保障体系建设与发展进程中，社会救助将始终扮演着重要的基础性制度安排角色。一个政府是否重视社会保障，首先要看是否重视社会救助；一个国家的社会保障制度是否健全，首先要看社会救助制度是否健全；一个国家社会保障水平是否提升，首先要看社会救助水平是否提升，而无人漏出底线则是检验社会救助制度是否健全的基本标尺。中国的社会救助制度强调坚持托底线、救急难、可持续、与其他社会保障制度相衔接，社会救助水平与经济社会发展水平相适应，即是基于这一制度的特定功能而确立的合理定位。只有编织牢固的社会救助网，才能确保每一个社会成员不因各种原因而陷入无法自拔的生存困境。

## 二、社会救助应当步入法制化轨道

强调社会救助步入法制化轨道，不仅因为社会救助是最基本、最悠久的社会保障制度安排，而且还取决于以下几点：

**1. 权利法定的要求。**社会救助是国民最基本的社会权或社会保障权，是国民的生存保障权，只有通过立法明确赋予，这种权利才能由应然权利转化成法定权利，并真正变成现实权利。

**2. 责任法定的要求。**政府必须承担起保障民生与改善民生的重大责任，对弱势群体与不幸者提供物质或其他形式的援助是政府与生俱来的使命，但这种责任的大小及承担、运行方式只能由法律来规范。一方面是政府必须负责提供社会救助，另一方面这种救助责任的履行又是有条件的，它不应当由政府自我决定或规定，只有通过立法机关制定法律才能对社会救助行为进行强有力的约束。

**3. 国际普遍规则。**在国际上，社会救助立法先行是一个基本规律，因为最弱势的群体往往最需要援助。西方国家的社会保障立法就是从英国 1601 年颁布《济贫法》算起的。进入现代社会后，发达国家也往往先有社会救助方面的法律规范，后有社会保险、社会福利方面的立法。这一客观规律揭示了社会保障制度的公平价值取向体现在立法上就是首先关注弱势群体的生存问题。

**4. 现实问题需要立法解决。**中国迄今仍未制定《社会救助法》，2014年2月出台的一部行政法规《社会救助暂行办法》只是临时性的行政规范，它虽然解决了社会救助实践中的一些问题，但依然不足以完整规范、刚性约束整个制度的运行。在社会救助实践中，包括各级政府的具体责任分担、救助对象的条件与资格审查、专业救助机构的运行，以及对社会救助中失范行为的惩治，均缺乏严格的法律规范，致使这一制度在运行中存在着许多难以解决的问题。这种现状使责任与权利缺乏刚性保障等，难以提供稳定的安全预期，也带来了公众的信任危机。

综上，社会救助法制化既是这一制度自身发展的内在要求，更是治理社会救助中许多现实问题的客观需要。

### 三、社会救助立法的阶段性进展与滞后原因

在计划经济时代，社会救助以典型人治的面孔出现，基本上依靠“红头”文件规范。改革开放后，对社会救助领域的立法应当是比较重视的。如1999年国务院制定《城市居民最低生活保障条例》，1994、2006年先后颁布《农村五保供养工作条例》及其修正案，2003年颁布《城市生活无着的流浪乞讨人员救助管理办法》，2010年颁布《自然灾害救助条例》，2014年颁布《社会救助暂行办法》，这些行政法规的制定与实施，为我国的社会救助事业发展提供了基本的法律依据。

特别是近年来由国务院制定的《社会救助暂行办法》，是社会救助走向法制化时代跨出的关键性步伐，它不仅首次将综合型社会救助体系纳入一部法规进行规范，而且明确了政府责任及其主管与协调机制，为制定一部专门的社会救助法奠定了较好的基础。与此同时，国家立法机关已经启动了制定《慈善法》的程序，在2015年10月下旬已经正式由全国人大常委会进行首次审议。

但总体而言，现行立法只是政府制定的行政法规，不仅层级低，而且亦存在着赋权明责不够等缺失。因此，作为最基本的社会保障制度，作为规范国民最基本的社会权利与政府最基本的民生保障责任的社会救助，迄今还没有制定专门的法律，是立法滞后于实践的表现。

造成社会救助立法滞后的原因，主要有如下几点：

**1. 人治传统形成路径依赖。**如将社会救助视为应急性措施或者是政府在做好事，不是视为国民的既定权利与政府的当然责任，从而也就较少考虑通过立法来为全民提供稳定的安全预期。

**2. 体制分割构成了立法障碍。**综合性社会救助体系中，不同项目分别由不同部门管理，即使是民政部门负责的最低生活保障制度等事务，财政等部门牵制很大，还有工会、妇联、残联等群团组织亦利用政府的公共资源来救助各自的一些困难群体。这种分割管治的体制，反映到立法就是很难在不同部门中形成共识，

**3. 立法方式存在问题。**一方面，行政主导立法存在局限性，在部门分割的情形下，部门利益的协调成为推进立法的先决条件，而立法机关反而难有作为。另一方面，社会救助立法追求大民主而弱化了小集中，许多部门及各方力量全部介入，而主管部委的话语权反而受到制约，使局面更加复杂化。在近十年的立法中，已经三次搁浅，均是因为部门意见不统一，立法规范的范围宽窄分歧较大，加之一些救助项目改革并不成熟，拖延了立法进程。



4. **其他因素。**例如，编制方面的严格限制，直接影响了救助机构的专业化与职业化，当前的救助普遍采取代办制度，这对制度的实践影响很大，因为代办者即使不遵守制度，也无法惩治。再如，中央与地方在社会救助方面的责任划分不清，同样直接影响到立法进程。等等。

#### 四、应当尽快重新启动社会救助立法程序

社会救助关系到政府的基本责任与国民的基本权利，没有法律的严格规范，制度运行就缺乏权威的依据。因此，制定专门的《社会救助法》是十分必要且紧迫的任务。第十、十一届全国人大常委会曾先后将制定《社会救助法》列入五年立法规划，但均未实质推进，从而处于搁置状态。立法滞后虽然有客观原因，但重启立法进程却是深化社会救助改革的需要。特别是在全面推进依法治国的时代背景下，一项关系政府基本责任与国民基本权利的重要制度没有法律的保障与规范，显然不能真正提供稳定的安全预期，更容易导致实践中被扭曲的现象发生，还无法对违法者进行惩治。因此，应当尽快重启《社会救助法》的立法程序，同时完善相关法规，以确保这一制度依法有序运行，并通过严明法纪与惩罚措施来杜绝现实中各种违规违法现象。因此，应当尽快启动国家立法机关的社会救助立法程序。建议：

1. 民政部尽快启动社会救助立法研究。直接组织或委托有关组织集中研究，委托有关机构起草或者征集社会救助法律草案，以便为立法提供尽可能完整的理论支撑。

2. 可以参照慈善法的立法，由全国人大内司委主导，民政部参与，组织社会力量提供智力支持。

3. 将社会救助法作为社会救助领域的基本法定位，重在明责赋权，确立综合性社会救助制度的框架及其基本的法律依据，规范统一的管理体制与运行机制，界定相关主体的法律责任等。

4. 完善相关配套机制。包括经办机构职业化，信息系统建设，慈善事业配合等等。

#### 五、深化社会救助制度改革

立法须以社会救助制度改革走向成熟为条件，如果制度变革不成熟，立法同样不可能成熟，这种法律的规制就不可能达到预期目的，甚至可能因为不成熟的立法会阻碍制度的完善。因此，在强调尽快推进社会救助立法的同时，还有必要加快这一制度的改革步伐。

1. **优化制度结构，筑牢底线。**从现实出发，优化制度结构应当成为深化社会救助改革的优先选项。具体包括：一是改叠加施救为分类施救。即根据低收入收入群体的救助需求，将简单叠加在最低生活保障制度之上的其他救助项目剥离出来，按需提供救助，换言之，一些在医疗、教育、住房等方面确实存在困难而无法自我解决者，即使不是低保对象，也应当有机会申请相应的救助，这是化解低保制度异化、边缘群体感受不公的治本措施，也是，让更多困难家庭得到社会救助国援助的必由之路。二是厘清救助与福利制度。即祛除附加在最低生活保障制度之上的残疾人福利、老年人福利等职责，让各救助项目回归到本源职责，以此矫正不同保障制度错位的现象。三是尽快补漏。即对于一些尚未纳入的急难救助纳入社会救助制度，以建成一个真正能够全面兜住底线的社会救助网络为目标，确保符合条件的求助者能够获得相应的救助。

**2. 明晰政府责任，央地责任分担有序，同时发挥好市场机制与社会机制的辅助作用。**社会救助是政府责任，这是基本共识。但政府责任的边界以及中央与地方政府的责任分担需要明确。合理的取向应当是，政府责任宜以保障困难群体的基本生活并维护底线公平为原则，在中央与地方政府之间，应当按照一定的比例来分担责任，如7:3或6:4或5:5，确定稳定的责任分担比例，可以使各级政府明了自己在社会救助方面的义务，从而能够有计划地组织财力。同时，现实中一些救助项目造成政府负担较重的事实表明，还应当充分调动市场机制与社会机制的积极性。以灾害救助为例，举国救灾的体制不可持续，也不公平，政府的责任宜界定在灾时或灾后紧急生活救助与公共卫生服务等方面，巨额的灾后重建费用应当尽可能地通过商业保险等市场机制来筹措。而慈善公益事业同样能够在救灾与灾后重建中发挥有益作用，如果能够同步得到发展，则政府的责任边界会走向清晰，市场、社会及受灾对象均能够积极应对，整个国家应对灾害问题的力量就会成倍增长。因此，重塑社会救助的责任分担机制事实上已经成为一项紧迫的任务，也是促使社会救助制度走向成熟、定型的前提条件。

**3. 改革体制，完善机制。**应当尽快改变多个部门分割的管理格局，取消部门协调机制，切实明确由民政部门集中管理社会救助事务，确保政出一门与公共资源统筹使用，相关部门按照各自职责给以协同配合。唯有集中监管，才能集中问责，才能确保无漏的制度安排变成能够兜住困难群体底线的牢固网络。同时，还应当推行专业化经办，代办制扭曲制度实践还无法惩治的现实，揭示了社会救助需要有专门的机构来实施。与其严格控制编制而让代办扭曲制度运行，不如建立专门救助机构专司其职，确保制度良性运行，这种选择将可以真正杜绝救助领域中的浪费，并切实维护这一制度的公信力。

**4. 与相关制度联动，并建立相应的激励机制。**一方面，社会救助需要与社会保险、社会福利乃至慈善事业、商业保险有机配合，在尊重各自规律和职能的条件下尽可能统筹规划、同步发展。如分别为老年人、残疾人等建立相应的福利制度，而不是让其混淆在社会救助甚至最低生活保障制度中，即是促使社会救助制度正本清源的必要举措。另一方面，还需要有激励机制，以避免社会救助形成贫困陷阱。一些国家和中国香港地区普遍采取的受助对象就业创收可以申请一定的收入豁免就是有效的激励机制，因为只要劳动创造收益就能够改善生活，而不是现实中受助对象通过劳动所得被简单地抵扣了救助待遇，等等。

此外，还需要强化社会救助的信息化建设，提升维护这一制度良性运行的技术支撑能力。

总之，社会救助的必要性、重要性、基础性，决定了应当在整个社会保障体系中实现对其合理的定位，并在优化制度结构、合理分担责任的条件下，尽快步入成熟、定型的法制化轨道。一个健全的综合型社会救助体系，将是中国社会稳定发展的第一块基石。



## 8.2 China's Minimum Living Guarantee Standards and Their Calculation

Guan Xinping, Professor, Institute of Social Development & Administration, Nankai University



**Abstract:** As an important program in the social assistance system, the *Dibao* standard is playing a very significant role in China's social assistance system, not only in determining entitlements and payment level of the benefits in *Dibao*, but also the entitlements under most other projects in the social assistance system. Therefore, how to calculate a proper *Dibao* standard is at the core of the policy making and implementation of China's social assistance system. This paper discusses the general situation of the *Dibao* standard's development and the current practices, and then analyzes some significant problems with the *Dibao* standard. According to the author, the most significant problems concerning the *Dibao* standard are its low standard, too simple standard, the fragmentation feature, etc. Finally, some policy recommendations are proposed by the author to solve these problems.

**Key words:** *Dibao* standard, *Dibao* system, the Minimum Living Guarantee System, social assistance, China

In China, the Minimum Living Guarantee System (*Dibao*) is an important component of the social assistance system. As a means-tested benefit, social assistance has to have some certain standard to determine the entitlement of beneficiaries in each country. When compared to other countries, China's social assistance, based on *Dibao*, is targeting the poorest families, and thus a strict standard is needed for the purpose of targetting the economic poorest. For this reason, in China it is a key link in the chain of the design and operation of the whole system. This paper will discuss the development of the *Dibao* standard, analyze the existing problems and propose some policy reform to improve it.

### I. The meaning and the significance of the *Dibao* Standard

#### 1.1 The meaning of *Dibao* standard in China

##### 1.1.1 The *Dibao* system

The *Dibao* system is a program in the social assistance system that aims to provide cash benefits to those families whose per capita income is lower than the local minimum living standard (*Dibao* Standard). According to the *Provisional Regulations of Social Assistance*,<sup>3</sup> "The state provides a minimum living guarantee to those families whose family per capita income is lower than the local minimum living standard". This article has three meanings: *Dibao* is a social assistance system

<sup>3</sup> The State Council of China, *the Provisional Regulations of Social Assistance*, issued in Feb 21, 2014

provided by the State, the benefits are paid to the family, and the beneficiaries are those whose family incomes are lower than the *Dibao* standard.

### 1.1.2 The definition and features of the minimum living standard

The minimum living standard, or *Dibao* standard, is a cash value used to determine *Dibao* beneficiaries. The *Dibao* Standard has some features. First, as far as its measurement is concerned, the *Dibao* standard is a standard for income measurement, excluding spending and other factors, e.g. the age, sex and other characteristics of the applicant. Second, the *Dibao* standard is a measurement of family per capita income, not in personal income, and thus it is determined by the sum of all incomes of the whole family divided by the total number of family members. Third, the *Dibao* standard is measured by cash value, i.e. the cash value of the monthly or annual income, not including the existing property, which only has an impact on the means-testing procedure in some stages. Finally, the *Dibao* standard in China is very low. In all countries around the world the poverty line is much lower than the average or medium income, but in China the *Dibao* standard is significantly lower, as will be analyzed later.

### 1.1.3 The significances of the *Dibao* standard

The *Dibao* standard is a means to determine the entitlement of *Dibao* beneficiaries. Only those who meet this standard are qualified to apply and receive *Dibao* benefits. Thus the *Dibao* standard is a qualification standard that is used by local governments to determine a *Dibao* entitlement, and thus it plays a role like a “poverty line”. In practice, the *Dibao* standard has a strong function to set the threshold of *Dibao* entitlement. Therefore, the *Dibao* systems in both rural and urban areas have got a strong targeting feature.

The *Dibao* standard is also a means of determining the benefit level. According to the regulation, *Dibao* benefits are provided under the principle of “gap-filling”, i.e. to provide cash benefits to families to raise their family per capita income up to the value of *Dibao* standard. In other words, a family can get a cash benefit measured by the local *Dibao* standard minus the family’s existing per capita income and then multiplied by the number of family members. Therefore, the higher the local *Dibao* standard, the higher the benefits the poor families can get from the *Dibao* system. In practice, however, the impact of the *Dibao* standard on the poor families’ actual income is usually weaker, because *Dibao* beneficiaries often get many extra benefits that, when combined, often make their actual family income higher than the *Dibao* standard.

For the Government, the *Dibao* standard means a baseline of the Government’s responsibility to provide social assistance benefits to the poor. Social assistance is the Government’s responsibility for the poor’s well-being, which is part of the Government’s fiscal expenditure. It should be made clear how big the Government’s responsibility in this regard should be i.e. how many poor the government should provide benefits to, and how much, on average, the eligible families should receive, otherwise, the Government’s policy will be in disorder. Setting a *Dibao* standard is to establish a clear responsibility boundary for the Government. It is a baseline for the Government’s responsibility to provide benefits. Their welfare provision should not be lower than the *Dibao* standard on the one hand, and on the other it is not a necessary responsibility for the Government to provide more once the baseline has been reached on the other. Again, for the meaning of state responsibility, the *Dibao* standard is also a “weak standard”, because it is made by Government, usually local governments, and

thus it is the governments themselves to set their own responsibility. Governments have much arbitrary space in making the *Dibao* standard and defining their responsibility boundary as a consequence.

## 1.2 The application of the *Dibao* standard

The *Dibao* standard is used at first in the *Dibao* system as a standard to determine the entitlement and benefit level of beneficiaries. Secondly, it also used in a variety of other areas. For example it is used in most of the social assistance programs other than *Dibao*, such as medical assistance, education assistance, housing assistance, etc., as the standard of the entitlement to these benefits, since most of the social assistance programs take being a *Dibao* beneficiary as a precondition for the applicant. (This kind of arrangement has weakened in recent years but it still exists in most of the social assistance programs) In addition, the *Dibao* standard is also used in many non-governmental benefits, such as local community benefits, social provisions by charities and other NGOs, other informal social assistance, and “Giving Warmth” actions of various kinds, etc. Because of the wide application of the *Dibao* standard and the relatively small numbers of beneficiaries, it causes some serious effects in “welfare superposition”, i.e. many benefits for the same small group of beneficiaries.

## 1.3 The relationship of the *Dibao* standard with the poverty line

As mentioned above, currently there are several poverty-related standards in China. Apart from the *Dibao* standard, there is the rural poverty standard used for the Rural Poverty Alleviation and Development Program (PAD standard). The data in the Table 1 shows the difference between the PAD standard and the *Dibao* standard. The PAD standard is the standard to determine rural PAD beneficiaries, with characteristics of cash value, a combination of family per capita income and regional per capita income, and of one national standard and various local standards. Generally speaking, all families whose income is lower than the PAD standard and have some working ability can be covered by the PAD program. Currently, the national PAD standard is CNY2300 per person·per year (the fixed value in 2011), based on which many local governments have their own regional standards, higher than the national standard. So far there is no officially available national average figure of all the local standards, but according to some research data, the national average PAD standard is higher than the national average of the rural *Dibao* standard. There are many discussion and practices on the combination of these two standards, or making them more coordinated, and there may be some significant changes in the near future.

## II. Calculating the *Dibao* standard

Calculating the *Dibao* standard is one of the key steps in the procedure for the design and operation of the *Dibao* system. It is important not only because it is a key factor for the whole *Dibao* system's normal operation, but also because of the complication of the *Dibao* standard's calculation process. It is true of the social assistance system in almost all countries, but it is especially true for China. In this section the calculation process and its complications will be discussed.

### 2.1 The national policy

In China, it is local governments' responsibility and right to make their local *Dibao* standards, but the Central Government also has some guidelines on this issue. So, the process and related policies should be analyzed at both national and local level.

#### 2.1.1 The development

As early as in 1997, when the State Council issued its important document “A Notice to Set Up the Minimum Living Guarantee System for Urban Residents”, the *Dibao* standard was required in principle. It was regulated in principle in the “Regulations of the Minimum Living Guarantee System for Urban Residents” that were issued by the State Council in 1999. According to the regulation, the local *Dibao* standard should be basically established by the requirement of “to guarantee basic food and clothes”, indicating that “The Urban Minimum Living Guarantee Standard should be made in terms of the consumptive needs for food, clothes and housing that are necessary to meet basic living conditions and taking into consideration the necessary costs for water, electricity, fuel, and children’s compulsory education”.

After the issuing of this Regulation, all local governments followed it in their making of local *Dibao* standard. There were big differences among different local governments in making this standard because of the great flexibility in making it. For a long time local governments did not find a reasonable and reliable way to measure “the consumptive needs in food, clothes, housing that are necessary to meet the basic living conditions”. To regulate the local governments’ behavior in making the *Dibao* standard, the Ministry of Civil Affairs (MOCA) played a significant role again to promote a national standard guideline, namely the “Guidelines to Further Regulate the Calculation and Adjustment of the Urban And Rural Minimum Living Guarantee Standards” in 2011.

## 2.1.2 The current basic principles and models

According the “Guidelines to Further Regulate the Calculation and Adjustment of the Urban And Rural Minimum Living Guarantee Standards” in 2011, making a *Dibao* standard should be based on three basic principles: scientific principle, reasonable principle and changeable principle. In more details, four models are recommended. The first is the basic living costs method; the second is the Engel Index method; the third is the ratio of necessary food consumption to the *Dibao* families Engel index in the last year; and the fourth is the consumptive spending rate. They are just recommended by the MOCA, but not compulsory methods for local governments to use and they are not required to choose one of them. In a sense, moreover, these methods are from local practices.

## 2.2 The local practices: various models and the comparison

### 2.2.1 The general situation of the application of the four recommended models

Because the four models recommended by the Central Government are not mandatory methods for local governments to use, most local governments still use their existing methods, and as a result, all these methods still exist today.

### 2.2.2 Other methods

Apart from these recommended methods, there are some other methods local governments use in making their *Dibao* standard, for example, the method of “linking up with the minimum wage”, i.e. making the *Dibao* standard some certain percentage of the minimum wage; and the method of “linking up with the local per capita income”, i.e. as a percentage of local per capita income, etc. These methods can simplify the methods of making the *Dibao* standard, and also maintain a reasonable relationship between the *Dibao* standards and the minimum wage standard, avoiding it being too closing to the minimum wage standard and the consequent negative effects on work motivation. On the other hand, this method has also some risks, because the rationality of the *Dibao* standard relies on the

rationality of the minimal wage standard. When the latter is not good, the *Dibao* standard's rationality and adequacy will be problematic. It is better for the *Dibao* standard to avoid this risk if it links up with the local regional per capita income, because the latter is an objective indicator, rather than a man-made indicator, and thus it can avoid man-made mistakes. Also, this method has the advantage of a relative measurement for poverty, and thus more and more local governments are applying this method.

### III. The problems of the urban and rural minimum living guarantee standards in their implementation

In practice, generally speaking, the urban and rural *Dibao* standards have provided significant support to the *Dibao* system's smooth operation, but there are still some problems.

#### 3.1 The low standards

As the following data show, the *Dibao* standards are too low currently.

##### 3.1.1. Current local *Dibao* standards and the national average (Table 1)

Table 1 The percentage of the national average of the **urban** *Dibao* standards to the national **urban** consumptive expenses p.c. and national income p.c. (%)

	2010	2011	2012	2013	2014
The percentage of National average of <i>Dibao</i> standards to <i>last year's</i> national consumptive expenses p.c	24.56	25.65	26.13	26.87	27.33
The percentage of National average of <i>Dibao</i> standards to <i>the same year's</i> national consumptive expenses p.c			20.73	20.54	20.05
The percentage of National average of <i>Dibao</i> standards to <i>last year's</i> national income p.c		18.09	18.16	18.24	18.27
The percentage of National average of <i>Dibao</i> standards to <i>the same year's</i> national income p.c	15.76	15.85	16.13	16.62	17.08
The percentage of National average of <i>Dibao</i> standards to <i>last year's</i> national median income			20.72	20.37	20.36
The percentage of National average of <i>Dibao</i> standards to <i>the same year's</i> national median income		18.08	18.02	18.51	18.49

Source: Ministry of Finance, "National fiscal expenditure budget" in related years, and the National Bureau of Statistics, "China Statistic Yearbook, of related years

Table 2 The percentage of national average of the **rural** *Dibao* standards to the national **rural** consumptive expenses p.c. and national income p.c. (%)

	2010	2011	2012	2013	2014
The percentage of National average of <i>Dibao</i> standards to <i>last year's</i> national consumptive expenses p.c	35.20	39.20	39.60	41.2	41.91
The percentage of National average of <i>Dibao</i> standards to <i>the same year's</i> national consumptive expenses p.c	32.04	32.91	35	36.74	33.12
The percentage of National average of <i>Dibao</i> standards to <i>last year's</i> national income p.c		29.03	29.64	30.74	31.21
The percentage of National average of <i>Dibao</i> standards to <i>the same year's</i> national income p.c	23.72	24.62	26.12	27.36	26.47



The percentage of National average of <i>Dibao</i> standards to <i>last year's</i> national median income	33.39	34.68	35.12	
The percentage of National average of <i>Dibao</i> standards to <i>the same year's</i> national median income	27.74	29.46	30.78	29.24

Source: Ministry of Finance, "National fiscal expenditure budget" in related years, and the National Bureau of Statistics, "China Statistic Yearbook, of related years

As the data show, the percentage of National average of the rural *Dibao* standards to the same year's national median rural income was just 29.24%, and the figure in urban area was even lower at just 18.49%

Table 3 The five lowest and 5 highest provincial averages of *Dibao* standard to the provincial income p.c.

Percentage of average <b>rural</b> <i>Dibao</i> standards to the <b>rural</b> income p.c.		Percentage of average <b>urban</b> <i>Dibao</i> standards to the <b>urban</b> income p.c.	
The lowest 5 provinces		The highest 5 provinces	
Provinces	%	Provinces	%
Henan	20.02	Beijing	34.13
Jilin	21.14	Jiangsu	34.95
Fujian	21.24	Hainan	36.23
Hubei	22.84	Gansu	37.96
Sichuan	23.21	Inner-Mongolia	39.73
The lowest 5 provinces		The highest 5 provinces	
Provinces	%	Provinces	%
Guangdong	13.80	Inner-Mongolia	21.67
Fujian	14.15	Jiangxi	21.71
Ningxia	15.81	Tianjin	22.30
Zhejiang	16.34	Heilongjiang	23.74
Sichuan	16.44	Tibet	25.92

Source: MOCA, "Annual Bulletin of Minimal Living Guarantees" in related years, and the National Bureau of Statistics, "China Statistic Yearbook, of related years

From the data in Table 3, we can see the even lower provincial *Dibao* standards. The lowest rate to provincial per capita income was just 20.02% in rural areas and just 13.8% in urban areas.

### 3.1.2 International comparative analysis of China's *Dibao* standard

To measure the appropriateness of a *Dibao* standard, or social assistance standard in more general sense, it is good to compare it with an international standard, apart from with the minimal wage and regional or national income per capita. In this way, we can compare China's *Dibao* standard with the following international standards:

The high international standard (for most developed countries): 50%-60% of the medium income;

The basic international standard (for most of the developing countries and middle rank income countries): 2 USD per day

The lowest international standard (for the poor countries/regions): USD 1.25<sup>4</sup>

Comparatively, China's *Dibao* standards at the end of 2014 were: <sup>5</sup>

The average urban *Dibao* Standard (2014): 18.5% of the urban medium income, or USD 2.15

The average rural *Dibao* Standard (2014): 29.2% of the urban medium income, or USD 1.2

Besides, in 8 provinces the average rural *Dibao* standard was lower than USD 1/day;

In the lowest province, the average rural *Dibao* standard was just USD 0.82/day

In the highest province, the average rural *Dibao* standard reached USD 3.4/day

In 6 provinces the average urban *Dibao* standard as lower than USD 2/day

In the lowest province, the average urban *Dibao* standard was just USD 1.63/day

In the highest province, the urban *Dibao* standard had reached USD 3.83/day

<sup>4</sup> This is the World Bank's standard, but now it has been raised to USD1.9 per day.

<sup>5</sup> The USD value is calculated in the official exchange rate in Dec 31, 2014

### 3.2 The standard is too simple

In China now, there is just an income measurement for the *Dibao* standard, but no other standards, such as living costs or consumption etc. Therefore, a lot of families whose per capita income exceeds the *Dibao* standard by a small amount are in serious difficulty but cannot be covered by the *Dibao* system, nor by most social assistance programs as well. Moreover, there is only a categorical standard, but not rank standards, and thus ensuring that families in difficulty will either be covered by the *Dibao* system and enjoy a lot of benefits, or be denied by the *Dibao* system and get almost nothing. Furthermore, there is only a family per capita income standard, but not related to the number of family members, neglecting the impact of family scope on living costs, and causing the *Dibao* standard's lower targeting to the actual difficulties of poor families. Finally, there is just a family standard, but no consideration of personal difficulties. Actually some families are in a more difficult situation because of their members' disability, serious disease, old age etc. but they cannot get *Dibao* benefits just because their family per capita income exceeds the *Dibao* standard. Their actual difficulties cannot be considered by the current regulation.

### 3.3 Other problems

Apart from the above-mentioned problems, there are some other problems with the *Dibao* standards. One is the fragmentation feature, i.e. the varieties in the methods of calculating the standard. There are different ways in different places, and so far there has not been a national floor for the *Dibao* standard. Currently the gap is as high as several times between the highest and the lowest *Dibao* standards. Of course the gap in the regional economic development is a principle reason for the *Dibao* standard gaps, but the latter has also, in turn, made the economic gap more serious. Another problem is its strong threshold function and weak benefit provision function, since in many places the actual benefits are not calculated in terms of the *Dibao* Standard. The third problem is implementation problems, i.e., in many places the local administrations, especially in some rural areas, did not decide the entitlement according to the *Dibao* standards.

## IV. Some policy recommendations to improve the *Dibao* standard

To solve these problems, some reforms should be made, for which this paper proposes some policy recommendations.

### 4.1 To raise the *Dibao* standards

Before suggesting a higher *Dibao* standard, it is necessary to make a brief analysis of the reasons for the current low *Dibao* standard. At first, the low *Dibao* standard reflects many local governments' lower responses to the Central Governments' policy guideline of "Improving Well-being", and some officials have an improper ideology towards social welfare. For example, some officials worry too much about so called "welfare trap", or "welfare for laziness", etc. They overstate the negative effects of social welfare. Actually, currently in China, there is a co-existence of both low welfare provision and high welfare dependency, reflecting a fact that the effects of welfare dependency or "welfare for laziness" is not caused mainly by the high welfare provision, but rather by the improper institutional arrangements for welfare provisions. Therefore, it should be more important to have a better institutional system, rather than keeping a low level welfare provision.

On the other hand, some other factors are contributing to the low *Dibao* standard, such as the limited fiscal capacity of some local governments, the difficulties in the coordination between the *Dibao* and other social welfare systems, e.g. the minimum wage system and the PAD standard etc.

Therefore, we would suggest at first to keep the general direction of “securing and improving people’s well-being”, and emphasize the improvement of people’s well-being by raising the *Dibao* standard to a higher level. As an important system in the broad system of well-being guarantees, the *Dibao* system should raise the *Dibao* standard gradually. Secondly, there should be some complementary and supporting measures in the process of standard raising, including more active policy for motivating employment, applying a multi-rank standard system, providing more assistance in services, especially more social work services involving social assistance.

#### 4.2 To have a unified *Dibao* standard

The actions to have a unified *Dibao* standard should be implemented in three steps. The first is to set a national *Dibao* standard, which would be especially useful for narrowing the current large gaps of the different local standards. At the current stage, the Central Government can set a national minimum standard. Local governments would still keep their right and responsibility to establish a local *Dibao* standard, but no local standard could be lower than the national minimum standard. The biggest advantage of a national minimal standard would be to narrow the local gaps in *Dibao* standards and in the actual levels of welfare provisions. The second step would be to combine the rural and the urban standard, which would significant in narrowing the urban-rural gaps in welfare provision, and having a more integrated and equal social welfare system in both urban and rural areas. The third step would be to combine the *Dibao* standard and the PAD standard, and thus to merge these two systems into one coordinated anti-poverty system.

#### 4.3 To have relative standards

There have been many discussions in academic circle for many years about the topic of having relative standards in poverty measurement. A consensus sense has been reached among scholars. Now it’s time to implement this idea in an anti-poverty policy. A realistic method is to have per capita income or an income medium as the base number and to have a relative lower percentage at the current stage, e.g. 30%. Then increase the percentage would increase as economic development increased.

#### 4.4 To change the single cash benefit and have more categorical standards

The term “categorical standard” means to target beneficiaries according to some categorical features or characteristics of the person’s hardship, e.g. disabled people, the elderly, orphans, the unemployed, etc. Although not all persons in these categories are in poverty, they have higher risks than the normal majority of falling into poverty. The categorical standard is not based purely on the individual application of means-tested methods, but is based on the estimates of the general risks of each specific group. All members in a certain group that is defined officially as a risky group or vulnerable group should be covered by some specific welfare provision(s). Therefore, this kind of arrangement has some universal features. Actually, it is between a universal model and a selective model. The most advantage of having a categorical standard is to save the costs of the targeting process (including the economic and social costs), and to reduce these people’s risks to fall into poverty as well.

## 8.2 中国的最低生活保障标准及其确定方法

关信平教授，南开大学社会建设与管理研究院



在中国，城乡最低生活保障制度（简称“低保”）是社会救助体系中基础的和最重要的项目。作为特惠型社会保障制度，任何一个国家的社会救助制度都必须要有了一定的标准来确定其受益者。与其他国家的社会救助制度相比，中国以城乡低保为基础的社会救助制度体系主要针对经济最困难的家庭。而要衡量城乡居民家庭的“经济困难”需要有严格的标准。为此，中国城乡低保制度的标准设定就成为了整个制度设计及运行中的一个关键环节。本文拟介绍中国的低保标准及其标准的历史发展及现状，分析其存在的各种问题，并提出进一步改进的政策建议。

### 一、最低生活保障标准的含义与意义

#### 1. 中国最低生活保障标准的含义

##### （1）低保制度的定义

中国的最低生活保障制度是国家对家庭人均收入低于当地最低生活保障标准的困难家庭给予现金性生活救助的社会救助制度。《社会救助暂行办法》规定，“国家对共同生活的家庭成员人均收入低于当地最低生活保障标准，且符合当地最低生活保障家庭财产状况规定的家庭，给予最低生活保障”。此项规定有三层含义：一是低保制度是一项国家救助制度，二是规定以家庭为保障单位，三是规定低保对象为家庭人均收入低于当地最低生活保障标准的家庭。

##### （2）“最低生活保障标准”的定义与特点

“最低生活保障标准”是用于界定低保对象的现金标准。

中国城乡的低保标准具有以下一些特点。首先，从测量指标上看，低保标准是按照收入来测量的标准，而不包括消费支出，也不包括其他方面的标准（如申请人的年龄、性别和其他特点），其次，低保标准是家庭人均收入标准，而不是个人收入的标准。因此，这一标准是由家庭中所有有收入者的收入总额与其家庭人数共同决定的。再有，低保标准是按照现金价值来测量的标准体系，即按月或按年测算的收入的现金价值，而不直接包括实物或财产，只是在必要时才会将家庭的实物收入或拥有的财产纳入到低保资格审查中。最后，低保标准具有低标准特点。世界各地的贫困线标准都要明显低于人均收入（或收入中位值）水平，但中国的低保标准的低标准特点尤为突出（对此，后面将有专门的论述）。



### （3）最低生活保障标准的意义

首先，低保标准是确定救助对象的手段：只有符合低保标准的家庭（家庭人均收入低于低保标准）才具有申请低保待遇的资格。从这个角度看，低保标准是低保对象划界的标准，各地的低保制度都依靠这套标准来确定低保对象资格，因此它在一定程度上起到了“贫困线”的作用。在实践中，低保标准在低保申请资格划界的功能很强，是一种“强标准”。正是靠着严格而明确的低保标准，城乡低保制度达到了对最收入困难家庭的高度瞄准性。

其次，低保标准也是确定救助水平的手段。按照制度设计，城乡低保的待遇水平是依照“补差”的原则，即在低保对象家庭人均收入的基础上进行差额补足，将其家庭收入补到低保标准。低保对象家庭能够获得的人均低保金收入将是低保标准减去已有的人均收入水平。因此，低保标准越高，低保家庭所获得的平均待遇水平也就越高。但是，低保标准对待遇水平的影响相对较弱。在实践中，经常会有对低保对象的额外补贴。有时候各种额外补贴加在一起会使低保家庭的实际收入明显超出低保标准的水平。

再有，对政府来说设立低保标准意味着设立一个政府社会救助责任的底线标准。社会救助体现的是政府对城乡贫困者提供帮助的责任，政府通过其财政支出来履行其责任。但是，到底应该承担多大的责任，应该救助多少人，为有需要的人提供多高水平的救助，都是需要明确界定的，否则政府的责任将出现混乱。而设定一个低保标准正是要确定政府在这方面的责任边界。因此，对于政府来说，低保标准是其为困难家庭承担责任的底线标准：一旦困难家庭的实际收入低于了低保标准，政府就有责任去提供救助。但另一方面低保标准也是政府为低保对象承担救助的“最高保障责任”：一旦政府所提供的救助水平达到了低保标准，就意味着政府已经履行了其“必要的责任”，任何超出低保标准之上的待遇都可被看成是对困难家庭额外的“恩惠”，而不再是政府强制性的责任。同样，在国家责任意义上看，低保标准在实践中经常是一个“弱标准”，因为低保标准是由政府（往往是地方政府）来确定的，因此是政府自己在为自己确定责任边界。这种模式使政府在低保标准的确定和政府责任边界的界定上都具有较大的任意性。

### （4）低保标准的应用

低保标准首先应用到最低生活保障制度上，是最低生活保障制度确定其受益者和受益水平的标准。其次，低保标准还广泛地应用到其他很多方面。例如，低保标准常常被应用到其他社会救助项目上，如医疗救助、教育救助、住房救助等项目。这些项目也以“低保对象”为其受益者的资格标准或资格标准之一，因此而将其受益者局限在低保对象中（这种情况近年来有所好转，但仍未有根本性的改变）。同时，低保标准还应用在许多民间社会救助的项目上，如社区、社会组织、慈善机构等非正规的社会救助行动及各种各样的“送温暖”等活动方面。由于低保标准的泛化使用和“低保对象”群体规模的狭小，使得整个社会救助行动体系出现了福利叠加和救助集中化现象。

### （5）低保标准与贫困标准的关系

如前所述，目前中国有多套与贫困有关的标准。除了低保标准以外，还有农村扶贫标准。表1显示了低保标准与扶贫标准的不同。扶贫标准是确定农村扶贫对象时所采用的标准，其特点是：现金收入标准、家庭人均收入标准与区域性人均收入标准之间的区分不够清晰、国家标准与地区标准相结合。一般说来，凡是家庭收入低于农村扶贫标准，并且具有一定劳动能力的农村劳动者都可以纳入扶贫对象。目前，国家扶贫标准是2300元（按照2011年不变价）。在此基础上，各地大多制定了本地区的扶贫标准。目前官



方统计中尚未发布全国实际平均扶贫标准的数据。但从在各地调查的情况看，全国平均扶贫标准高于全国平均农村低保标准。目前，在全国层面和许多地区都在研究扶贫标准与低保标准的“并轨”或相互协调的问题，可望在不久会取得突破。

## 二、最低生活保障标准的制定方法

制定最低生活保障标准是最低生活制度设计与运行中的关键环节之一。其重要性一是由于其在功能上对整个低保制度的正常运行至关重要，二是因为制定最低生活保障标准本身是一个相当复杂的问题。在这一点上，世界各国的社会救助标准制定都不例外，但中国最低生活保障标准制定过程中影响因素很多，格外复杂。本部分简要介绍中国低保标准制定过程及相关影响因素。

### 1. 国家政策

在中国，制定低保标准是地方政府的职责和权力，但国家对此也有原则性的要求。因此，研究中国低保标准的制定过程，应该从国家和地方两个层面上展开。

#### （1）发展过程

早在 1997 年国务院出台的《关于建立城市居民最低生活保障制度的通知》中就对低保标准的制定做出了原则性的要求。在 1999 年的《城市居民最低生活保障条例》中对此在此做出原则规定。当时的规定基本上按照“保温饱”的要求，明确提出“城市居民最低生活保障标准，按照当地维持城市居民基本生活所必需的衣、食、住费用，并适当考虑水电燃煤（燃气）费用以及未成年人的义务教育费用确定”的基本原则。

城市低保条例发布后，各地都按照这一原则去确定具体的低保标准，但由于上述原则在实际操作中有较大的弹性空间，而各地也一直没有找到一种科学的方法去确定“居民基本生活所必需的衣、食、住费用”。其结果，各地在低保标准设计中逐渐出现差异。为了进一步规范各地低保标准的制定，民政部在此问题上再次发挥重要作用，促成了国家标准化指导意见的形成，即 2011 年的《关于进一步规范城乡居民最低生活保障标准制定和调整工作的指导意见》。

#### （2）当前的基本原则及模式

按照《关于进一步规范城乡居民最低生活保障标准制定和调整工作的指导意见》，低保标准制定应该本着以下的原则进行：科学性原则、合理性原则和动态调整原则。在具体的制定方式上有三种基本模式：一是基本生活费用支出法，二是恩格尔系数法，三是必需食品消费支出 / 上年度最低收入家庭恩格尔系数，四是消费支出比例法。国家出台的这几种模式只是一种推荐模式，并不是强制性模式，并不要求各地一定要照此办理。从某种意义上看，这几种指导或推荐模式是过去若干年里地方实践的总结和推广。

### 2. 地方实践：各种模式及其比较

#### （1）各地实行中央政府推荐三种方法的情况

由于国家层面推荐的几种模式并不是强制性的，因此各地多数仍然按照其原来的模式运行，或稍加改革后继续运行。其结果，上述三种模式都还存在。

#### （2）其他方法

除了上述三种模式之外，各地在制定低保标准时还采用了其他一些方法。例如“与最低工资标准挂钩的方法”、“与人均可支配收入挂钩的方法”等。前者是按照低保标准与最低工资标准之间的关系，使低保标准始终与最低工资标准保持一定比例关系。这一方面可以简化低保标准制定过程的诸多麻烦，另一方面也可以避免低保标准过余接近甚至超过最低工资标准，从而对就业动机带来严重损害。但是，低保标准与最低工资标准挂钩的方法也有一定的风险，因为它使低保标准的合理性和恰当新依托在最低工资标准上，万一最低工资标准制定得不合理不恰当，就会直接影响到低保标准的合理性和恰当性。后者（低保标准与人均可支配收入挂钩的方法）可以较好地避免这一风险，因为人均可支配收入（或其中位值）是客观存在的，不是认为制定的，因此可以避免人为的风险，并且还能更好地体现“相对贫困”的标准。因此，近年来越来越多的地区采用这一标准。

### 三、中国城乡居民最低生活保障标准运行中存在的问题

在实践上，中国城乡低保标准为低保制度的平稳运行提供了重要的基础。但它同时也存在下述一些问题。

#### 1. 水平偏低

下列资料显示，当前中国低保标准偏低。

#### (1) 当前各地实际低保标准及全国平均水平（表1）

**表1 全国城市平均低保标准与全国人均消费及人均收入的比率**

Table 1 The percentage of National average of the **urban Dibao** standards to the national **urban** consumptive expenses p.c. and national income p.c. (%)

	2010	2011	2012	2013	2014
全国平均城市低保标准占上年人均消费的比率 The percentage of National average of <i>Dibao</i> standards to last year's national consumptive expenses p.c	24.56	25.65	26.13	26.87	27.33
全国平均城市低保标准占当年人均消费的比率 The percentage of National average of <i>Dibao</i> standards to the same year's national consumptive expenses p.c			20.73	20.54	20.05
全国平均城市低保标准占上年人均收入的比率 The percentage of National average of <i>Dibao</i> standards to last year's national income p.c		18.09	18.16	18.24	18.27
全国平均城市低保标准占当年人均收入的比率 The percentage of National average of <i>Dibao</i> standards to the same year's national income p.c	15.76	15.85	16.13	16.62	17.08
全国平均城市低保标准为上年收入中位数的比率 The percentage of National average of <i>Dibao</i> standards to last year's national median income			20.72	20.37	20.36
全国平均城市低保标准为当年收入中位数的比率 The percentage of National average of <i>Dibao</i> standards to the same year's national median income		18.08	18.02	18.51	18.49

资料来源：财政部预算司《全国财政预算支出表》，相应年份，以及《中国统计年鉴》相应年份。



图1 全国城市平均低保标准与全国人均消费及人均收入的比率

Figure 1 The percentage of National average of the **urban** Dibao standards to the national **urban** consumptive expenses p.c. and national income p.c. (%)

资料来源：财政部预算司《全国财政预算支出表》，相应年份，以及《中国统计年鉴》相应年份。

表2 全国平均农村低保标准与全国人均消费及人均收入的比率(%)

Table 2 The percentage of National average of the rural Dibao standards to the national rural consumptive expenses p.c. and national income p.c. (%)

	2010	2011	2012	2013	2014
全国平均农村低保标准为上年人均消费支出的比率	35.20	39.20	39.60	41.2	41.91
The percentage of National average of Dibao standards to last year's national consumptive expenses p.c					
全国平均农村低保标准为当年人均消费支出的比率	32.04	32.91	35	36.74	33.12
The percentage of National average of Dibao standards to the same year's national consumptive expenses p.c					
全国平均农村低保标准为上年人均收入的比率		29.03	29.64	30.74	31.21
The percentage of National average of Dibao standards to last year's national income p.c					
全国平均农村低保标准为当年人均收入的比率	23.72	24.62	26.12	27.36	26.47
The percentage of National average of Dibao standards to the same year's national income p.c					
全国平均农村低保标准为上年人均收入中位数的比率			33.39	34.68	35.12
The percentage of National average of Dibao standards to last year's national median income					
全国平均农村低保标准为当年人均收入中位数的比率		27.74	29.46	30.78	29.24
The percentage of National average of Dibao standards to the same year's national median income					

资料来源：财政部预算司《全国财政预算支出表》，相应年份，以及《中国统计年鉴》相应年份。

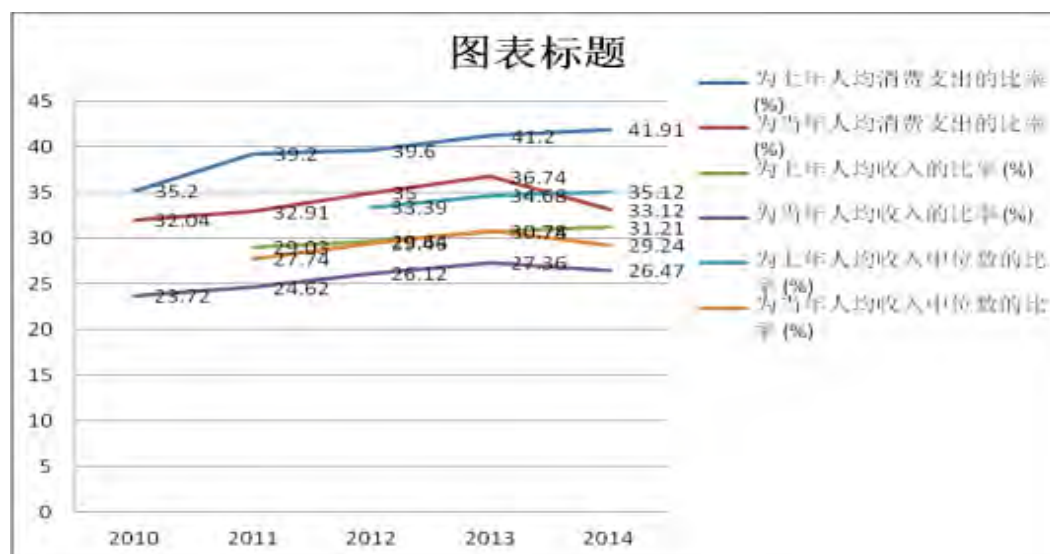


图2 全国农村平均低保标准与全国人均消费及人均收入的比率

Figure 2 The percentage of National average of the rural DIBAO standards to the national rural consumptive expenses p.c. and national income p.c. (%)

资料来源：财政部预算司《全国财政预算支出表》，相应年份，以及《中国统计年鉴》相应年份。

表3 2013年城乡低保标准占当年城乡人均收入最低和最高的各五个省

Table 3 The five lowest and 5 highest provincial averages of Dibao standard to the provincial income p.c.

农村低保标准为当年城乡人均收入的百分比 Percentage of average rural Dibao standards to the rural income p.c.				城市低保标准占当年城乡人均收入的百分比 Percentage of average urban Dibao standards to the urban income p.c.			
最低的五个省		最高的五个省		最低的五个省		最高的五个省	
省份 Provinces	比例 %	省份 Provinces	比例 %	省份 Provinces	比例 %	省份 Provinces	比例 %
河南 Henan	20.02	北 京 Beijing	34.13	广 东 Guangdong	13.80	内 蒙 古 Inner-Mongolia	21.67
吉林 Jilin	21.14	江 苏 Jiangsu	34.95	福建 Fujian	14.15	江 西 Jiangxi	21.71
福建 Fujian	21.24	海 南 Hainan	36.23	宁夏 Ningxia	15.81	天 津 Tianjin	22.30
湖北 Hubei	22.84	甘 肃 Gansu	37.96	浙江 Zhejiang	16.34	黑 龙 江 Heilongjiang	23.74
四川 Sichuan	23.21	内 蒙 古 Inner-Mongolia	39.73	四川 Sichuan	16.44	西 藏 Tibet	25.92

资料来源：财政部预算司《全国财政预算支出表》，相应年份，以及《中国统计年鉴》相应年份。

## (2) 低保标准的国际比较

衡量一个国家或地区低保标准（或广义的社会救助标准）的高低，除了要与其本国或本地区的人均收入（或中位值）、最低工资等指标相挂钩以外，还可以通过国际比较来衡量。按照这一标准，我们可以将中国的低保标准与世界主要国家或地区的社会救助标准加以比较：

国际高标准（大多数发达国家）：收入中位数的 50%–60%

国际基本标准（大多数发展中国家及中等收入国家）：每天两美元



国际最低标准（针对穷国的标准）：每天 1.25 美元

相比之下，中国的低保标准如下

中国城市的平均标准（2014）：收入中位值的 18.5%，或 2.15 美元/天

中国农村的平均标准（2014）：收入中位值的 29.2%，或 1.2 美元/天

2014 年底：（按 2014 年 12 月 31 日的汇率）

此外，有 8 个省区的农村平均低保标准低于每人每天 1 美元（按当时的汇率）

农村平均低保标准最低的省只有每人每天 0.82 美元。

农村平均低保标准最高的达到了每人每天 3.4 美元

2014 年底：（按 2014 年 12 月 31 日的汇率）

有 6 个省区的城市平均低保标准低于每人每天 2 美元

城市平均低保标准最低的省只有每人每天 1.63 美元。

城市平均低保标准最高的达到了每人每天 3.83 美元

## 2. 标准单一

首先，目前中国的低保标准仅有一个收入指标，没有消费等标准，因此导致许多实际生活很困难，但由于家庭人均收入稍微超过了低保标准而难以被纳入到社会救助制度体系中。其次，仅有一个划界标准，缺乏等级标准，因此导致困难家庭中要么属于低保对象而享有很多的待遇，要么就很难得到有效的救助。再有，仅有家庭人均收入标准，没有与家庭人口数挂钩的浮动，因而导致因家庭人口的多少对家庭实际生活的影响未能纳入考虑之中，使低保对困难家庭实际困难程度的瞄准有所不足。最后，仅有家庭标准，没有考虑家庭中的个人困难。有些家庭的某些成员因残疾、严重疾病、年老等原因而存在着较为严重的困难，但由于家庭人均收入超过了低保标准而难以获得救助。

## 3. 其他方面的问题

除了上述两个方面的问题之外，还存在以下一些问题：一是标准制定方法不统一，存在着多种方法、各地自行决定、缺乏全国统一的低保标准底线。目前最高的标准与最低标准之间可差异数倍。各地在低保标准之间的差异诚然在很大程度上是由于其经济发展水平所致，但同时也反过来进一步强化了区域间的不平等。二是强划界标准、弱保障标准，许多地区在实际保障方面并没有按照低保标准去计算。三是低保标准实际执行中仍然存在一些问题，尤其是在一些农村并没有严格按照低保标准去划定低保对象。

## 四、改革最低生活保障标准的政策建议

鉴于低保标准的确定过程及标准本身存在的问题，因此应该通过改革加以解决。为此，本文拟提出以下政策建议

### 1. 提高低保标准

（1）目前制约低保标准的主要因素



要解决低保标准偏低的问题，首先要分析是哪些因素在影响着低保标准的提高。在此方面的根本因素一是某些地方政府对“改善民生”的反应不到位；二是观念因素，即价值观及对问题的认知偏误。更具体讲是对“福利陷阱”、“福利养懒人”的过分担忧。在此问题上一方面过分夸大了“福利陷阱”、“福利养懒人”存在的严重程度，另一方面也是对导致“福利陷阱”、“福利养懒人”原因的错误理解。事实上，“福利陷阱”、“福利养懒人”现象并不完全是由于福利水平高而引起的。在我国目前存在的情况是福利水平偏低与福利依赖并存的局面。对于这种问题只能通过更好的制度去解决，而不能靠降低福利水平去解决。

此外，还有其他一些因素也在制约着低保水平的提高。例如，部分地方政府财力有限，与其他制度之间的协调出现问题，如最低工资标准、扶贫标准等方面的协调不够等。

为此，本文建议，一方面要坚持“保障与改善民生”总体方向，提高低保标准。中共十八大提出的“要保障与改善民生”，其中重点是要改善民生，即要不断提高民生保障的水平。作为民生保障体系中重要环节的低保制度，应该不断提高其标准。另一方面，在提高低保标准的同时，要有若干配套措施。一是在提标的同时，积极促进就业；二是试行多级标准；三是大力发展服务救助，尤其是加强专业社会工作的服务。

## 2. 建立统一的低保标准

建立统一的低保标准有三个层面的改革。一是建立全国统一的低保标准。鉴于目前各地低保标准差异太大，建议建立统一的全国最低标准。在现阶段可以先建立统一的全国最低标准，作为低保标准的全国底线。全国各地的低保标准仍由各地确定，但不能低于全国的底线标准（可以并鼓励各地高于全国底线标准）。制定全国底线标准的好处一是有助于缩小各地的差距，二是防止有些地方低保标准过低。二是应该统一城乡标准，这有助于进一步消除城乡差异，促进城乡一体化和均等化。三是统一低保与扶贫标准，消除低保与扶贫标准之间的差异和不协调。

## 3. 采用相对标准

关于采用相对贫困标准的议题在学术界已有多年的讨论，并且基本上达成了共识。应该尽快将此建议纳入决策考虑。采用相对贫困标准的具体做法可以是采用收入或消费的中位数为基数，当前可从相对较低的比例为起点标准，如收入中位数的 30%为起点，然后随着经济与社会的发展而逐步提高。

## 4. 改变单一的现金标准、提高类别标准

所谓类别标准，是指按照某种人群特征或困难特征来标定困难人口的做法。如残疾人、老年人、孤儿、失业者等。这些人群中虽然并不都是困难者，但他们当中困难者的比例较大，或者说他们陷入贫困的风险较大。类别标准不是单纯以个人或家庭的“生计审查”基础，而是以群体的平均风险度为基础去筛选群体，而在选出来的群体中则是普惠享有相应的待遇，因此具有一定的普惠性，是介于普惠性与特惠性之间的一种方法和标准。采用类别标准，将他们都纳入到社会救助对象之中，一方面可以节省低保瞄准的成本（包括经济成本与社会成本），另一方面也可以更加有效地降低他们的社会风险，防止他们跌入贫困。

### 8.3 A Proposal for the Overall Development of China's Social Assistance System

Wang Yanzhong, Professor of the Institute of Ethnology and Anthropology, Chinese Academy of Social Sciences



**Abstract:** Social assistance is the “base” of the social security safety net and plays an essential role in securing life for the poverty-stricken population and those hit by accidents. Currently, China's social assistance system is strikingly China's social assistance system is neither a perfect overall consideration one, nor a co-ordinated one, which affects the system's implementation effects. In the future, it is necessary to further reform and perfect the system, realize the overall development of the system and establish an active, developing social assistance system. to reach this goal, specific proposals include reforming the residence registration system (it also called household-registration system) to fulfill the regional co-ordinative development. Based on the “survival-oriented” social assistance, China should promote the “Developmental-oriented” social assistance (which focus on people's development). Co-ordinate the development of cash assistance, in-kind assistance and social service assistance. Give an overall consideration to social assistance beneficiaries' daily life assistance and employment assistance. Co-ordinate the relationships between social assistance and social insurance, social welfare, anti-poverty and development programs. Give overall play to the roles of different social assistance bodies, such as the Government, the market and the society, etc.

**Key words:** Developing social assistance; service assistance; employment assistance; socialization; undertake responsibility together

Social assistance is an important part of China's social security system, and plays imperative role answerable for all in securing life of poverty-stricken population and those hit by accidents. In recent years, active progress has been made in developing China's social assistance system. Particularly, in 2014 the “Provisional Measures for Social Assistance” were promulgated and became effective. The Measures propose 8 social assistance systems to establish and perfect the minimum living guarantee. They are of great significance in securing a citizens' basic livelihood, promoting social justice, safeguarding social harmony and stability, giving play to a baseline of social security and helping people meet urgent needs/deal with difficulties. They will create a better impetus to develop and perfect a modern social assistance system in China. Of course, many problems exist in China's current social assistance system, particularly the problems of being strikingly least overall and least concerted, restricting the impact of the system. In the future, there will be a need to further reform and perfect the system, realize the overall development of the system and further improve the effect of social assistance.

# 1. To break the limitations of the residence registration system and provincial domain and realizing regional overall development of social assistance system

For a long time, China's social assistance system has featured problems of a low overall level, urban-rural segmentation, regional segmentation, etc. To a certain extent this has hindered population flow, been unfavorable to the fair development of social assistance and liable to cause a higher urban-rural gap and regional gap under social assistance. Taking the minimum living guarantee standard as an example, China established the minimum living guarantee standard for urban residents at the end of the 20<sup>th</sup> century, and promulgated the rules for the Minimum Living Guarantee Standard for Urban Residents, making the lowest life guarantee system for urban residents and security level keep improving. In July 2007, the State Council promulgated the Circular for Establishing the National Rural Minimum Living Guarantee Standard Rural Lowest Life Guarantee System All Over the Country, actively fueling construction of the minimum guarantee system for rural residents. However, there is a great gap between the urban level and the rural level in practice. In 2014, the nationwide average for the urban level guarantee was 411yuan/person, month and the monthly per capita allowance was 286 yuan. However ; the rural level was 231yuan/person, year (2777 yuan/person) and the monthly per capita allowance level was 129 yuan.<sup>1</sup> Due to the great gap in the levels of economic development level, regions differ significantly from each other in their urban and rural minimum guarantee levels. In 2012, in the lowest life guarantee for urban residents, Beijing reported the highest monthly per capita expenditure level (463 yuan), and Henan the lowest (189.3yuan) a difference of 273.7 yuan; in 2012, in the lowest life guarantee for rural residents, Beijing reported the highest expenditure level (3821.4 yuan/person/year) and Sichuan the lowest (966yuan/person/year) .<sup>2</sup>

An urban-rural integrated system has become the consensus for the future development of the social security system in China. Active progress has been made in the urban-rural overall development of social assistance in recent years. Particularly, with the deepening reforms in the residence registration system, the overall development of the social assistance program will be further promoted. Conversely insufficient importance has been attached to the regional segmentation and the gaps in social assistance. This is unfavorable to the cross-region flow of the population and integrated regional development. Therefore, while actively pushing ahead with the urban-rural overall development in social assistance, regional overall development of social assistance should also be driven synchronously, so as to meet the demand for population flow and promote social justice.

In the field, work should be done to promote the idea of inclusive growth and perfect the practice of localized administration, so as to meet demands of the relevant local populations for social assistance. There is a proposal to establish a uniform national social assistance system and approximately balanced, classified and hierarchical security standard with the province as the unit using the actual situation of individual's income and living expense expenditures and urban and rural social assistance demands, to standardize the social assistance implementation mechanism and implementation action, establish and perfect the social assistance standard system, and follow the principle of prioritizing fairness to secure the differential social assistance demands of various populations in a region.

It is necessary to establish at the regional level the overall management and coordination mechanisms for social assistance and enhance inter-regional social assistance cooperation. This would ensure a

<sup>1</sup>Data source: Statistical Communiqué on Development of Social Service Undertakings 2014.

<sup>2</sup>Data source: China Civil Affairs' Statistical Yearbook 2013.

seamless connection and overall coverage in the case of population migration, make social assistance beneficiary in the same region get approximately a balanced social security treatment, and enhance social assistance uniformity and fairness. In specific aspects of the system's rules, eligibility, treatment level, treatment adjustment, service offer and supervision and administration, efforts should be made to strengthen regional management and coordination and establish regional social assistance work liaison mechanisms and information sharing mechanisms.

The principle of combining admission and control should be followed, with concurrent attention to population flow, social management, responsibility sharing and regional integration. In addition, the type of population flow needs to be distinguished, mainly including population flow rationality and flow duration, with the key to securing social assistance demands of population flow due to employment and family life needs (accompanying association) and of the migrant population with longer residence in the local area. However, measures should be taken to strictly control the malicious migrant population hoping to profit from other people's toil in different regions from enjoying social assistance treatment in the place they have immigrated to. For social assistance to vagrants and beggars, cooperation between the immigrated place and the emigrating place is needed to incorporate them into the social security system of the emigrating place.

Current practice in respect of social assistance treatment, based on the status in the residence registration system should be reformed. The residence registration system factor should be weakened, and residence permit system should be established and perfected, so as to take actual life and residence needs as an important basis for enjoying social assistance. In order to prevent beneficiaries from flowing into some economically advanced regions, proper threshold conditions should be established so as to link up qualification for social assistance with the migration time span. For example, residence for over three years can be taken as the condition for enjoying social assistance treatment in the immigrated place. Migrants with a short migration period can be allowed to enjoy temporary social assistance in the immigrated place, subject to regular social assistance (for example, the minimum guarantee) under the responsibility of the emigrating place according to the regional cooperation mechanism.

## **2. To properly implement "surviving social assistance" and move towards "developing social assistance"**

Securing basic survival is the core goal of traditional social assistance. For a long time, China's social assistance has always been a low-level surviving assistance, to offer the minimum guarantee to urban and rural residents falling into survival mode, so as to help them survive the harder times and maintain their survival. The basis of survival functions of social assistance in securing basic survival is undeniable, and needs to be emphasized particularly in the initial stage of social assistance development. However, with the development of socio-economic level and the upgrade of urban and rural survival demands, the effect of surviving social assistance suffers limitations and even some negative aspects become present, causing the occurrence of "assistance trap", making it hard to realize the real goal of social assistance. Therefore, in the future, whilst perfecting the function of social assistance in "securing survival", it will be necessary to improve the assistance mode and the adjust assistance treatment level setting, so as to make the system able to secure survival and better highlight its functions of "promoting development", with a view to realizing the virtuous circle through lifting income levels by promoting the development of people.

The change in the social assistance system from “surviving assistance” to “developing assistance” is an important sign of China’s socio-economic development, and the sure requirements of citizens to share in the development achievements. After reform and development over 20 years, China’s national economic strength keeps growing, laying a good material foundation for the development of the social assistance system. With an increasingly perfecting social security system, urban and rural residents’ living standards have kept improving, those in absolute poverty population has reduced greatly and relative poverty has become striking. So social assistance cannot stay at the level of “surviving assistance” in traditional sense, but should gradually have to cover a larger scope and level.

The change from “surviving assistance” to “developing assistance” also needs China to lift its human capital level and expand its domestic demand in its economic transition period. With economic development entering the new normal, it is necessary to change the traditional economic growth model, to rely on improving human capital and expanding domestic consumption so as to drive economic growth. A country’s human capital investment should not only be put into common education and training, but also be realized by mainly developing some special groups including the poor.<sup>3</sup> Against the backdrop that China’s economic development has entered the new normal, efforts should be made to actively increase the investment in human capital and to cultivate this source of strength to fuel economic growth. Developing social assistance is helpful to improve the poor population’s human capital level and cut-off the inter-generational circle of poverty. It will improve poverty-stricken families’ consumption capacity and expand domestic demand.

Besides developing the traditional survival assistance and improving social assistance treatment levels, work should be done to pay more attention to employment assistance, educational assistance and medical assistance, so as to improve beneficiaries’ health situations and labor ability, to lift their human capital level and improve their quality of life. Developing assistance is not only to update and perfect the components of the assistance but to also change the assistance mode. We need to change previous the traditional assistance object identification method, drop-out mechanism and treatment offer mechanism. In terms of assistance object identification, previous negative, passive practices should be changed and active, positive identification mechanisms should be established, so as to realize “assistance to all those qualified” and “accurate assistance”. The system should guarantee “assistance to all those qualified” and “withdrawal from all those unqualified”, to prevent assistance dependence and assistance trap. Assistance treatment offer levels should follow demand-oriented “assistance according to demand ” rather than fixed treatment offer. Particularly in the case of marginal beneficiaries and beneficiaries easily able to cast off poverty, encouragement of social assistance system should be strengthened to take them actively out of the team of the assisted group.

### 3. To overall drive monetary assistance, assistance in kind and service assistance

By the demand differences of social assistance beneficiaries, social assistance consists of monetary assistance, assistance in kind and service assistance, etc. Monetary assistance and assistance in kind are the core items of traditional social assistance and the foundations of the social assistance system. They can help the poor to survive a survival crisis and solve the beneficiaries’ problems of food and clothing. Traditional social assistance often ignores services offered to beneficiaries and takes service being offered as an element of social welfare, making it less related to social assistance and

<sup>3</sup>Guan, X. Toward More Active Social Assistance System —— On China’s Social Assistance System Reform Direction Under New Situations. Chinese Public Administration, (7): 16-20(2014).



causing the unbalanced development of social assistance elements and making it hard to effectively meet the life demands of beneficiaries.

With the perfection of the social assistance system and the improvement the levels of assistance, we should actively drive the development of service assistance. Recipients of social assistance are often the poverty-stricken population such as old people and the disabled and vulnerable groups. They not only need financial support and material supply, but they also have pressing service demands. Bettering service assistance on the basis of financial assistance and assistance in kind is favorable to improving the impact of social assistance.

Development of service assistance is helpful to improving the beneficiary's health situation and quality of life. Poverty is always related to disease and poor health creating a vicious circle. Service assistance is helpful for the poverty-stricken population to enhance disease prevention and treatment, for the disabled to get the highest possible recovery of health and labor ability. Service assistance can also provide life convenience for beneficiaries and improve their life quality. In addition, service assistance is also helpful in maintaining and embodying the dignity of the beneficiary and promoting their social integration .

Particularly with the background of an ageing population and improving urban and rural residents' life demands, service assistance seems more pressing. In the future we should base our policy on cash assistance and assistance in kind and take service assistance as the key to realizing the overall development of the different social assistance elements. But specific elements and the mode of service assistance should depend on different beneficiary demands. Services under social assistance mainly consist of life assistance, psychological persuasion, spiritual comfort, resources linkage, skills enhancement and social integration as a diversified and personalized service, which can be classified into three types: daily care service, skill developing services and support/integration services. <sup>4</sup>

Due to the particularities and specialties of social assistance service, we should train a large number of specialized social assistance staff, increase social assistance service specialization levels and improve the social assistance service impact; integrate social assistance service resources, and greatly develop social work, voluntary service and community service, to provide different persons with different types of social assistance service. We can also make full use of non-governmental social assistance service resources through the government purchase of services, to purchase assistance from social organizations and perfect the system of, and mechanism for, the Government purchasing social assistance services.

#### **4. To overall consider life assistance and employment of those on the minimum guarantee who are able to work**

The overall development of life assistance and employment assistance is the important reflection of "surviving assistance" and "developing assistance". Implementation of social assistance, particularly the evaluation of assistance demands and the application of assistance mode needs to give full considerations to actual situations of beneficiaries' families and individuals, center on family assistance, and be based on the combination of family assistance and individual assistance. The level of life difficulties and the labor capacity of beneficiaries should be accurately evaluated. While actively securing a family in difficulties survival demands, various measures should be taken to encourage and

<sup>4</sup>Lin, M. Thinking About Government Purchase of Social Assistance Service. Administration Reform.

constrain beneficiaries with labor ability to work actively for income and consumer goods. On the one hand, this practice is favorable in preventing those assisted from generating assistance dependence, improves the efficiency of minimum guarantee and social assistance's resources, relieves the burden on the system and enhances the fairness and efficiency of social assistance system. On the other hand, it is also helpful for beneficiaries to develop self-respect, self-reliance and a self-strengthening spirit, so as to improve their quality of life.

Efforts should be made to properly distinguish the different situations of no labor ability and conditions, for partial labor ability and conditions to those with full labor ability and conditions and to take these differences into account in the minimum guarantee. This will maximize the efficiency of the minimum guarantee system. Those with full labor ability should not be allowed to sit back and wait for assistance, their dependent mentality should be dismissed, and the relevant system should encourage them to support their own survival and that of their families through labor and employment. It should help them have a job through job hunting, training and education assistance, etc. Those having not been employed though helped should perform labor obligations in public welfare labor and work-for-food programs. For individuals with partial labor ability, life assistance and employment assistance should be applied comprehensively to make them join labor for employment in a proper manner, for example, arranging for them to work in welfare enterprises or voluntary community service within their ability. Of course, those with no labor ability should be offered funds for help and service correspondingly.

In view of the structure of assistance programs in China, according to statistics of the Ministry of Civil Affairs, population with labor ability and elderly population account for 36% of all minimum guarantee beneficiaries in urban area. As the proportion of the elderly population increases year by year; the population with labor ability decreases to some extent, but still accounts for a proportion up to 20%.<sup>5</sup> For such groups of beneficiaries, work should be undertaken to actively tap into and utilize their labor ability and help them earn their own living rather than "profit from other people's toil". While enhancing the ideological education of beneficiaries, measures should be taken to help them by creating good labor conditions and opportunities, such as job hunting and occupational training.

Promoting beneficiaries with labor ability to actively join employment needs adjustment of the current minimum guarantee lowest life guarantee system, particularly reform of existing treatment examination mechanism, and treatment stimulation should be enhanced. On the one hand, the lowest life guarantee level should be lifted properly and conditions for assistance object to join labor should be created; on the other hand, connection between lowest life guarantee treatment and employment income should be slackened, to allow a certain period (for example, half a year or one year) of coexistence of assistance object's qualification for lowest life guarantee treatment and their income from labor and employment. A transition period should be set so as to avoid the situation that some assistance objects have low initiative in labor even are unwilling to be employed due to no obvious increase of income after employment (loss of life guarantee treatment at the same time).

## 5. The overall coordination of social assistance, social insurance, social welfare and poverty alleviation and development policies

<sup>5</sup>Data source: China Civil Affairs' Statistical Yearbook 2013.

Reform and development of social assistance should be based on the overall framework of social security and construction for people's livelihood, so as to realize the overall development of social assistance, social insurance, social welfare and poverty alleviation and development. It would give rise to the comprehensive functioning of the social security system. Social assistance and other social security programs are independent of, related to and complementary to each other. Perfection of the social assistance system cannot occur without the perfection of the security elements of social insurance, social welfare and poverty alleviation and development, etc.. There is a need for further clarification of the functional position of the different social security elements and the establishment of a mechanism for the connection and coordination between social assistance, social insurance, social welfare and poverty alleviation and development policy.

Social assistance and the other elements of social security play a very important role in antipoverty measures. Social assistance puts particular emphasis on poverty governance and poverty alleviation, while traditional social assistance mainly addresses after assistance, negative assistance and passive assistance after the occurrence of poverty and belongs to survival assistance. Social insurance places particular emphasis on the prevention of poverty. Antipoverty needs the joint action of multiple approaches and a balanced emphasis on prevention and governance. Efforts should be made to actively support assistance beneficiaries to join pension, medical and other social insurance systems while securing the life of poverty-stricken families, so as to further build a solid antipoverty line. With social assistance evolving constantly, surviving assistance should change to developing assistance gradually, so as to enhance assistance positivity and activeness. The corresponding system design and policy support should be carried out so as to promote a beneficiary with labor ability to join social insurance through employment and to help beneficiaries to join social insurance through financial subsidies, so as to take them out of poverty and improve their quality of life.

Both social assistance and social welfare include funds, material and service, etc., and the connection between them should be enhanced, so as to avoid excessive duplication and flaw in the items, particularly in providing the social services, which should not be considered as responsibility of social welfare but should be undertaken by social assistance and social welfare jointly. Of course, what is needed is connection rather confusion, let alone a social service providing "Vacuum" due to such cases. Social welfare attaches importance to the "generalized preference" of service security, while service assistance in social assistance more emphasizes special help ("special preference") to poverty-stricken families and individuals and more highlights particularity and personality of service demands. So work should be done to realize an organic combination of "generalized preference" and "special preference" to improve the life quality of social assistance beneficiaries.

Both social assistance and poverty alleviation and development are direct measures for antipoverty. Their overall development will be helpful to better improve the antipoverty effect. Particularly in aspect of connection between minimum guarantee and poverty alleviation and development, accurate security idea should be established to achieve accurate assistance and accurate poverty alleviation. The idea of developing social assistance and developing poverty alleviation should be established to perfect the "blood forming" function of the minimum guarantee and for poverty alleviation and development. In the poverty alleviation and development process, efforts should be made to actively enhance the training of occupational skills of the poor population with labor ability, to enhance the beneficiary's labor skills and employment competitiveness, to fully tap the human capital and labor ability of a minimum guarantee recipient and to help the poverty-stricken population out of poverty.

For the overall coordination of developing social assistance and other social security programs. The idea of “Active and developmental social security” should be established, so that all those in need and who have fallen into difficulty can get timely assistance and can be covered by social assistance system. The current practice of making social security and the minimum guarantee correlated should be reformed. For example, for housing and education security, specific security object identification mechanism and security mode should be available, and whether a beneficiary has received the minimum guarantee should not be taken as the essential condition. Otherwise it promote some poverty-stricken families to become qualified for the minimum guarantee through various means and even to long-term rely on the minimum guarantee. This is unfavorable to establishing dynamic adjustment mechanism of the minimum guarantee.

## **6. To give overall play to roles of the different actors in social assistance - government, market and society, etc.**

Welfare pluralism theory re-examines the development of social welfare, particularly about the burden on government financial expenditures in welfare states. Welfare pluralism holds that welfare responsibility should not be undertaken only by the State, and there should be multiple actors supplying social welfare. A plurality of<sup>6</sup> social assistance actors does not mean that responsibility for social assistance should be equal but there needs to be a mechanism for clarifying the sharing of responsibilities among different social assistance actors to guarantee that each fulfills its duty. In addition, overall coordination should be enhanced to fully integrate and apply social assistance resources and increase the impact of social assistance.

Government is always the most important responsible entity in social assistance. The primary role of government in social assistance is mainly embodied in the overall planning, construction of the system, , financial input, staff training and organization coordination, etc. Efforts should be made to establish a uniform, sound social assistance system under the leadership of the Government, and actively give impetus to social assistance institutionalization courses, intensify social assistance management and staff training, and coordinating the behaviors of the different recipients of social. What needs to be emphasized in particular is the Government’s responsibility for the financial expenditure relating to social assistance, the reasonable division of powers and the right to financing, and the establishment of a central government/local government social assistance responsibility sharing mechanism. This would better delineate the roles of governments at various levels in the social assistance system. Meanwhile, relevant systems and policies should clearly define provincial government’s responsibility for the financial expenditure on social assistance and establish regional local governments coordination mechanism, so as to avoid expenditure flaws and duplicate expenditures. Moreover, work should be done to further enhance the Central Government’s responsibility for social assistance expenditure, establish and perfect automated central finance transfer payment mechanism, and integrate and utilize various social assistance funds. Adjustment and optimization of the Government’s social assistance expenditure structure is another step. Currently over 70% of China’s social assistance funds are used for the minimum guarantee with less for other social assistance expenditures. The urban-rural guarantee expenditure is less concerted, with the rural minimum guarantee fund account for 40% of expenditure but having to cover over 65% of the assistance beneficiaries.; The urban minimum guarantee funds account for 34% of expenditures but only covering 23% of the beneficiary population.

<sup>6</sup>Peng, H. *Western Social Welfare Theory Frontier: On State, Society, System and Policy*, China Social Press, 21 (2009).

<sup>7</sup> Therefore, in the future it will be necessary to increase expenditure for medical assistance; education assistance, housing assistance and employment assistance based on the developing assistance concept.

The Government playing the leading role does not mean that Government needs to take on all responsibilities. Relevant measures should be taken to actively cultivate market and society resources and reach the goal through the Government purchasing services. Social assistance cannot completely rely on the State or Government. In resources collecting and purchasing services it needed to make full use of market mechanisms and society's resources. The Interim Measures for Social Assistance has clearly stipulated that the state encourages units and individuals as well as other social entities to participate in social assistance through donation, establishing assistance programs, creating services organization and offering voluntary service, etc. In the future, it will be essential to cultivate non-governmental resources for social assistance, enhance the "sociality" of social assistance, realize specialization of social assistance, thereby achieving a "powerful government" and a "powerful society" in the social assistance sphere.

According to international experience, a gradual transition from national responsibility to "state + market" responsibility and "state + market +society" responsibility has become the mainstream tendency in developed countries' social welfare reform. <sup>8</sup> The future development of China's social assistance program needs to establish a mechanism for the joint undertaking of responsibilities while emphasizing the Government's lead role and its accountability to all. Works should be done to actively use market and society forces to fully bring individual initiative into play. Social assistance must consider an individual's labor capacity and require those with labor capacity to undertake their corresponding labor obligations and actively get an income through employment to maintain their individual and family life, rather than relying on Government or society. Emphasis should be placed on combining "self-help" and "help from others", with "self-help" being the basic foundation.

## Reference

[1]Guan, X. Toward More Active Social Assistance System - On China's Social Assistance System Reform Direction Under New Situations. Chinese Public Administration, (7): 16-20(2014).

[2]Han, K. Reform and Development of China's Social Assistance System. Teaching and Research, (2): 29-35 (2015).

[3]Jiang, Z. Social Assistance Policy Reform Thought Under the Economic New Normal. Western Forum, (4): 31-39 (2015).

[4]Lin, M. Thinking About Government Purchase of Social Assistance Service. Administration Reform, (8):24-27(2015).

[5]Peng, H. Western Social Welfare Theory Frontier: On State, Society, System and Policy. China Social Press, 21 (2009) .

<sup>7</sup>Jiang,Z.Social Assistance Policy Reform Thought Under the Economic New Normal, Western Forum, (4): 31-39 (2015).

<sup>8</sup>Han, K.Reform and Development of China's Social Assistance System, Teaching and Research, (2): 29-35 (2015).



### 8.3 统筹发展中国社会救助制度的思考与建议

王延中 中国社会科学院民族学与人类学研究所

**摘要：**社会救助是社会保障安全网的“网底”，对于保障贫困人口和遭受意外事件者的生活发挥着至关重要的兜底作用。目前我国社会救助体系不统筹、不协调的问题较为突出，制约着社会救助体系的效果。未来需要进一步改革、完善社会救助制度，实现社会救助制度的统筹发展，建立积极型、发展型社会救助制度。具体建议包括：打破户籍、省份限制，实现社会救助制度的区域统筹发展；以生存型社会救助为基础，统筹推进发展型社会救助；统筹推进资金救助、实物救助与服务救助的发展；统筹考虑最低生活保障对象的生活救助与就业援助；统筹协调社会救助与社会保险、社会福利以及扶贫开发政策；统筹发挥政府、市场与社会等不同社会救助主体的作用。

**关键词：**发展型社会救助；服务救助；就业援助；社会化；责任共担

社会救助是我国社会保障体系的重要组成部分，对于保障贫困人口和遭受意外事件者的生活发挥着至关重要的兜底作用。近些年来，我国社会救助体系的发展取得了积极进展，尤其是 2014 年《社会救助暂行办法》的颁布实施，提出建立健全最低生活保障等 8 种社会救助制度，对保障公民的基本生活，促进社会公平，维护社会和谐稳定，发挥社会保障托底线、救急难的作用具有重大意义，将更好地推进我国现代社会救助体系的发展与完善。当然，目前我国的社会救助制度还存在诸多问题，尤其是社会救助体系不统筹、不协调的问题较为突出，制约着社会救助体系的效果。未来需要进一步改革、完善社会救助制度，实现社会救助制度的统筹发展，进一步改进社会救助的效果。

#### 一、打破户籍、省份限制，实现社会救助制度的区域统筹发展

长期以来，我国社会救助制度的统筹层次较低，存在着城乡分割、区域分割等问题，在一定程度上阻碍了人口流动，也不利于社会救助的公平发展，容易导致社会救助的城乡差距与地区差距较大。以最低生活保障制度为例，我国于 20 世纪末期率先建立了城市居民最低生活保障制度，并颁布了《城市居民最低生活保障条例》，城市居民最低生活保障制度不断完善，保障水平不断提高。到 2007 年 7 月，国务院颁布《关于在全国建立农村最低生活保障制度的通知》，积极推进农村居民最低生活保障制度建设。城乡低保水平差距较大，2014 年全国城市低保平均标准 411 元/人、月，月人均补助水平 286 元；农村低保平均标准 231 元/人、年（2777 元/人）、农村低保月人均补助水平 129 元。<sup>14</sup>由于经济发展水平差距较大，不同地区之间的城乡低保水平差距较大。2012 年，城市居民最低生活保障月人均支出水平最高的为北京（463 元），最低的为河南（189.3 元），两地相差 273.7 元；2012 年农村居民最低生活保障平均支出水平最高的为北京（3821.4 元/人、年），最低的为四川（966 元/人、年）。<sup>15</sup>

城乡统筹已成为我国社会保障体系未来发展的共识，近些年来社会救助的城乡统筹发展已经取得了积极进展。尤其是随着户籍制度改革的深入，将进一步促进社会救助的城乡统筹发展。相比而言，社会救助的区域分割与地区差距问题没有得到足够的重视，不利于人口的跨区域流动和区域一体化发展。因此，在积极推进社会救助城乡统筹发展的同时，也应该同步推进社会救助的区域统筹发展，以适应人口流动、促进社会公平。

<sup>14</sup> 数据来源：《2014 年社会服务事业发展统计公报》。

<sup>15</sup> 数据来源：《2013 年中国民政统计年鉴》。



应该坚持包容性增长的理念，完善属地管理的做法，满足本地区相关人群的社会救助需求。建议以省为单元，按照收入与生活费支出的实际情况及城乡居民社会救助需求，建立全国统一的社会救助制度体系和大致均衡的分类分层保障标准，规范社会救助的实施机制和实施行为，建立和完善社会救助标准体系，遵循公平优先的原则保障地区内各类人群差异化的社会救助需求。

需要建立社会救助的区域统筹与协调机制，加强地区之间的社会救助合作，确保实现人口流动时社会救助的无缝隙与全覆盖，促使同一区域内社会救助对象获得大致均衡的保障待遇，增强社会救助的统一性与公平性。在具体制度细则、资格审查、待遇水平、待遇调整、服务提供、监督管理等方面加强区域统筹协调，建立区域社会救助工作联络机制与信息共享机制。

应该遵循接纳与控制相结合的原则，兼顾人口流动、社会管理、责任分担与区域融合。需要区分人口流动的类型，主要包括人口流动的合理性与流动时间的长短。重点保障那些因就业和家庭生活需要（随迁）而流动的人口社会救助需求，保障居住时间较长的那部分流动人口的社会救助需求。严格控制那些恶意流动、希望不劳而获的区域流动人口享受社会流入地社会救助待遇。对于流浪乞讨人员的社会救助，需要流入地与流出地的合作，纳入流出的社会保障体系。

改革目前以户籍身份作为享受社会救助待遇的做法，应该弱化户籍因素，建立和完善居住证制度，以实际生活和居住需要作为享受社会救助待遇的重要依据。为防止救助对象过度集中流入一些经济较发达的地区，应该设立适当的条件，将社会救助资格的获得与流动时间的长短直接相关，比如，可以将居住三年以上作为享受流入地社会救助待遇的条件，对于流动时间较短的人员，可以在流入地获得临时社会救助，但经常性的社会救助（比如最低生活保障）应该在区域合作机制下由流出地负责。

## 二、做好生存型社会救助，统筹推进发展型社会救助

保障基本生存是传统社会救助的核心目标，长期以来我国的社会救助一直是低水平生存型救助，当城乡居民陷入生存困境时给予最低水平的生活保障，帮助其度过难关，维持其生存。社会救助保障基本生存的功能不可否认，尤其是在社会救助发展的初期阶段，尤其需要强调和完善这一功能；但是，随着经济社会发展水平的提高和城乡居民生存需求的升级，生存型救助的效果受到限制，甚至呈现一些负面循环，导致出现“救助陷阱”，难以实现社会救助的真正目标。因此，未来需要在完善社会救助“保障生存”功能的同时，改进其救助方式，调整救助待遇水平设置，使其在保障生存的同时越来越突出“促进发展”的功能，通过促进人的发展来提高其收入水平，进而实现良性循环。

社会救助制度从生存型救助走向发展型救助，是我国经济社会发展的重要标志，也是国民共享发展成果的必然要求。经过二十多年的改革与发展，国家经济实力不断增强，为社会救助制度的发展奠定了良好的物质基础。随着社会保障体系的日益完善，城乡居民的生活水平不断提高，绝对贫困人口大大减少，相对贫困问题日益突出。社会救助不能停留于传统意义上的生存型救助，而应该逐步提高社会救助的范围和水平。

从生存型救助走向发展型救助也是我国经济转型时期提升人力资本水平与扩大内需的需要。经济发展转入新常态，需要改变传统的经济增长模式，依靠人力资本的提升和扩大国内消费拉动经济增长。一个国家的人力资本投资不仅仅要靠普通的教育培训，

而且还应该重点开发包括贫困者在内的一些特殊人群。<sup>16</sup>在我国经济发展进入新常态的背景下，应该积极推进人力资本投资，培育促进经济增长的力量源泉。发展型社会救助有助于提高贫困人口的人力资本水平，切断贫困的代际循环，也有利于提高贫困家庭的消费能力，扩大国内需求。

除了发展传统的生存救助和提高社会救助的待遇水平外，应该越来越重视就业救助、教育救助和医疗救助，通过救助改善受救助对象的健康状况与劳动能力，提升人力资本水平，提高其生活质量。发展型救助不仅是救助内容的更新和完善，而是救助方式的变革。需要改变过去传统的救助对象识别办法、退出机制与待遇给付机制。在救助对象的识别方面，应该改变过去消极、被动的做法，建立积极、主动识别机制，实现“应救尽救”、“精准救助”。既要实现“应救尽救”，也要实现“应退尽退”，防止救助依赖与救助陷阱。救助待遇给付水平应该遵循需求导向“按需施救”，而不是固定待遇给付。尤其是对于边缘救助对象和易于脱贫的救助对象，应该通过增强社会救助制度的激励性，使其主动脱离受救助的队伍。

### 三、统筹推进资金救助、实物救助与服务救助

根据社会救助对象的需求差异，社会救助包括资金救助、实物救助、服务救助等类型和项目。经济救助与实物救助是传统社会救助的核心内容，是社会救助体系的基础，可以帮助贫困人口度过生存危机，解决救助对象的温饱问题。传统的社会救助往往忽视了受救助对象的服务提供，将服务提供视为社会福利的内容，而与社会救助关联度不大，导致了社会救助内容与项目的非均衡发展，难以有效满足受救助对象的生活需求。

随着社会救助体系的完善和救助水平的提高，应该积极推进服务救助的发展。社会救助的对象往往是一些老年人、残疾人等贫困人口和弱势群体，他们不仅需要资金支持和物资提供，也有着迫切的服务需求。在资金救助和实物救助的基础上推进服务救助，有利于提高社会救助的效果。

服务救助的发展有助于改善救助对象的健康状况与生活质量。贫困往往与疾病、健康状况不佳联系在一起，导致恶性循环。服务救助有助于贫困人口加强疾病预防与治疗，有助于残疾人最大限度地恢复健康与劳动能力。服务救助还可以为救助对象提供生活便利，改善救助对象的生活质量。此外，服务救助还有助于维护和体现社会救助对象的尊严，促进救助对象的社会融入。

尤其是在人口老龄化和城乡居民生活需求水平日益提高的背景下，服务救助显得更加迫切。未来应该坚持以现金救助和实物救助为基础，以服务救助为重点，实现不同社会救助内容与项目的统筹发展。关于服务救助的具体内容和方式，应该根据不同的对象需求来决定。社会救助服务主要包括生活帮扶、心理疏导、精神慰藉、资源链接、能力提升、社会融入等多样化、个性化服务，可归纳为三种类型：日常照顾型服务、能力发展型服务、支持融合型服务。<sup>17</sup>

由于社会救助服务的特殊性和专业性，应该培养大量专业化的社会救助服务人才，提高社会救助服务的专业化水平，改善社会救助服务的效果。应该整合社会救助服务资源，大力发展社会工作、志愿服务、社区服务，为不同人员提供不同类型的社会救助服

<sup>16</sup>关信平：《朝向更加积极的社会救助制度——论新形势下我国社会救助制度的改革方向》，《中国行政管理》2014年第7期，16-20页。

<sup>17</sup>林闽钢：《关于政府购买社会救助服务的思考》，《行政管理改革》2015年第8期，24-27页。





务。可能通过政府购买服务的方式，充分利用民间社会救助服务资源，向社会组织购买救助服务，完善政府购买社会救助服务的体制机制。

#### 四、统筹考虑有劳动能力低保对象的生活救助与就业开发

生活救助与就业救助的统筹发展是生存型救助与发展型救助统筹发展的重要体现。社会救助的实施，尤其是救助需求的评估和救助方式的运用需要充分考虑受救助对象家庭和个人的实际情况，以家庭救助为主，家庭救助与个人救助相结合。应该准确评估受救助对象的生活困难程度与劳动能力状况。在积极保障困难家庭生存需求的同时，应该通过各种举措激励和约束有劳动能力的受救助对象积极能加劳动，通过劳动获得收入和生活资料。一方面，有利于防止被救助人员出现救助倚赖症，提高最低生活保障和社会救助资源的使用效率，减轻制度负担，增强社会救助制度的公平性与效率性；另一方面，也有助于受救助对象树立自尊、自立、自强的精神，提高受救助对象的生活质量。

应当适当区分丧失劳动能力和条件、部分拥有劳动能力和条件、完全拥有劳动能力和条件等不同情况，采取差异化的最低生活保障制度，发挥最低生活保障制度的最大效用。对于具备完全劳动能力的人，不应该让其坐等救助，打消其依赖思想，应该通过劳动、就业来维持个人和家庭的生存，通过职业介绍和培训、教育救助等方式帮助其实现就业。即便没有机会实现就业的，也应该以公益劳动、以工代赈的形式使受救助对象履行劳动义务。对于具备部分劳动能力的个人，应该综合运用生活救助与就业救助，使其以适当的形式参加劳动就业，比如可以到福利企业就业或者从事力所能及的社区志愿服务工作。当然，对于没有劳动能力的人，应该给予相应的资金帮助和服务提供。

从我国受救助对象的结构来看，根据民政部的统计数据，在城市居民最低生活保障对象中，有劳动能力人口和老年人口合计占全部低保对象的比重达到 36%，其中老年人口占比逐年增加，有劳动能力人口虽然有所减少，但比重仍高达 20%。<sup>18</sup>对于这部分受救助对象，应该积极挖掘利用其劳动能力，帮助其自食其力，而不是“不劳而获”。在加强受救助对象的思想教育的同时，还应该帮助受救助对象创造良好的劳动条件和劳动机会，比如提供职介绍、职业培训等。

促进有劳动能力的受救助对象积极参与就业，需要对现有的最低生活保障制度进行调整，尤其是要改革现有的待遇审核机制，应该增强待遇计发的激励性。一方面，要适当提高最低生活保障的水平，为受救助对象参加劳动就业创造条件；另一方面，应该适当放松最低生活保障待遇与就业收入的联系，允许最低生活保障待遇的计发在一段时间内（比如半年或一年）不考虑受救助对象的劳动就业收入，应该设立一个过渡期，避免出现一些受救助对象因为劳动就业后（失去最低生活保障待遇）收入水平没有明显改变而工作积极性不高甚至不愿意就业的情况。

#### 五、统筹协调社会救助与社会保险、社会福利与扶贫开发政策

社会救助的改革与发展应该基于社会保障和民生建设的整体框架进行，实现社会救助与社会保险、社会福利、扶贫开发的统筹发展，发挥社会保障体系的综合功能。社会救助与其他社会保障项目既相互独立，又相互联系、相互补充。社会救助体系的完善，离不开社会保险、社会福利、扶贫开发等保障项目的完善，需要进一步明确不同社会保障项目的功能定位，建立社会救助与社会保险、社会福利、扶贫开发政策的衔接与协调机制。

<sup>18</sup> 数据来源：2013 年《中国民政统计年鉴》。

社会救助与社会保障的其它项目在反贫困中均发挥着重要作用。社会救助侧重于贫困的治理和减贫，传统的社会救助主要是针对贫困发生后的事后救助、消极救助、被动救助，主要属于生存型救助。社会保险则侧重于贫困的预防。反贫困需要多管齐下，预防与治理并重。应该在保障贫困家庭生活的同时，积极支持受救助家庭参与养老、医疗等社会保险制度，进一步筑牢反贫困的防线。随着社会救助的不断发展，应该逐步从生存型救助走向发展型救助，增强救助的积极性与主动性。应该通过相应的制度设计和政策支持，促进有劳动能力的救助对象通过就业参加社会保险，或者通过财政补贴帮助受救助对象参与社会保险，使其更好地脱离贫困，提高生活质量。

社会救助与社会福利均包括了资金、物资、服务等内容，需要加强二者的衔接，避免在这些方面出现过多重复与漏洞。尤其是在服务保障方面，不应该将其完全视为社会福利的责任，而应该由社会救助与社会福利共同承担。当然，需要的是衔接而不是混淆，更不能因为这样而导致服务保障的“真空”。社会福利注重服务保障的“普惠”，社会救助中的服务救助更加强调对于贫困家庭和个人的特殊帮助（“特惠”），更加突出服务需求的特殊性与个性，应该实现“普惠”与“特惠”的有机结合，提高社会救助对象的生活质量。

社会救助与扶贫开发都是反贫困的直接举措，二者的统筹发展有助于更好地改进反贫困效果。尤其是在最低生活保障与扶贫开发的衔接方面，应该树立精准保障理念，实现精准救助与精准扶贫。应该树立发展型救助与发展型扶贫理念，完善最低生活保障与扶贫开发的“造血”功能。在扶贫开发的过程中，应该积极加强有劳动能力的贫困人口的职业技能培训，增强受救助对象的劳动技能与就业竞争力，充分挖掘最低生活保障对象的人力资本和劳动能力，帮助贫困人口脱离贫困。

统筹协调社会救助与其它社会保障的发展，应该树立积极型、发展型的保障理念，尽可能让有需要的人和陷入困境的人得到及时的救助与保障。应该改革目前相关社会保障与最低生活保障相关联的做法，比如住房、教育等保障，应该有自己的保障对象识别机制与保障方式，不宜将是否享受最低生活保障作为必备条件，否则，容易导致一些贫困家庭通过各种途径获得最低生活保障资格，甚至长期依赖于最低生活保障，不利于建立最低生活保障的动态调整机制。

## 六、统筹发挥政府、市场与社会等不同社会救助主体的作用

福利多元主义理论对发展社会福利进行了重新审视，尤其是针对福利国家中政府财政支出压力，福利多元主义认为福利责任不仅仅由国家来承担，福利提供主体应该实现多元化。<sup>19</sup>社会救助主体的多元化，并不意味着救助责任的均等化，需要明确不同社会救助主体之间的责任分担机制，各司其职，并加强统筹协调，充分整合运用社会救助资源，提升社会救助的效果。

政府始终是社会救助中最重要的责任主体。政府在社会救助中的主导作用主要体现在统筹规划、制度建设、财政投入、人才培养、组织协调等方面。应该在政府的主导下，建立统一、完善的社会救助制度体系，并积极推进社会救助的法制化进程，加大对社会救助管理与服务人才的培养，协调不同救助主体之间的救助行为。特别需要强调政府在社会救助中的财政支出责任，合理划分事权与财权，建立中央和地方政府之间的社会救助责任分担机制，更好地发挥不同层级政府在社会救助体系中的作用。明确省级政府的财政支出主体责任，建立区域间地方政府的协调机制，避免支出漏洞与重复支出。进一

<sup>19</sup>彭华民：《西方社会福利理论前沿：论国家、社会、体制与政策》，中国出版社，2009年，第21页。



步增强中央政府的社会救助支出责任,建立和完善科学的中央财政转移支付机制,整合利用各类社会救助资金。调整和优化政府社会救助支出结构,目前我国社会救助资金中70%以上用于最低生活保障,其它社会救助支出较少;而且城乡之间最低生活保障的支出不协调,农村低保资金占比为40%,而覆盖救助人口超过65%;城市低保占用资金达到34%,而救助人口却只占23%。<sup>20</sup>因此,未来需要基于发展型救助理念,加大对医疗救助、教育救助、住房救助和就业就助等方面的支出。

政府的主导作用并不意味着政府需要包办,应该积极培育市场和社会资源,通过政府购买服务的方式来实现。社会救助不能完全依赖于国家和政府,在资源筹集与服务购买方面需要充分利用市场机制和社会资源。《社会救助暂行办法》已经明确规定,国家鼓励单位和个人等社会力量通过捐赠、设立帮扶项目、创办服务机构、提供志愿服务等方式,参与社会救助。未来需要大力培育社会救助的民间资源,增强社会救助的“社会性”,实现社会救助的专业化,进而实现社会救助中的“强政府”与“强社会”。从国际经验看,国家责任逐步向“国家+市场”责任和“国家+市场+社会”责任过渡是发达国家社会福利改革的主流趋势。<sup>21</sup>未来我国社会救助的发展需要在强调充分发挥政府主导作用和兜底责任的同时,建立责任共担机制,应该积极运用市场和社会的力量,充分调动个人的积极性。社会救助务必考虑个人的劳动能力,要求有劳动能力的人承担相应的劳动义务,主动通过就业获得收入来维持个人和家庭生活,而不是依赖于国家或社会。应该强调“自助”与“他助”的结合,其中“自助”是基础。

## 参考文献

- [1]关信平:《朝向更加积极的社会救助制度——论新形势下我国社会救助制度的改革方向》,《中国行政管理》2014年第7期,16-20页。
- [2]韩克庆:《中国社会救助制度的改革与发展》,《教学与研究》2015年第2期,29-35页。
- [3]江治强:《经济新常态下社会救助政策的改革思路》,《西部论坛》2015年第4期,31-39页。
- [4]林闽钢:《关于政府购买社会救助服务的思考》,《行政管理改革》2015年第8期,24-27页。
- [5]彭华民:《西方社会福利理论前沿:论国家、社会、体制与政策》,中国社会出版社,2009年,第21页。

<sup>20</sup>江治强:《经济新常态下社会救助政策的改革思路》,《西部论坛》2015年第4期,31-39页。

<sup>21</sup>韩克庆:《中国社会救助制度的改革与发展》,《教学与研究》2015年第2期,29-35页。

## Annex 2. Country Reports on Social Assistance

### Component 3



## Table of Contents

Table of Contents .....	175
I. Italy .....	176
1. System of Social Assistance .....	176
2. Last reforms .....	178
3. Institutions of Social Assistance and support including the role of NGO .....	179
4. Forms of Social Assistance and support .....	180
5. Calculation Methods and Beneficiaries of Social Assistance - defining target groups .....	184
6. Numerical and Statistical Data .....	184
7. Strengths .....	187
8. Critical issues .....	188
II. Poland .....	190
1. System of Social Assistance .....	190
2. Last reforms .....	191
3. Institutions of Social Assistance and support .....	192
4. Forms of social assistance and support .....	193
5. Calculation Methods and Beneficiaries of Social Assistance - defining target groups .....	197
6. Numerical and Statistical Data .....	197
7. Strengths .....	199
8. Critical issues .....	200
III. Spain .....	201
1. Social Assistance System and legal framework .....	201
2. Institutions that provide social assistance and support, including the role of NGOs .....	202
3. Forms of social assistance and support .....	203
4. Latest reforms affecting the competencies of Imsero .....	207
5. Calculation Methods and Beneficiaries of Social Assistance - defining target groups .....	208
6. Numerical and Statistical Data .....	209
7. Strengths .....	210
8. Critical issues .....	210
IV. Czech Republic .....	211

1.	System of Social Assistance .....	211
2.	Institutions of Social Assistance and Support.....	211
3.	Forms of social assistance and support .....	211
4.	Social services.....	217
5.	Care allowance.....	219
V.	Belgium .....	220
1.	System of Social Assistance .....	220
2.	Institutions of Social Assistance and support including the role of NGO .....	221
3.	Forms of social assistance and support .....	221
4.	Calculation Methods and Beneficiaries of Social Assistance - defining target groups.....	223
5.	Numerical and Statistical Data .....	225
6.	Strengths.....	226
7.	Critical issues .....	226
VI.	France .....	227
1.	System of Social Assistance .....	227
2.	Last reforms .....	228
3.	Institutions of Social Assistance and support including the role of NGO .....	230
4.	Forms of social assistance and support.....	232
5.	Numerical and Statistical Data .....	234
6.	Strengths and weakness.....	242
VII.	Romania .....	244
1.	System of Social Assistance .....	244
2.	Latest reforms.....	246
3.	Institutions of Social Assistance and support .....	247
4.	Financing System .....	248
5.	Forms of social assistance and support.....	248
6.	Calculation Methods and Beneficiaries of Social Assistance - defining target groups.....	250
7.	Strengths.....	252
8.	Critical issues .....	252

## Italy

### System of Social Assistance

#### Legal framework

The Governance and accountability framework for Social Assistance in Italy has been reviewed and re-defined by Law #328/2000 – “Framework Law for the Realization of an Integrated System of Social Assistance Program”. The main goal of the new legislation is to ensure that each person and family resident in Italy (including immigrant families) has an integrated system of social services and measures aimed at preventing, reducing or eliminating all situations of privation, poverty and deficiency, through Social Assistance actions coordinated with policies of active labor market, training and healthcare. Concerning Social Assistance, the main changes introduced by the Law 328/2000 are related to:

- role of the institutions involved in the Social Assistance system. Regions and local bodies are directly accountable for the planning and management of Social Assistance services and benefits;
- allocation of public resources. In order to correct the pre-existing structural imbalance in the allocation of public resources between social assistance and social security;
- required involvement of local institutions and bodies in the provision of Social Assistance services and in kind benefits;
- promotion of the role of the not-for-profit sector.

The Law #328/2000 reorganizes the tasks of the Central State, Regions, Provinces, Municipalities and other local institutions as follows:

- The Central State defines the overall Social Assistance principles and objectives;
- The Regions plan, target and coordinate Social Assistance programs aside from health and labor-market oriented services. They are also accountable for the quality control and financial monitoring of the services provided;
- Municipalities and Provinces participate in the planning process and are accountable for the administration and management of social assistance service delivery at local level.

Social Assistance policies are defined in a 3 year National Social Plan (NSP), drawn up by the Central Government and the Regions. The NSP specifies actions to be carried out over the following three years by the integrated service network in order to ensure the delivery of a homogenous and high level quality service nationwide, avoiding geographical imbalances and inequality of access for citizens. The NSP contains the guidelines to define the actions to be planned and carried out at local level. According to the NSP, each Region - in collaboration with its local social assistance partners - defines its own regional Social Assistance Plan. In the same way, each Municipality defines a specific Local Social Assistance Plan, which also includes health-care initiatives.

#### The aim and main rules of Social Assistance

The main aim of the Italian Social Assistance framework is to help people to be an integral part of society in an active and responsible way. The integrated Social Assistance legal framework aims at



providing citizens and families with concrete help to overcome their difficulties and to improve their quality of life. More precisely, the Social Assistance framework aims at ensuring:

- the integration of older non-self-sufficient people;
- the integration of people with disabilities;
- the support to families and children;
- the integration of immigrants; and
- the fight to overcome alcoholism and other forms of addiction.

In order to reach this goal, an integrated framework of strategies and actions is carried out to improve living conditions and to guarantee citizens' rights. These also include labor-market actions, vocational training, healthcare services and Social Assistance support measures.

### **Division of tasks between public authorities: central and regional levels**

As previously explained, the Law #328/2000 defines roles and responsibilities of each administration/institution involved in the Social Assistance system both at central and local level.

Central Government defines general policies. In particular, it is accountable for:

- the definition of a Three-Year National Plan for the Social Assistance program;
- the allocation of the National Fund for Social Policies and its assignment to the Regions;
- the annual definition of the priority areas (according to the Financial National Law);
- the definition of the basic level of benefits (LEP: LIVEAS and LEA).

Regions translate general policies into detailed regional policies and actions. In particular, they are accountable for:

- the transposition of national laws and policies in their own regulatory framework;
- the development of a Three-Year Regional plan (identification of institutional, managerial and organizational assets);
- the allocation of the funds to the territories (municipalities);
- monitoring and evaluation of the plans.

Provinces co-participate in Social Assistance actions. In particular, they are accountable for:

- Social Assistance needs and the conducting of analysis;
- definition of a training plan;
- support in the definition, and carrying out, of the local Social Assistance plan.

Municipalities are in charge of execution the plan. In particular, they are accountable for:

- collaboration in the elaboration of the local Social Assistance plan (programming of tools and actions in the field);
- co-financing of Social Assistance actions (benefits and services);
- execution of the local Social Assistance plan;
- monitoring and evaluation of the plans;
- information and communication.

## Last reforms

In the 1990's new relevant social risks related to poverty and social exclusion on one hand and the recognition of equity problems of the current Italian Welfare model on the other hand, forced policy makers to pay attention to Social Assistance matters. In 1997 a Parliamentary Commission - better known as the Onofri Commission - analyzed the current Social Assistance policies in order to address the main weaknesses and to suggest possible reforms. The main findings of this analysis can be summed up as following:

- inadequacy of the total expenditure on Social Assistance;
- imbalance between cash and in-kind benefits;
- lack of a last-resort "safety net";
- presence of institutional as well as functional fragmentation and overlap.
- 

The Onofri Commission's suggested reforms include:

- an increase in the overall expenditure for Social Assistance, especially for in-kind benefits;
- the introduction of a minimum-income scheme;
- the creation of a national framework to clearly define responsibilities and to avoid overlap and fragmentation.

In the same year, a National Fund for Social Policies was established. This was to give coherence to the Social Assistance expenditure and to overcome the ineffective multiple lines of financing that, for decades, characterized those policies.

In 1998 a new indicator to assess the economic situation of the families was introduced - the Equivalent Economic Situation Indicator (ISEE). This new indicator aimed at making the benefit system fairer and at reducing poverty, helping families and supporting more vulnerable people.

The ISEE was meant to become the standard indicator to assess one's eligibility for any kind of social benefit that was means-tested. It was considered as the first step towards selective universalism.

In 2000 - three years after the report by the Onofri Commission - the Law #328/2000 - "Framework Law for the Realization of an Integrated System of Social Assistance Program" was adopted. It was the first law since 1890 aimed at re-organizing the overall Social Assistance system. The new law promoted selective universalism, trying to overcome the categorical settings (that were still characterizing the majority of Social Assistance policies) and strengthening the emphasis towards in-kind benefit and monetary transfers. From an institutional perspective, it recognized the Central Government as the authority responsible for the formulation of objectives and guidelines, leaving policy implementation to the local and regional levels. More precisely, attention was paid to integrated planning, both vertically - through the National Social Plan at central level, the Regional Plans at regional level, and the Local Plans at local level - and horizontally - by involving different actors, in particular from the third sector. The law aimed at transferring to the Regions, through the principle of subsidiarity, several competencies previously exercised at central level.

Following this law, a Constitutional Reform in 2001 had a deep impact on the accountability framework for Social Assistance at governmental level assigning some exclusive competencies to the Regions. From that time, the State was no longer the only institution accountable for the settings of quality standards or targets. These should be agreed with the Council of the Regions.

In 2011, significant changes to the ISEE framework were introduced by Law #201 (better known as the “Save-Italy” Reform). This reform decreed the overcoming of a unique standard indicator introducing different indicators according to the different eligibility criteria related to the different Social Assistance benefits and services. In particular, a multi-level ISEE indicator was introduced. Government bodies, local institutions and independent organizations set their own ISEE level for entitlement to different benefits and services. The main changes in the ISEE framework can be summed up as following:

- a) a new definition of income in view of ISEE, in order to additionally include amounts that are tax exempt;
- b) improving the targeting ability of the indicator through increased valorization of the asset component;
- c) specific attention to the different kinds of households (e.g. children, disabled people, etc.);
- d) specific ISEE indicators for different categories of beneficiaries;
- e) redetermination of the thresholds for the different social measures;
- f) the strengthening of the control system, reducing situations of undue access to social services.

The previous guidelines have been included within the ISEE reform that occurred in 2013 (Decree of the President of the Council of Ministers #159) and which was enacted into law in 2014 and which entered into force from January 1, 2015.

### **Institutions of Social Assistance and Support including the Role of NGO's**

Institutions accountable for Social Assistance in Italy are:

- The Central Ministry of Labor and Social Policies
- INPS – the National Institute of Social Security
- Regions
- Municipalities
- NGO and third sector subjects
- Private entities

The Central Ministry of Labor and Social Policies is the institution accountable for the National Fund for Social Policies (NFSP). The Social Assistance System is financed by NFSP from the general tax system in order to allow for a constant and adequate flow of financial resources and to cover the growing demand for Social Assistance benefits uniformly throughout the whole territory. The NFSP finances the integrated and complex framework of Regional Social Assistance Plans and Local Social Assistance Plans. Each plan defines, for its specific territory, benefits and services to support vulnerable people and their families and to increase the level of their social inclusion and their quality of life.

The NFSP finances two main areas:

- in cash benefits to people and families (managed at central level by INPS);
- an integrated network of territorial social services. Economic resources for this second area are allocated to the Regions.

A part of the NFSP is allocated to the 15 Italian Municipalities for specific action in respect of children and adolescences.

Regions and Municipalities can also finance Social Assistance plans from within their own financial resources.

The Central Ministry of Labor and Social Policies is the institution accountable for the NFSP and it is also in charge of monitoring of the expenditure for in cash benefits and for in kind benefits and services.

INPS - the National Institute of Social Security is one of the biggest and most complex social security organizations in Europe. It is in charge of providing both Social Security and Social Assistance services and benefits and for collecting contributions from workers.

INPS collaborates with some specific private bodies which have a widespread network of offices on the Italian territory:

- Patronages institutions, where citizens can also find support in carrying out all the administrative procedures for applying for the Social Assistance measures;
- Fiscal Assistance Centers (CAF), especially established for the calculation of the ISEE. This, is one of the most important requirements for accessing Social Assistance benefits and services.

Regions - The Constitutional Reform of 2001 gave to the Regions some exclusive competencies in the field of Social Assistance. Therefore, Regions, in their turn and according to their own regulations and social programming, allocate funds to the municipalities.

Municipalities - They are mainly in charge of executing and granting services to citizens as defined in the Local Social Assistance plans.

NGO and third sector subjects - The Law #328/2000 assigns an innovative and important role to the third sector subjects (non-profit-making organizations for community work, cooperation organizations, social promotion entities, organizations of volunteers). According to the law, these organizations can provide services combined with the network of public structures. In order to provide Social Assistance services, private entities must be accredited and must ensure quality standards defined by the policies. As defined in the Law #328/2000, central, regional and local institutions facilitate the role of the third sector subjects. They participate in programming, organizing and managing the integrated Social Assistance system. Their role is crucial to understanding the real Social Assistance needs of citizens. Third sector entities directly manage the provisioning of local Social Assistance services according to quality, transparency and social responsibility principles.

Private entities - there are different methods of cooperation between public and private entities. Within the Italian Social Assistance framework, the public and private sectors cooperate especially in the health system which is managed by regional institutions. Several private hospitals and clinics operate within the National Health Service, providing services to citizens which are financed and paid for by the national health service system. Social Assistance benefits and services are provided, at central and local level, to all citizens according to specific socio-economical (or physical) requirements.

## Forms of Social Assistance and support

### Criteria for granting of Social Assistance

According to the current legislation, all citizens and families regularly resident in Italy are entitled to benefit from social services. Priority is given to:

- people living in poverty conditions or with limited incomes;
- people with a physical or psychological disability;
- people who face difficulties in entering active life or the labor market; and

- and families of prisoners.

The most important method of the calculation and homogenization of the standards to access Social Assistance benefits and services is the ISEE. As previously explained, ISEE (Equivalent Economic Situation Indicator) is the main Italian experience for the method of calculation and homogenization of standards to access Social Assistance benefits and services. It is one, general, national indicator and it gives the family a score, assessing their income and social situation. It is the base-line for the income testing and assets testing for applicants (and their family unit) who apply for access to welfare services and benefits. Before the introduction of the ISEE, standards to access the Social Assistance benefits and services were based only on a family's income value. The ISEE, instead, also considers family's asset value as well as the multi-dimensional nature of family units.

The recent ISEE reform introduced several ISEE indicators related to the different compositions of a family. The new set of indicators identifies all possible combinations of family conditions (e.g. presence of disabled persons, children whose parents are not married or do not both live together with them, etc.) and social benefits / services that families may apply for.

Therefore, ISEE ensures that a citizens' socio-economic condition is evaluated according to fair criteria, defined in a homogenous way over the entire national territory.

The main benefits/services provided according to the ISEE are:

- a) Family: maternity grant, municipality allowances for a large family, child services; kindergarten fee reductions;
- b) Education: school grants, reduced university fees, free or reduced school meals, scholarships;
- c) Family income: "Shopping card", housing benefits, meal vouchers, reductions in gas/electric/water bill, municipality tax reduction;
- d) Health: medical care and treatment, health facilities (e.g. nursing services, home care, community and hospital services, long stay residential care, etc.);

In order to manage the overlap and the "cliff" effect, ISEE also considers as part of the income-testing other Social Assistance benefits already granted to the applicant. Furthermore, the indicator is calculated according to an "equivalence scale" that is based on a set of parameters connected to the number of people in the applicant's household (e.g. children, old age relatives etc.), on the age of children, on family units with special needs (e.g. disabled, large and/or lone-parent families), on rent and mortgages paid by the family members, etc.

### **Cash benefits**

In the Italian Social Assistance program cash benefits are provided both at central level by INPS and at local level by local administration.

#### Social Assistance cash benefits for poor people and families

Cash benefits provided at central level by INPS:

- "Shopping card" (Carta acquisti), also called "Social card". This is an electronic debit card (automatically re-charged every two months), for low income families to purchase primary goods, utilities or medicines). It is financed by State, with a special fund, and delivered by INPS and Poste Italiane – the Italian Postal Service (a private company in charge of distributing and re-charging the debit cards). Although financed at central level, the card has been meant to be co-financed by Municipalities, Regions and Provinces with an extra monthly amount (40 euro).



Currently there are two different kind of “Shopping card”:

- Ordinary Shopping cards for those persons over 65 or for under 3 (40 euros per month);
- Experimental Shopping card for low income families. It is an experimental project carried out in 12 Italian municipalities with more than 250.000 inhabitants (about 200/400 euros per month for low income families with at least one member under 18 and with other specific social-economical requirements).

Cash benefits provided at local level by municipalities:

- Family allowance for low income families with at least 3 children. This kind of benefit is financed by the Municipality and paid out by INPS. It is granted after the assessment of the socio-economic requirement through the ISEE.
- Housing allowances: in cash benefits for renting houses;
- Voucher for utilities rates (gas and electricity).

Cash benefits provided at local level by Regions:

- Housing allowances for low income families: in cash benefits for renting houses;
- In cash benefits for the housing loan.

#### Social Assistance cash benefits for the elderly

Cash benefits provided at central level by INPS:

- Social grant for low income persons overage 65;
- “Ordinary Shopping card” (Carta acquisti ordinaria), an electronic debit card (automatically re-charged every two months), for low income families for those so they can purchase primary goods, utilities or medicines).

Cash benefits provided at local level by municipalities:

- Social grant for low income elderly.

#### Social Assistance cash benefits for children

Cash benefits provided at the central level by INPS:

- A monthly economic grant for babies born or adopted within 2015-2017;
- A monthly economic voucher for children’s services and goods.

These kinds of benefits are granted after the assessment of the socio-economic requirement through the ISEE.

- “Ordinary Shopping card” (Carta acquisti ordinaria), an electronic debit card (automatically re-charged every two months), for low income families with children under 3 years old to purchase primary goods, utilities or medicines.

Cash benefits provided at local level by Municipalities:

- Economic vouchers for school facilities (e.g. books, schools materials), etc.;
- Economic vouchers for nursery-school services;

- Economic grants for large families (more than three children).

Each local municipality defines the requirements to access to the benefit and the procedure to apply.

### Social Assistance cash benefits for disable people

Invalidity benefits provided at central level by INPS:

Disabled people are those who suffer from a permanent reduction of their working capacity of at least one third, due to congenital or acquired disabilities, whether physical or mental. The reduction is calculated in percentage terms and, for the different percentage of reduction, specific benefits are provided.

In Italy, for disabled people the following cash benefits are provided: pensions, allowances, and indemnities. These kinds of benefits are granted after the verification of the disability requirements and after the verification of the socio-economic requirements.

The Disability Requirement Assessment Phase is managed by INPS and by the Local Health Agency (ASL) belonging to the National Health System. This phase consists of the following steps:

- The family doctor sends a medical certification (through the on line procedures) to INPS;
- The citizen applies on line to INPS and the medical certification will be automatically attached to the application;
- INPS forwards, on line and in real-time, the application to the accountable ASL;
- A Medical Commission (composed of ASL and INPS members) carries out the medical examination of the applicant;
- Medical examinations are validated by INPS' accountable Medical Office.

The socio-economic requirement assessment and verification phase is managed by INPS.

The disabled cannot be granted more than one benefit for each kind of disability (deafness, blindness, other invalidities).

When the Medical Commission assesses the disability as being able to change over time, it establishes a disability deadline, within which the disabled person will be re-examined so as to assess the disability confirmation, end, or modification (worsening, improvement).

Stabilized/non-reversible disabled persons are exempted from the new medical examination.

Services provided at local level by Regions

As disability is directly connected with health issues, several Regions provide cash benefits (economic grants for hiring a personal medical assistant) for disabled people.

### **Other support**

Besides cash benefits, in kind benefits are provided at the local level by the local administration and institutions as well as through the third sector and private bodies such as, home care in kind services for elderly or disabled and/or terminally ill patients.

## Calculation Methods and Beneficiaries of Social Assistance - defining target groups

The ISEE indicator is used as well to define target groups and clustering beneficiaries and low income families or people.

Different indicators are calculated for different target/beneficiaries:

- The whole family;
- Disabled/elderly people included in the family;
- Children/under 18 included in the family;
- Students included in the family.

On the basis of the different kinds of Social Assistance benefits or services required, a specific indicator will be used for the requirement verification.

The indicator is calculated as the sum of income and 20% of assets of each family member, both related to an equivalence scale.

The equivalence scale is based on a set of parameters connected with certain deductions based on the number of people in the applicant's household (for example: how many children, old age relatives etc.), on the age of the children, on family units with special needs (for instance: disabled family members, large and/or lone parent families), people who pay rent or mortgages etc.

## Numerical and Statistical Data

Table 1 shows the total expenditure of Social Assistance benefits provided by the all Institutions involved in providing Social Assistance benefits for the period for 2009 to 2012. It particularly focuses on the amount of benefits provided by Public Authorities. Moreover, the Table contains a particular focus on the difference between benefits in-kind and benefits in cash (which are all financed by Public Authorities).

**Table 1 - Social Assistance benefits by function and type - Years 2009-2012 (Million Euro)**

FUNCTION AND TYPE OF BENEFIT	2009	2010	2011	2012	2009	2010	2011	2012
	ALL INSTITUTIONS				PUBLIC AUTHORITIES			
<b>Social benefits in cash</b>	<b>25.819</b>	<b>24.293</b>	<b>23.608</b>	<b>23.995</b>	<b>25.819</b>	<b>24.293</b>	<b>23.608</b>	<b>23.995</b>
Social pension	3.933	4.131	4.142	4.284	3.933	4.131	4.142	4.284
War pension	908	829	787	763	908	829	787	763
Invalidity pension	14.860	15.086	14.594	14.962	14.860	15.086	14.594	14.962

Visually-impaired pension	1.153	1.120	1.127	1.151	1.153	1.120	1.127	1.151
Hearing-impaired pension	177	168	177	181	177	168	177	181
Other allowances and grants	4.788	2.959	2.781	2.654	4.788	2.959	2.781	2.654
<b>Social benefits in kind</b>	<b>13.790</b>	<b>14.616</b>	<b>14.931</b>	<b>14.253</b>	<b>8.294</b>	<b>8.826</b>	<b>8.667</b>	<b>7.933</b>
Goods and services produced by market producers (a)	7.790	8.342	8.768	8.138	3.907	4.233	4.251	3.633
Services produced by non-market producers (b)	6.000	6.274	6.163	6.115	4.387	4.593	4.416	4.300
<b>Total amount of Social Assistance benefits</b>	<b>39.609</b>	<b>38.909</b>	<b>38.539</b>	<b>38.248</b>	<b>34.113</b>	<b>33.119</b>	<b>32.275</b>	<b>31.928</b>

Source: Istat - Statistical Yearbook of Italy 2013

(a) Market producers are entities that provide most or all of their output at prices that are economically significant. Their sales cover at least 50% of production costs

(b) Non-market producers are entities that provide most or all of their output to others free or at prices which are not economically significant. Their sales don't cover more than 50% of the production costs

As shown in Figure 1 the total expenditure for Social Assistance benefits is decreasing over years. This is also due to the economic crisis, as better explained in paragraph 8. Moreover, Figure 1 shows that the majority of the expenditure for Social Assistance is from Public Authorities.

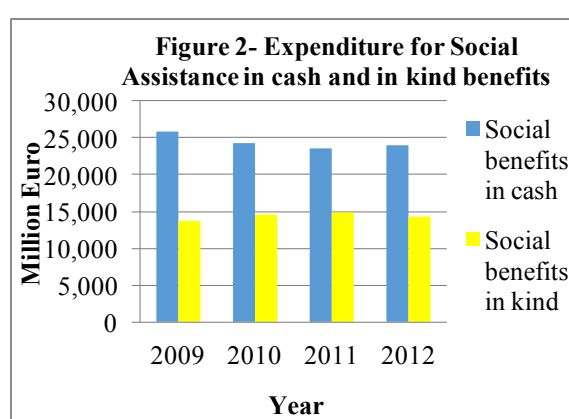
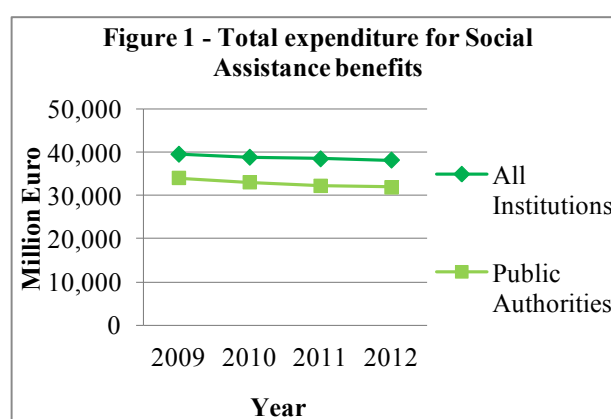


Table 2 shows a comparison of the expenditure amounts for Social Protection measures, including Social Security, Healthcare, and Social Assistance.

**Table 2 - MEASURES OF SOCIAL PROTECTION (Years 2009-2012)**

MEASURES	ALL INSTITUTIONS				PUBLIC AUTHORITIES			
	2009	2010	2011	2012	2009	2010	2011	2012
<b>% composition</b>								
Social Security	67,1	67,6	68,3	69,0	66,0	66,6	67,4	68,0
Healthcare	23,7	23,6	23,1	22,6	25,5	25,4	24,9	24,4
Social Assistance	9,2	8,8	8,6	8,4	8,5	8,0	7,7	7,6
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>
<b>Ratio of public expenditure (percent value)</b>								
Social Security	39,7	40,5	41,0	41,7	36,3	37,0	37,0	38,2
Healthcare	14,0	14,1	13,9	13,6	14,0	14,1	13,9	13,6
Social Assistance	5,4	5,3	5,2	5,1	4,7	4,5	4,3	4,2
<b>Total</b>	<b>59,1</b>	<b>59,9</b>	<b>60,1</b>	<b>60,4</b>	<b>55,0</b>	<b>55,6</b>	<b>55,2</b>	<b>56,0</b>
<b>Ratio to GDP (percent value)</b>								
Social Security	19,1	19,4	19,5	20,1	17,5	17,7	17,8	18,4
Healthcare	6,8	6,7	6,6	6,6	6,8	6,7	6,6	6,6
Social Assistance	2,6	2,5	2,4	2,4	2,2	2,1	2,0	2,0
<b>Total</b>	<b>28,5</b>	<b>28,6</b>	<b>28,5</b>	<b>29,1</b>	<b>26,5</b>	<b>26,5</b>	<b>26,4</b>	<b>27,0</b>
<b>% composition for type</b>								
Social benefits in cash	73,1	73,1	73,6	74,3	72,4	72,5	73,1	73,7



Social Security	67,1	67,6	68,3	69,0	66,0	66,6	67,4	68,0
Social Assistance	6,0	5,5	5,3	5,3	6,4	5,9	5,7	5,7
Social benefits in kind	26,9	26,9	26,4	25,7	27,6	27,5	26,9	26,3
<i>Market producers (a)</i>	11,2	11,2	11,0	10,5	11,1	11,1	10,7	10,3
Healthcare	9,4	9,3	9,0	8,7	10,1	10,1	9,7	9,4
Social Assistance	1,8	1,9	2,0	1,8	1,0	1,0	1,0	0,9
<i>Non-market producers (b)</i>	15,7	15,7	15,4	15,2	16,5	16,5	16,2	16,0
Healthcare	14,3	14,3	14,1	13,9	15,4	15,4	15,2	15,0
Social Assistance	1,4	1,4	1,3	1,3	1,1	1,1	1,0	1,0
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

Source: Istat - Statistical Yearbook of Italy 2013

(a) Market producers are entities that provide most or all of their output at prices that are economically significant. Their sales cover at least 50% of their production costs

(b) Non-market producers are entities that provide most or all of their output to others free or at prices which are not economically significant. Their sales don't cover more than 50% of the production costs

## Strengths

The Italian Social Assistance System is very complex due to the number of institutions and entities involved and on account of the wide number of social assistance benefits and services provided to citizens. Despite that, one of its main strength is the effectiveness and comprehensiveness of the system itself, as it guarantees a universal coverage and supports citizens during their whole life, from birth until old age, regardless of their social and/or economic status. Moreover Social Assistance benefits and services - as well as healthcare services - are completely financed by the Institution through taxes (both central and local government) and no extra contributions are required from the beneficiaries. Moreover, along with the European “principle of proximity”, the Social Assistance system is characterized by a deep territorial diffusion: the strong involvement of the local institutions (Regions and Municipalities) as well as third sector entities. This ensures a strong relationship to citizens not only in providing services and benefits, but also in meeting their needs in terms of Social Assistance.

Another strength of the current Italian Social Assistance framework is linked to the introduction of the ISEE, a set of indicators to assess the real socio-economic condition of families according to fair criteria defined in a homogenous way across the whole national territory. It also represents a way to speed up the requirement verifications for accessing Social Assistance benefits and services. The: ISEE is

basically calculated once a year, no extra or supplementary assessment of the applicant family's socio-economic situation is needed as all the controls and verification are carried out during the ISEE certification process (also by using data certified by other institutions, such as income data from the Revenue and Tax Agency) thanks to the digital communication flows between the Public Administrations. In fact, a very strong ICT framework in Italy is more and more supporting the Social Assistance framework both at central and local level. A National Social Assistance register has to be developed according to Law #122/2010. The National Social Assistance register is intended to be an overall register of all the benefits and services provided to each citizen by each institution (public and private, at central and local level). This register will represent a knowledge base to be shared by all the institutions at national level.

Moreover, advanced and integrated cooperation and communication flows among all public administrations is foreseen by several laws and regulation in order to integrate information and data from all the institutions.

Another strength of the current Italian Social Assistance framework is linked to the management of communication with citizens (both at central and local level) through several channels. Firstly at all local offices staff can provide citizens with information. According to the recent national regulations and laws on the digitalization of Public Administration, communication flows between Social Assistance Institutions and citizens are more and more switching to digital channels as Internet institutional websites, Social Networks, Apps for smartphones and Contact Centers. However, communication with citizens is also managed at the local level (through the local structure/offices of regions, provinces, municipalities or through private entities that provide Social Assistance services on the territory on behalf of public institutions) in order to ensure local support to citizens.

In this context, INPS is widely advanced and manages communication with citizens through:

- A wide network of INPS offices spread over the Italian territory (about 1.650);
- The institutional internet portal that provides citizens with all the information and services managed by the Institute (including Social Assistance services); in particular, it includes:
  - informative pages for each benefit and service (including Social Assistance) explaining policies, operative procedures, duration, requirements, etc.;
  - on-line services (e.g. on-line application, on-line monitoring of the application status, personal information consultation, etc.);
- Contact Centers that provide citizens not only with information but also with operative services as, for example, the application for Social Assistance services.

Moreover, in order to manage the digital divide, INPS collaborates with some specific private subjects which have a widespread network of offices on the Italian territory that include Patronage institutions and CAF.

### Critical issues

One of the main critical issues of the current Italian Social Assistance system is linked to the significant regional disparities observed with respect to the availability of social services provided to citizens. In fact, services and benefits provided by the municipalities in the field of Social Assistance vary considerably from Region to Region. A heterogeneous distribution over the whole territory of the

different measures for families (e.g. nursery school, benefits for disable people, etc.) is still strong despite programs aimed at rebalancing territorial disparities financed within the cohesion policy.

Moreover, the Italian Social Assistance System is still facing the economic crisis which occurred in 2009. That negatively influenced the general sustainability of the whole social system. The main consequences of the economic crisis were simultaneously:

- the reduction of the resources to be designated for Social Assistance measures, connected to the strict constraints of the public expenditure requested by the EU;
- the increase in the number of beneficiaries of Social Assistance who are facing more and more situation of poverty.

Moreover, the Italian Social Assistance System is facing an increase of the number of Social Assistance beneficiaries also due to the aging of the population and the increasing immigration flows.

Acronym	Description
<b>ASL</b>	Azienda Sanitaria Locale (Local Health Agency)
<b>INAIL</b>	Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro (National Institute for Occupational Accidents and Diseases)
<b>INPS</b>	Istituto Nazionale della Previdenza Sociale (National Institute of Social Security)
<b>ISE</b>	Indicatore della Situazione Economica (Economic Situation Indicator)
<b>ISEE</b>	Indicatore della Situazione Economica Equivalente (Equivalent Economic Situation Indicator)
<b>LEA</b>	Livelli Essenziali di Assistenza Sanitaria (Essential Levels of Health Measures)
<b>LEP</b>	Livelli Essenziali di prestazioni (Essential Levels of Provision)
<b>LIV EAS</b>	Livelli Essenziali di Assistenza (Essential Levels of Social Assistance)
<b>NFSP</b>	Fondo Nazionale per le Politiche Sociali (National Fund for Social Policies)
<b>NSP</b>	Piano Sociale Nazionale (National Social Plan)

## Poland System of Social Assistance

### The aim and main rules of social assistance

- enabling persons and families to overcome difficult situations which they are unable to handle using their own rights, resources or abilities;
- providing income at the social intervention level – to persons without any income or with low income, in retirement and to disabled persons;
- providing income up to the social intervention level to individuals and families with low income who require temporary support;
- providing professional assistance to families affected by the consequences of social pathology, including domestic violence;
- integration of socially excluded persons within the community;
- creation of a network of social services adequate to the needs in this regard.

### Division of tasks between public authorities: central and regional levels

Units of social assistance are as follows:

- in municipalities and communes – social assistance centres;
- in poviats (districts) – poviat centres for family support;
- in voivodships – regional social policy centres.

Governmental administration at central and regional levels also plays an important role in the social assistance system. Voivode (regional level) is, among others, responsible for the assessment of the conditions and efficiency of social assistance as well as supervising the quality of activities and the observation of standards of services provided by social assistance organisational units in communes and districts. The Minister responsible for the social security sector (i.e. The Minister of Labour and Social Policy) is in charge of the creation of the concept and the strategy for social assistance, developing the of legal regulations in the field of social assistance, defining the standards of services provided by social assistance organisational units as well as analysing the effectiveness of the measures taken.

The majority of social assistance services are provided by social assistance centres and poviat centres for family support. They are responsible for the payment of cash benefits as well as non-financial assistance. Regional social policy centres focus on cooperation with providers and organisers of social assistance (for example NGOs). NGOs provide services such as shelters for the homeless, homes for single mothers, day-care homes, other support centres, and many others.

### Latest reforms

The current social assistance system in Poland was established as a result of the system transformation after 1989 and of further changes, including the administration reform of 1999. The first Act on Social Assistance after the system's transformation in 1989 was adopted in 1990. Prior to that date, the binding legal act in this area was the Act of 1923. Until 1989 the social assistance sector was organisationally linked to healthcare and support was largely provided to disabled persons, the elderly, persons unable to work, and those who were ill and in need of care.

Social consequences of the transformation period, including growing unemployment, led to the surfacing of such social issues as poverty, social exclusion and homelessness. They became the challenges for the new social assistance system constituting part of a widely understood State social. New social challenges resulted in new social assistance services and benefits and in a new group of beneficiaries (the main beneficiaries were the unemployed). The key role in the modern social assistance system was assigned to social work performed by professional social workers. A new organisational system of social assistance institutions arose, based on local social assistance centres in each municipality/commune. In the first years of transformation, the social assistance system directly responded to new social issues and thus was a kind of “shock absorber” for the negative social consequences of the economic reforms.

Subsequent changes to the social assistance system were related to the administration reform implemented in 1999. Along with the creation of 16 new voivodeships and the introduction of the level of poviats, new organisational units of social assistance, with new tasks, were also established. The changes implemented led to the further decentralisation of social assistance services, new methods of benefit financing, greater influence of the civil society on the assistance services provided, greater transparency in the competencies of individual institutions and professionalisation and the standardisation of services.

The current Act, which is the basis for the functioning of social assistance in Poland, entered into force in 2004. The determinants of the reform of the social assistance system after the transformation period included the need to adjust social assistance to changes introduced to the social benefit system (i.e. the introduction of family benefits, building the social integration system based on social economy) and adjustments resulting from Poland’s accession to the European Union. The main changes concerned further enhancement of the responsibility of local governments for providing social assistance, introduction of a new methodology for defining income criteria entitling to benefits from social assistance, highlighting the active role of beneficiaries, further standardisation of services and the strengthening of the control and supervision system.

The changes to the social assistance system introduced in recent years and planned for the future concern further enhancement of the active forms of social assistance, challenges and the related actions taken in cooperation with other institutions and social services, including first of all the sector of labour market institutions and the further standardisation of services. EU funds also played an important role in the years from 2007 to 2013, since they allowed for investment in more training of social assistance personnel, the development and testing of new system solutions and undertaking new actions for activation of beneficiaries by local social assistance institutions.

### **Institutions of Social Assistance and Support**

Pursuant to the Act, actions in the area of social assistance are performed by central and local government administration authorities. They cooperate in this regard with social organisations, the Catholic Church, other churches, religious associations, foundations, associations, employers, as well as legal and natural persons.

Other social assistance organisational units include:



- Regional social policy centres
- Poviát centres for family support
- Social assistance centres
- Social assistance homes
- Specialist, including family, advisory centres
- Support centres
- Crisis intervention centres

### Social assistance centres

Social assistance centres are organisational units performing social assistance tasks in the municipality/commune.

### Poviát centres for family support

Poviát centres for family support are organisational units performing social assistance tasks at the poviát level. The tasks of poviát centres for family support in towns/cities with poviát status are performed by municipal social assistance centres (municipal centres for family support).

### Regional social policy centres

There are two separate structures at the level of voivodship, i.e. central government and local government administrations.

Central government tasks at the voivodship level are performed by the voivode. Tasks of the voivode in the area of social assistance are performed by social policy departments of voivodship offices.

Local government tasks are performed by the marshal of the voivodship through the regional social policy centre – an organisational unit established to perform social assistance tasks in local voivodship administrations.

### Social assistance homes

Social assistance homes provide accommodation, care, support and educational services, in line with the applicable standard, to persons requiring all-day care due to their age, illness or disability, in the form and within the scope of individual needs.

Depending on their beneficiaries, social assistance homes are divided into homes for:

- Elderly persons
- Chronically, somatically ill persons
- Chronically, mentally ill persons
- Intellectually disabled adults
- Intellectually disabled children and youth
- Physically disabled persons

### Support centres

Support centres are a community form of semi-stationary assistance to keep their clients in their natural environment and to prevent institutionalisation, and include in particular:

- Community self-help homes
- Day-care homes
- Night shelters
- Nursing centres

### Crisis intervention centres

The role of crisis intervention centres is to provide specialist services, in particular psychological, legal and hotel services, available round-the-clock, to individuals, families and communities who are victims of violence or in other crisis situations, in order to prevent or to halt the dysfunctions of those individuals, families or communities.

### **Forms of Social Assistance and Support**

Social assistance consists of various categories of cash benefits as well as different forms of non-financial support e.g. services in the form of social work, care services, specialist counselling - mainly legal and psychological, help in settling official matters or other key livelihood issues.

### **Criteria for granting of social assistance**

Social assistance is provided to individuals and families in particular due to:

- Poverty;
- Becoming an Orphan;
- Homelessness;
- Unemployment;
- Disability;
- Prolonged or serious illness;
- Domestic violence;
- The need to protect victims of human trafficking;
- The need to support maternity or large families;
- Incompetence in childcare and upbringing matters, as well as in running a household, especially in single parent or large families;
- Difficulties in integrating foreigners who were granted refugee status or subsidiary protection in the Republic of Poland;
- Difficulties in adjusting to life after discharge from penal institution;
- Alcoholism or drug addiction;
- Unforeseeable circumstances and crisis;
- Natural or ecological disasters.

Individuals and families, whose income does not exceed the income criteria determined based on the social intervention threshold, have the right to cash benefits. From 1 October 2012, the threshold for a person running a single household amounted to PLN 542. From 1 October 2015 it increased to PLN 634. For a person in a family it was PLN 456 increasing from 1 October 2015 to PLN 514). The municipality/commune council may, by way of resolution, increase the entitlements temporarily or for special purpose benefits.

In the social assistance system, family means related and unrelated persons, in an actual relationship, who live together and keep a joint household.

Income is a sum of monthly revenues for the month before the application was filed or, in the case of a loss of income, for a month when the application was filed, regardless of their title and source, unless stated otherwise in the Act, reduced by:

- 1) Monthly personal income tax;
- 2) Health insurance contributions laid down in provisions on general insurance in the National Health Fund and social insurance contributions laid down in separate provisions;
- 3) The amount of maintenance paid to other persons.

The income does not include:

- 1) One-off social benefits in cash;
- 2) Purpose benefits;
- 3) Financial assistance of a social or motivational nature, granted pursuant to the provisions on the educational system;
- 4) The value of benefits in kind;
- 5) Benefits for the unemployed, granted pursuant to the provisions on employment promotion and labour market institutions for performing socially useful work.

With regard to persons conducting non-agricultural economic activity:

- 1) Taxed with personal income tax according to the rules laid down in regulations on personal income tax – income is revenue from this activity, reduced by tax deductible expenses, prescribed in regulations on personal income tax and social insurance contributions laid down in regulations on health care services financed from public funds, related to conducting the said activity, and social insurance contributions, deducted from revenue, and not classified as tax deductible expenses, laid down in separate regulations, with the income calculated by dividing revenue from the economic activity declared in the tax return submitted for the previous calendar year by the number of months in which the taxpayer pursued the activity, and if the taxpayer did not pursue the activity, the income is the amount declared in the statement of the person concerned;
- 2) Taxed according to the rules prescribed in the regulations on flat rate personal income tax on certain revenue – income is the amount declared by that person.

In a situation where a taxpayer derives revenue from economic activity and has other revenue or files a tax return jointly with his/her spouse, the tax due is understood as the tax calculated in the proportion of

the taxpayer's income from non-agricultural economic activity stated in tax returns to the sum of all income stated therein.

When pursuing activity taxed according to the rules laid down in regulations on personal income tax, the amount of income from non-agricultural economic activity is determined on the basis of a certificate issued by the head of the competent tax office. The certificate provides information on:

- 1) Revenue;
- 2) Tax-deductible expenses;
- 3) The difference between revenue and tax-deductible expenses;
- 4) Income from sources other than non-agricultural economic activity in a situation where a taxpayer derives revenue from economic activity and has other revenue or files a tax return jointly with his/her spouse;
- 5) Social insurance contributions deducted from income;
- 6) Tax due;
- 7) Health insurance contributions connected with non-agricultural economic activity, deducted from tax.

When pursuing activity, taxed according to the rules laid down in the regulations on flat rate personal income tax on certain revenue, the amount of income from non-agricultural economic activity is determined on the basis of a certificate issued by the head of the competent tax office that provides information on the form of taxation and on the basis of evidence that contributions to the Social Insurance Institution have been paid.

When determining the entitlement to a permanent or temporary benefit, children raised by a foster family or a family children's home and adult children raised by a foster family or family children's home are not included when counting the number of people in a family, and the family's income is calculated without their income or benefits covering their subsistence and without supplements granted pursuant to regulations on supporting the family and the foster care system.

When determining the rate of payment for living in a welfare care home, other family members who live in institutions are counted when calculating the number of people in a family if the family is paying for them.

People serving a prison sentence are not entitled to welfare benefits, unless the sentence is served by electronic monitoring. The right to welfare benefits of persons under temporary arrest is suspended. No benefits are granted for the period of temporary arrest.

### **Cash benefits**

According to the Act of 12 March 2004 on Social Assistance, there are three basic types of cash benefits from the social assistance system: permanent benefit, temporary benefit and purpose benefit (together with special purpose benefit).

As a rule, cash benefits can be granted to persons and families whose income per capita does not exceed the criteria stipulated in the Act on Social Assistance. According to the provisions of art. 8 of the Act, the criterion of income of a person keeping a single household was PLN 542 and from 1 October

2015 is PLN 634) and the criterion of income per person in the family – was PLN 456 and from 1 October 2015 is PLN 514).

Permanent benefit is an obligatory allowance, granted to a person incapable of working, due to her/his age or disability, provided that her/his income does not exceed the income criterion. This benefit constitutes a supplement to their income, up to the amount of the legal income criterion. The amount of this benefit is stated as the difference between the income criterion and their personal income. The amount of this benefit cannot be lower than PLN 30 per month per person. In the case of persons keeping a single household, the amount of the benefit could not exceed PLN 529 per month and from October, 1st, 2015 could not exceed PLN 604.

Temporary benefit may be granted to persons and families without sufficient income (income lower than the legal income criterion), particularly due to prolonged illness, disability, unemployment, and the possibility to maintain or acquire the right to benefits under other social security systems.

The amount of a temporary benefit is stated as up to the difference between the income criterion and the personal income. However, according to the provisions of the Act on Social Assistance, the level of the single benefit cannot be lower than 50% of the difference between the income criterion and the person's income. The amount of the temporary benefit cannot be lower than PLN 20 per month. In the case of persons keeping a single household, the amount of the benefit cannot exceed PLN 418 per month.

## Other support

### Assistance to persons covered by international protection.

The Act on Social Assistance also provides integration assistance to persons covered by international protection. At present, it applies to refugees and foreigners granted subsidiary protection on the territory of Poland.

This assistance is provided within an individual integration programme, agreed between the poviát centre for family support and the foreigner, specifying the amount, the scope and the forms of assistance, depending on the individual personal situation of the foreigner and his/her family. The assistance is provided for a period not exceeding 12 months, and its major components are:

- benefits in cash for the maintenance and coverage of expenses connected with learning the Polish language,
- the payment of contributions for health insurance specified in the provisions on the general insurance with the National Health Fund;
- specialised guidance.

### **Calculation Methods and Beneficiaries of Social Assistance - Defining Target Groups**

According to the provisions of the Act on Social Assistance, persons holding Polish citizenship, residing and staying within the territory of the Republic of Poland, and foreigners residing and staying on the territory of the Republic of Poland, holding a residence permit or refugee status, as well as citizens of the European Union and European Economic Area, who stay on the territory of Poland and who hold a permit to stay are entitled to social assistance benefits.



The main groups of social assistance beneficiaries are as follows:

- the homeless (assistance in the form of providing shelters, meals, clothes)
- the unemployed (cash benefits, integration activities)
- the disabled and dependent persons (care services, social assistance homes, cash benefits)
- the poor (cash benefits)
- the elderly (care services, social assistance homes, cash benefits)
- families and children (cash benefits, supplying nutrition for children in schools)
- victims of natural and ecological disasters (purpose benefit).

Social assistance should lead to social integration and social inclusion of beneficiaries, as well as their greater activity and independence.

### Numerical and Statistical Data

**Table 1. The number of people receiving welfare benefits compared to the poverty line.**

No	Specification	Year			
		2011	2012	2013	2014
1.	Population of Poland	38,538,447	38,542,400	38,495,700	38,483,957
2.	Number of people granted benefits by way of a decision	2,017,690	1,926,328	1,987,597	1,873,901
3.	Percentage of people granted benefits by way of a decision	5.2	5.0	5.2	4.9
4.	Number of people in the families of those who receive benefits	3,457,170	3,250,112	3,322,193	3,083,939
5.	Percentage of people in the families of those who receive benefits	9.0	8.4	8.6	8.0
6.	Percentage of people below the subsistence level	6.7	6.8	7.4	
7.	Percentage of people below the minimum subsistence amount	42.6	43.4	44.7	
8.	Statutory poverty threshold	6.5	7.2	12.8	

9.	Relative poverty line	16.7	16.3	16.2	
10.	Relative poverty line – EUROSTAT	27.2	26.7	25.8	

**Table 2. Execution of the State Budget for Welfare Tasks (PLN)**

Items	2011	2012	2013	Dynamic s 2013/201 2
TOTAL STATE BUDGET EXPENDITURE	302,681,609	318,001,861	321,345,286	101%
<i>Share of expenditure for welfare tasks</i>	1.3%	1.3%	1.4%	
<b>Welfare</b>				
Welfare care homes	976,149	965,564	930,015	96%
Support centres	282,159	320,073	350,304	109%
Tasks aimed at counteracting domestic violence	16,512	16,665	17,271	104%
Health insurance contributions paid for persons who receive certain welfare benefits, certain family benefits and for persons who attend classes at Social Integration Centres	77,757	104,820	71,966	69%
Benefits and assistance in kind and pension insurance contributions	615,866	701,531	986,727	141%
Permanent benefits	529,942	706,100	856,005	121%
Poviat centres for family support	1,779	984	1,746	177%
Social assistance centres	491,844	500,189	492,695	99%
Specialised counselling units, protected	559	525	789	150%

housing and crisis intervention centres				
Care services and specialised care services	66,671	71,244	77,740	109%
Assistance for foreigners	2,152	2,357	1,990	84%
Social integration centres	6	12		
Alleviating the effects of natural disasters	202,093	34,862	23,162	66%
Other activity	588,977	662,856	561,481	85%
	<b>3,852,466</b>	<b>4,087,782</b>	<b>4,371,891</b>	<b>107%</b>
<b>Dynamics (previous year = 100%)</b>	<b>94%</b>	<b>111%</b>	<b>107%</b>	

## Strengths

The Polish welfare system is characterised by an individual approach to people in need. Assistance is delivered at the administrative level, which is the closest to citizens and the local community. It enables us, on the one hand, to provide effective individualised assistance, focused on the specific problems of a given person or family, and on the other hand it allows considerable flexibility on the part of local authorities and communities to shape local welfare policy taking into account local socio-economic conditions.

An important feature of the Polish welfare system is that it provides an adequate level of professionalism of support offered to people in need by attributing the key role to social workers and their work. Social work is a regulated profession that requires adequate education and practice, with a formal specialisation path.

The structure of welfare benefits and the procedures of granting them ensure effectiveness of the welfare system as the system of last resort as well as a direct and fast response to the difficult situations of individuals and families.

## Critical issues

Many characteristics of the Polish welfare system that constitute its strengths also imply specific challenges and issues. For example, there are regional and local differences of welfare systems that result from the variation in the socio-economic development levels of individual regions and communes. In many cases it may translate into unequal access to welfare services and significant differences in the support offered by local welfare institutions. Financing welfare benefits and the role of local governments in terms of budget issues is also important.

Specific requirements as to the education and employment of social workers may translate into insufficient numbers of professional welfare workers on a local scale. Other problems are that social



workers are overloaded with work (also with administrative and office tasks) and they frequently work in difficult and dangerous conditions. They are also prone to occupational burnout.

In addition, the welfare system faces challenges universal to the entire social policy system, such as the demographic change and the related need to adapt the benefits offered, the need to consult and cooperate with other social institutions and services, focusing support on the activation of beneficiaries, making them independent and on prevention in the area of social issues.

## Spain

### 1. Social Assistance System and Legal Framework

Spain is a Parliamentary Monarchy, a democratic State governed by the rule of law. It has been a European Union Member State since 1986. It also places great importance on its transatlantic connection with Ibero-America.

According to the Spanish Constitution of 1978, the political and administrative sphere is divided into seventeen Autonomous Communities, in addition to Ceuta and Melilla.

An Autonomous Community is a territorial entity within the constitutional system of the Kingdom of Spain that has been granted legislative autonomy and executive competencies, as well as the authority for self-government via its own representatives.

#### Spanish Constitution and Autonomic Laws on Social Services

The Spanish Constitution of 1978 recognises the following social rights: those relative to economic and legal social protection of the family (article 39); a public Social Security system for all citizens that guarantees them sufficient assistance and social benefits in situations of need (article 41); protection of health (article 43); the right to decent housing (article 47); a policy for prevention, treatment and rehabilitation, and integration, as well as specialised care, for persons with disabilities (article 49); sufficient income during old age through adequate and adjusted pensions, and the promotion of well-being through a system of social services that is responsive to the specific problems of the elderly in the areas of health, housing, culture and leisure (article 50).

According to the Constitution, the Autonomous Communities are responsible for enacting laws covering social services, to apply in their territories.

#### Division of Tasks between Public Authorities: Central and Regional Levels

All of the Autonomous Communities have invoked in their Autonomy Statutes exclusive authority over social services, enacting the necessary laws to develop this area.

Nonetheless, the State can also act in this area in the case of regulating the basic conditions that guarantee the equality of all Spanish citizens throughout the territory in the exercise of their rights and in the fulfilment of their constitutional duties (article 149.1.1a), and therefore laws have also been developed regarding the basic conditions in the area of social services.

#### The Purpose and Main Regulations Governing Social Assistance

Social Services are a means of attempting to address economic and social inequalities, and their purpose is to ensure a quality of life for all and their collective well-being. To do this, different types of responses have been established by different authorities and in different spheres.

Regulations referring to this matter have been adopted by the State and the Autonomous Communities, and programmes and services have been established to mitigate these deficiencies. These measures have been gradually added to, either in the different spheres of action (Social Security, social services, health and employment), or through their inclusion in the regulations covering specific sectors of the population (persons with disabilities, the elderly or dependent persons).



Due to its importance, the Law adopted by the State, entitled the Law of Promotion of Personal Autonomy and Attention to Dependency, is noteworthy. It regulates the basic conditions in the entire territory of the State and establishes the right of citizens, when, for reasons of age, infirmity or disability, and linked to the lack or loss of physical, mental, intellectual or sensorial autonomy, to receive a service or economic benefit when they require the care of another or other person(s) or significant assistance to perform the basic activities of daily life such as feeding themselves, getting dressed, going places, etc.

Finally, two fundamental instruments through which an important volume of programmes for caring for people are structured should be noted. We refer to all the tenders for individual subsidies and public assistance or aimed at non-governmental organisations which the State and the Autonomous Communities grant for programmes related to care groups. In addition, the cooperation between the State and the Autonomous Communities, through the Territorial Council of Social Services and the System for Autonomy and Attention to Dependency, through collaboration agreements in the area of social services, that fundamentally arise from the financial commitments approved in them.

### **Institutions that Provide Social Assistance and Support, Including the Role of NGOs**

In the context of the elderly and dependent persons (Long Term Care) at the national level there is the Imerso, the Social Security Management Entity under the Ministry of Health, Social Services and Equality through the Secretariat of State for Social Services and Equality. It has competencies in the following areas:

- Management and monitoring of disability and retirement pensions in their non-contributory modes.
- Services that complement the benefits of the Social Security System.
- Monitoring of the management of economic benefits derived from the Revised Text of the “General Law on the Rights of Persons with Disabilities and their Social Inclusion” without prejudice to the direct management of these benefits in the cities of Ceuta and Melilla.
- The basic legislative proposal that guarantees the principles of equality and solidarity in the determination of the scales for recognising the degrees of disability.
- The proposal and execution, as applicable, of the functions attributed to the Institute for the Elderly and Social Services, specifically the planning and basic regulation of the recognition of the right to personalised assistance to all dependent persons, guaranteeing a universal system of services.
- Promotion of cooperation with organisations and entities that care for elderly persons.
- The establishment and management of centres for specialised care or of those that are assigned the special objectives of researching the state sphere of action in the Institute's field of action.
- The proposal, management and monitoring of plans for social services at the state level for elderly and dependent persons.
- Relations with foreign and international bodies and technical assistance to international cooperation programmes in matters and groups covered in its sphere of action.
- The legal framework for the promotion of personal autonomy and assistance to dependent persons

For the organisation of social services, a cooperation body is called the Territorial Council of Social Services and the System for Autonomy and Attention to Dependency. It consists of representatives of the State (Minister of Social Services) and the Communities (Directors of Social Services). Decisions must be approved by consensus. Both the State and the Communities participate economically in the financing of social assistance.

Regarding cooperation with NGOs, the highest body through which cooperation between the Administration (in this case Imsero) and civil society is organised is the State Council for the Elderly. These councils also exist at the autonomous level.

### Forms of social assistance and support

Imsero is the Entity through which the Spanish Government defines policies for the elderly and dependent persons at the national level (Long term Care). Its objectives and actions are centred on the citizen.

### Elderly Persons

Based on the above premise, Imsero addresses policies for the elderly that contain a large component focused on the development and the provision of services. For this reason it must be remembered that the economic situation of 2011 presented uncertainties that demanded that stability be restored to public finances to return to a path of lasting growth. Despite this, the Government's efforts have made it possible to maintain policies for the elderly as a priority.

The first and foremost priority, without a doubt, is pensions. The Government has made annual adjustments to the amounts of non-contributory pensions for over 450,000 persons who receive this type of pension, with an increase of 5.3% over the 2011-2013 period. It has maintained the supplementary benefit for people who live in rented homes and has maintained the compatibility of receiving a non-contributory disability pension with the existence of certain types of income from work activity as an employee or a self-employed person.

In 2014 Imsero paid a total of 2.355 billion euros in non-contributory retirement and disability pensions to 451,816 persons, 68% of whom were women.

This protection policy led to the risk of poverty rate for persons over 65 years of age being below the European Union average. Spain's levels are lower than countries like Sweden and the United Kingdom. In the past three years, this risk of poverty rate has dropped by 7.3 percentage points.

Active ageing programmes to improve the quality of life and promote good health in the elderly have also been maintained. And an associative world has been built for the elderly. Imsero allocates nearly 2.4 million euros of its annual budget to over 30 government agencies. In addition, through income tax subsidies for NGOs, the Government has allocated nearly 146 million euros in the last two years for care of elderly persons in situations of greater vulnerability:

Likewise, it has maintained and improved the Social Tourism and Hydrotherapy Programmes aimed at the elderly.

The Social Tourism programme is partially funded by Imsero. It allows older people to enjoy holidays at a price that is very attractive and affordable for them during the low season from October to June. It offers variety in terms of the trip types and the duration.

The Hydrotherapy programme provides basic treatments under medical instruction at reduced prices for older people through Imsero. With this program many Health Resorts are open all the year, and, as a result, employment rates increase in the low season.

The two programmes provide 1.1 million slots, represent 10.5 million overnight stays, generate €435 million in wealth, and contribute to maintaining 104,000 jobs. Special attention is also placed on tourism and health spa use by disabled persons, funded with subsidies totalling 3.3 million euros. These enable over 10,000 disabled persons to enjoy the Tourism and Hydrotherapy programmes, generating more than 1,800 additional jobs.

In the Social Tourism programme, nearly 938,000 slots are used, generating 8.3 million overnight stays in the 301 participating hotels, with an economic impact of €317 million (€66 M is provided by IMSERSO) and an impact on employment representing nearly 89,000 jobs.

Today, all indicators for the 2014 Hydrotherapy programme are better than those of 2008, when the economic crisis had not yet begun. This is equally true in terms of the economic impact (in 2008 this was €92.97 million; in 2014 it was €117.1 million), the number of participating health spas (in 2008, 84 spas; in 2014, 105), the number of available slots (in 2008, 183,872; in 2014 209,222), and the number of overnight stays (in 2008, this totalled 2,022,592; in 2014 2,250,000).

Already in place, for the next few years, there is a new contract for the Social Tourism Programme that incorporates greater diversity and flexibility in the offer, as well as more available slots. There will also be new Health Spa contracts which establish clauses that incorporate flexibility and efficiency instruments for balancing demand and supply.

Maintaining, and continuing to promote, measures and actions that make it possible to consolidate the increase in life expectancy actively and healthily, both now and in the future, requires a commitment by society and a reference framework to supply it with content. In this regard, Imsero has taken the initiative of creating an "Action Framework for the Elderly", which has been transferred to all contexts of society. It aims to ensure that the elderly receive the best possible treatment; to strengthen their individual and social rights; to design actions so that they feel they are an active and indispensable part of a society that they have made a decisive contribution to building; and so that, even in situations of greater need for social assistance, they can see themselves as active members of society who are loved and accepted by it.

The Action Framework for the Elderly develops the guidelines for active ageing and inter-generational solidarity. These measures were adopted by the Council of the European Union (EPSCO) on 6th December 2012 to complement the Europe 2020 Strategy. Implicitly in the Declaration of the Council, but above all in a later communication by the European Commission, dated 20th February 2013, EU Member States are encouraged to follow these guidelines. In this regard, Spain was one of the first countries of the European Union to develop and comply with it.

The creation of the Action Framework included a broad process of debate and participation, mainly with elderly persons through their associations and institutions, particularly their main advisory body - the State Council for the Elderly. The Council ratified the Framework at its plenary session on 8th October 2014.

The document ratified contains 348 proposals and measures defined as lines of action, with the purpose of guiding policies and actions aimed at the elderly and at raising awareness and sensitivity within governments, government agencies, companies and society in general, and encouraging these bodies to adopt them. Nonetheless, it is not conceived as a finite list of measures but rather it is open to future developments and initiatives to complement it.

The 348 proposals in the Action Framework are structured in four large thematic blocks: employment, participation in society, independent living, and non-discrimination, equal opportunity and attention to situations of greater vulnerability.

Imserso has a network of 19 care centres of different types spread throughout Spanish territory. In total, there are 1,465 residential slots and 349 slots in day centres. These employ nearly 2,000 qualified professionals engaged in the comprehensive care of people to foster their personal autonomy and improve their quality of life.

Of these centres, six are Recovery Centres for Persons with Physical Disabilities [CRMF is their Spanish acronym] (Bergondo in A Coruña and Albacete; San Fernando in Cádiz; Lardero in La Rioja, Madrid and Salamanca). Their purpose is medical-functional and psycho-social recovery and vocational-occupational guidance and training for persons of working age with physical or sensory disabilities, either on a residential, half-board or out-patient basis, depending on the personal circumstances and the needs and interests of the users.

Another group is made up of Care Centres for Persons with Physical Disabilities [CAMF is their Spanish acronym] (in El Ferrol, A Coruña; Alcuéscar, Cáceres; Pozoblanco, Córdoba; Guadalajara; and Leganés, Madrid). The purpose of these centres is comprehensive care, on a residential or half-board basis, for persons with physical disabilities who, lacking reasonable prospects for occupational recovery due to the seriousness of their disability, have significant difficulty in achieving integration in the labour market, to attend to their basic needs in daily activities in family life or at home.

In addition, there are State Reference Centres (CRE is their Spanish acronym) as a social service resource within the framework of the System for Autonomy and Attention to Dependency (SAAD is its Spanish acronym). Its mission is the promotion and improvement of resources in the sector of care for the elderly or for disabled persons at risk of .or in a situation of, dependency.

They implement innovative programmes, methods and techniques in social-health care for dependent persons in the following areas: intervention; compilation, analysis and dissemination of information and knowledge in their specialised subject areas; professional training and qualification actions; promotion and development of best practices; and attention to families, associations, entities and professionals through information, advice, training and support actions.

At this time, IMSERSO has five centres: the Care Centre for Persons with Severe Disabilities and Promotion of Personal Autonomy and Attention to Dependency in San Andrés del Rabanado (León); the Care Centre for Persons with Alzheimer's Disease and Other Dementias in Salamanca; the Care Centre for Brain Damage (CEADAC is its Spanish acronym) in Madrid; the Care Centre for Persons with Rare Diseases and their Families (CREER) in Burgos; and the Centre for Personal Autonomy (CEAPAT) in Madrid, which aims to promote the elimination of architectural and urban barriers that limit access to buildings or complicate the mobility and integration of persons with impairments due to age or disability, in

their family or community environment; research, information and technical assistance to government agencies, institutions, public and private bodies and whoever requests it.

In 2015 three new State Reference Centres will be opened. Their construction is finished and they either have the ministerial order authorising their creation and regulation or are in the final stages of obtaining it. The new centres are the following:

State Reference Centre (CRE) for Psycho-Social Attention to Persons with Severe Mental Disorders in Valencia.

State Reference Centre (CRE) for Attention to Dependency in León.

State Reference Centre (CRE) for Social-Health Care for Dependent Persons in Soria.

In addition, for 2015 plans are in place to complete the construction and equipping, with its own funds, of the "Stephen Hawking" State Reference Centre (CRE) for Persons with Neurological Disabilities in Langreo.

Along with these centres, the network is completed by Imserso's centres in the Territorial Directorates of Ceuta and Melilla which are managed directly. They are the Social Centre for the Elderly, with a day-care unit, in Ceuta; the Social Centre for the Elderly, with a day-care unit, in Melilla; and the Multi-Service Centre for the Elderly in Melilla.

### Promotion of Personal Autonomy and Assistance to Dependent Persons

Law 39/2006, of 14th December 2006, established the basic conditions for guaranteeing equality in the exercise of the subjective right of citizenship for the promotion of personal autonomy and attention to dependent persons. For this purpose, it was essential to create the System for Autonomy and Attention to Dependency (SAAD), which addressed, and addresses, coordinated and cooperative action by the General State Administration and Spain's regional governments, the Autonomous Communities.

In the SAAD, management of the process of recognising dependency and eligibility for benefits offered by the system is the responsibility of the Autonomous Communities. This spans the period from submission of the application to official recognition, as applicable, of a benefit with the determination of the effective date. It includes assessment of the situation of dependency based on a scale and declarative recognition of this situation. The State has powers for regulating the basic conditions that guarantee the equality of all Spaniards in the exercise of their rights.

**Table 1. Total spending on attention to dependency (millions of euros)**



Source: Sistema para la Autonomía y Atención a la Dependencia [System for Autonomy and Attention to Dependency]



## Latest reforms affecting the competencies of Imsero

### Regarding LTC

On 10th July 2012, jointly with the Autonomous Communities, the Territorial Council of the System for Autonomy and Attention to Dependency (today the Territorial Council of Social Services and the System for Autonomy and Attention to Dependency) approved an agreement containing measures to improve this system. These measures have configured a fair and caring system that guarantees its quality, impartiality and sustainability by expanding the catalogue of services and benefits, and by maintaining both the rights of citizens and the scale for assessing cases (approved in February 2011), which is the entry point to the system. The measures have guaranteed funding at its minimum protection level, giving priority to persons with major dependency and promoting employment through professional services, as contemplated in the Law when it was passed.

### In the past three years:

The regulations that develop the Law on Dependency (the regulatory repertoire included 671 autonomous community regulations and 134 state ones) were reorganised and simplified.

The process of assessing the situation of dependency was simplified by reducing the previous six levels to three, streamlining the process, as demanded by citizens.

The catalogue of services and benefits was improved by expanding for all degrees of dependency the benefit that provides a personal assistant (before this was only for major dependency).

The quality of home care to dependent persons was improved by providing minimum appropriate training or the guarantee of residence in the individual's area and by promoting the creation of employment through an increase in the number of eligible professional services, in compliance with the Law.

Prevention of dependency was strengthened through the approval by the Territorial Council of the criteria, recommendations and minimum conditions to allow the Autonomous Communities to prepare prevention plans for situations of dependency with special consideration for the risks and actions applicable to elderly persons.

Attention to children has been strengthened through the agreement by the Territorial Council of common criteria, recommendations and minimum conditions for comprehensive plans for paying attention to children under the age of three in situations of dependency or at risk of developing one.

The transparency of the Information System was improved so that it provides a true reflection of management, establishing guarantees through a monthly certification issued by the Autonomous Communities when data is entered into the system; and an annual certification on the contribution of these to funding attention to dependency from their budgets. All of the information on the System is published in the Dependency Portal and in the Spanish Official State Gazette (BOE).

The irregular situations reflected by the Court of Auditors have been resolved. This has made it possible to recover 39 million euros from the General State Budgets.

The debt with the General Social Security Treasury has been repaid through the social security contributions payable under the special labour agreement for non-professional caregivers. This totalled 1.034 billion euros.

## Calculation Methods and Beneficiaries of Social Assistance - Defining Target Groups

The objective of Law 39/2006, of 14th December 2006 is to provide the necessary assistance to persons requiring help in order to carry out their essential daily activities. Benefits can be both in kind and in cash. They are financed and provided jointly by the central government and the autonomous regions, with a certain degree of contribution by beneficiaries in most cases.

Three different degrees of dependency are considered: Degree I – moderate; Degree II – severe; and Degree III – high dependence. Regarding the benefits, these include different services and cash benefits. A wide range of available services has been established to be carried out through a public network of social services controlled by the regions through public or private centres subsidised by the public sector. The network of public institutions belonging to regional governments, together with local organisations, national reference centres and duly certified private providers deliver these services.

To have a right to the economic benefits and to dependency services, the following requirements must be met:

- Be in a situation of dependency in one of the established degrees (need the care of one or more persons to perform life's essential tasks). This situation is assessed, at the person's home, by professionals in the health and social services system by means of a scale.
- Reside in Spain and to have done so for the last five years, of which two must have been immediately prior to the application submission date.
- There is no age limit.
- Participate in the cost of the services according to income and personal wealth. In the case of very low incomes, those lower than the public income indicator in Spain (€532 per month in 2015); recipients do not contribute to the cost of the services. Likewise, the maximum amounts of the economic benefits may be reduced according to personal resources (for very low incomes, larger amounts are received).

Next, social services professionals establish an individual care programme in which they determine the intervention mode most appropriate to meet the individual's needs from among the services and economic benefits available, with participation and prior consultation and, if applicable, selection from among the proposed alternatives.

The monthly economic benefits and services are the following:

- Prevention service and promotion of personal autonomy
- Remote assistance
- Day-time and night-time centre
- Residential care
- Economic benefit linked to the above services. An amount is recognised to enable the care and receipt of the above services in a private institution.
- Economic benefit for a personal assistant.

- Economic benefit for care in the family environment.

## Numerical and Statistical Data

Regarding basic management data, it should be noted that as of 30th November 2014:

- There are 729,313 beneficiaries with an effective benefit (81.29% of the total number of persons currently with an effective right. This is more than 10 percentage points higher than in 2011 and which rises to 86.62% in the case of persons classified as having major and severe dependency). 56,834 new beneficiaries were added during the first 11 months of 2014, bringing the total number of new beneficiaries to 281,644 in the past three years. In the month of November 2014, a total of 6,875 new beneficiaries with a right to a benefit were added to the system.
- Of the current number of beneficiaries, 38,214 are under 18 years of age, 20.2% more than on 1st January 2012, when this was 31,793.
- The number of persons on the waiting list to receive a benefit is 167,869, a decrease of 11.88% (22,634 persons) so far for the current year and 45.13% (138,072 persons) since January 2012. These are the lowest inter-annual figures and levels of people waiting receipt of a benefit since the start of the Dependency programme.
- Recognition of eligibility for Professional Services for Attention to Dependency represents 58.5% of the total of recognised benefits and 41.5% of the economic benefits. Compared to 1st January 2012, professional services have risen by a total of 3.9 percentage points.
- Since 2012, there has been an appreciable trend towards rising Social Security affiliations. There has been an increase of 15,309 in new affiliations. On 30th November, 2014 the figure was a total of 353,429 new affiliations.

The evolution of these figures, compared to those at the start of the legislative term, is shown in the following graphs:

Regarding SAAD funding, the transfer of funds from the General State Budget to the Autonomous Communities to finance attention to dependency rose in 2013, when compared to 2011, by 69 million euros (from €3.6105 billion to €3.6795 billion). Two laws (Law 39/2006 and Law 22/2009) guarantee this funding. This was corroborated by the Court of Auditors in audit report 1,035 approved on 29th May 2014.

**Table 2. Persons waiting to receive benefits**



Total decrease: -138.072

Source: Sistema para la Autonomía y Atención a la Dependencia [System for Autonomy and Attention to Dependency]

The Court maintains, based on data from 2012, that the purpose-specific funding for dependency is comprised of the minimum level of protection (the responsibility of IMSERSO), representing 19.7%, and that the Autonomous Communities receive 29.52% from the State (through the supplementary non-purpose-specific resources provided for in Law 22/2009), with the remaining 50.77% financed by these Communities.

### Strengths

- It is a subjective right.

The Law of Promotion of Personal Autonomy and Attention to Dependency recognises the subjective right of citizens. That is, in cases of disagreement, citizens can file appeals before the Courts of Justice in defence of their right. Therefore, the decision does not depend on the discretion of the Administration for recognition.

- Cooperation between the State and the Autonomous Communities
- Same catalogue of services throughout the territory of the State

The catalogue of dependency services is the same regardless of the Community where the beneficiary resides. Likewise, there is just one scale for assessing the degree of dependency, and therefore the same technical assessment instrument is applied to all beneficiaries.

Looking at 2015, in attention to dependency there was the full application of Law 39/2006 with the incorporation from 1st July 2015 of Degree I (moderate dependency) beneficiaries. Similarly, full implementation of the Information System of the System for Autonomy and Attention to Dependency was completed. The Territorial Council created and approved the Assessment of the comprehensive attention plan for children under the age of three in a situation of dependency or at risk of developing one. And the comprehensive project of "Promotion, development and consolidation of the role of the Personal Assistant in Spain", which is a benefit from the Catalogue of Services of the System for Autonomy and Attention to Dependency, was developed.

### Critical issues

- Territorial imbalances

Not all Communities have their social services developed to the same level in their territory due to their socio-economic circumstances. There are territories with a higher elderly population and lower income levels.

Likewise, the geographic dispersion of inhabitants in some communities and the fact of being an island have an influence on the production of these imbalances.

An effort is being made to correct these imbalances through the Council of Social Services and the System for Autonomy and Attention to Dependency.

## **Czech Republic**

### **1. System of Social Assistance**

Social Assistance is provided in the form of non-contributory social benefits and also in-kind benefits e.g. social services and social work.

Non-contributory social benefit schemes have the following major components: State Social Support; Assistance in Material Need; benefits to persons with disabilities and care allowances.

#### **Institutions of Social Assistance and Support**

All the non-contributory social benefits are awarded and paid by the Labour Office of the Czech Republic which is also the authority for deciding on the awarding of the benefits. Applications for benefits are submitted to the Labour Office of the Czech Republic.

Applications for benefits are handled by the contact points at one of the 14 Regional Branches of the Labour Office of the Czech Republic based on the (permanent) residence of the person entitled to the benefit (the eligible applicant).

Applications for benefits are submitted on forms prescribed by the Ministry of Labour and Social Affairs.

The appellate body is the Ministry of Labour and Social Affairs.

#### **Forms of social assistance and support**

##### **Entitlement to benefits**

Persons – Czech citizens and foreigners - have the right to benefits if they and the family/household members assessed jointly with them, are registered as permanently resident in the Czech Republic and have their residence there. For non-EU foreign nationals, the registration as permanently resident in the Czech Republic is considered to be the period once 365 days have passed since the date they registered to stay in the Czech Republic. This does not include any period during which a person is seeking asylum. The range of persons covered also includes EU nationals who are subject to the directly applicable legislation of the EU.

Entitlement to the payment of benefits expires once three months have passed since the date to which the benefits apply. In the case of one-off benefits, an entitlement expires one year after the date to which the benefit relates.

Family for the purposes of state social support consists of parents and dependent children if they reside jointly. The state social support covers the costs of their needs in common.



## Income test

Some benefits are income-tested. Means testing is not conducted within the State Social Support scheme. When income is being tested, a subsistence minimum is used for defining the income threshold which is set as a multiple of the subsistence minimum.

In the income test, the income of the whole family/household in question is tested. That means that the amount of subsistence minimums is also being set for households and not for individuals.

Income decisive for an entitlement to state social support benefits includes, in particular, income from dependent activity (employment), income from entrepreneurship or other self-employment, sickness and pension scheme benefits, unemployment benefit and similar income from abroad. Net income is taken into account in the decisive income.

The subsistence minimum is an amount defined to cover basic needs of a household. Housing costs are excluded. The rate for an adult living alone is CZK 3,410 per month. If more adults (jointly assessed persons) are in the household, the subsistence minimum amount is CZK 3,140 for the first adult, and CZK 2,830 for every other adult. If another jointly assessed person is a dependent child,<sup>22</sup> the amount is CZK 2,450 for children of 15-26 years of age, CZK 2,140 for children between 6 and 15 and CZK 1,740 for children under 6 years. In other words, individual households have a different subsistence minimum amount depending on how many persons live in that household, how many of them are children and how old the children are.<sup>23</sup>

## State Social Support (SSS)

The scheme dates back to the 1990s and is based on Act No. 117/1995, on “State Social Support”, as amended. Its benefits are mostly family-oriented (the term “family benefits” is also used by the general public).

The SSS system is based on the rule that a benefit is awarded under certain defined social situations (such as childbirth). If the conditions are met and the relevant person applies for the benefit, it must be granted.

## Overview of SSS benefits

### Child allowance

Child allowance is provided to families with dependent children if the family income is less than 2.4 times the family's subsistence minimum.

The allowance is provided at three levels, depending upon the age of the child:

<sup>22</sup> **Dependent children** are children up to the end of compulsory school attendance and beyond, if they undergo further education or vocational training, or if they are disabled, but up to a maximum of 26 years of age.

<sup>23</sup> **Example:** The family consists of a father, mother, their two children (aged 8 and 17) and the maternal grandmother. The subsistence minimum amount for such household is CZK 3,140 (first adult) + 2,830 (second adult) + 2,830 (third adult) + 2,140 (younger child) + 2,450 (older child). The total is CZK 13,390.

Age of the dependent child	Amount of monthly child allowance in CZK
up to 6 years of age	500
from 6 to 15 years	610
from 15 to 26 years	700 <sup>24</sup>

## Housing allowance

This benefit is provided to property owners or tenants registered as permanently resident in that property if housing costs are more than 30 % (in Prague 35 %) of family income. The 30 % (in Prague 35 %) of family income must also be lower than the relevant prescriptive costs set by law.<sup>25</sup>

The level of housing allowance is set as the difference between the prescriptive housing cost and the relevant family income multiplied by a coefficient of 0.30 (in Prague 0.35).

In the case of housing allowance, all persons registered as permanently resident in the flat are jointly assessed.

## Parental allowance

A parent, who personally and duly cares for a child who is the youngest in the family, is entitled to parental allowance. Parental allowance is provided until the total amount of CZK 220,000 is paid for a maximum of up to the child's 4<sup>th</sup> birthday.

A parent may select the amount of parental allowance (and also the period of its payment) if at least one parent in a family is a person participating in sickness insurance. The maximum monthly amount of parental allowance is limited to CZK 11,500 per month or even less depending on the previous income subject to sickness insurance. The amount of parental allowance can be changed once every 3 months.

In the case that a daily assessment base cannot be set for any parent, parental allowance is paid at the fixed monthly amount of 7,600 CZK until the child reaches 10 months and after that at the amount of 3,800 CZK is paid until the child is 48 months old.

The parent's income is not tested; the parent drawing the allowance may carry out an occupational activity without losing his/her entitlement to parental allowance. However, that parent must ensure that the child is in the care of another adult during their occupational activity. If the child is under 2 years of

<sup>24</sup> The same family from the example above has an income of threshold for child allowance of CZK 32,136 (13,390x2.4). If the income of that family falls below this line it is eligible for CZK 1,310 of child allowance (610 for the younger child and 700 for the older).

<sup>25</sup> The prescriptive housing costs are set as average housing costs based on the size of the municipality and the number of members of the household. They include rent and similar costs for residents of cooperative flats and flat owners. They also include the cost of services and energy. Prescriptive housing costs are calculated on the basis of reasonable sizes of flats for the number of persons permanently residing in them.

age, the parent loses the entitlement if the child attends a crèche or other facility for pre-school children for more than 46 hours in a month (this limit is higher if the parent or the child is disabled).

### **Birth grant**

This is a one-off benefit for low-income families to help them to cover costs related to the birth of their first and second live-born children. Families are entitled to the birth grant provided the family income does not exceed 2.7 times the family's subsistence minimum. The birth grant amounts to 13,000 CZK for the first child and 10,000 CZK for the second child.

### **Funeral grant**

The funeral grant is a one-off payment of 5,000 CZK to the person who has arranged for the funeral of a dependent child, or to a person who was the parent of a dependent child, on condition that the deceased was a permanent resident of the Czech Republic on the date of death.

### **Assistance in Material Need (AiMN)**

This scheme was launched on 1<sup>st</sup> January 2007 by Act No. 111/2006, on "Assistance in Material Need". It is used to assist those with insufficient income. The system should also motivate them to actively strive to secure the resources that they need to meet their living requirements. Social work with clients is an integral part of the system of assistance in material need

Assistance in Material Need uses another amount – the existence minimum as its base. This is defined as the minimum amount needed to cover essential living needs at the survival level. The existence minimum is set as CZK 2,200 per month. The existence minimum cannot be applied to dependent children, people with severe disability and people over 68 years.

Please note that existence minimum is lower than the subsistence minimum. It is also a motivating tool, as in some cases both amounts can be used for calculation of the benefit – which one is chosen depends on the (in)activity of the applicant (for example, existence minimum is used if a person does not cooperate with the Labour Office of the Czech Republic).

A person in material need is a person or family that does not have enough income and their overall social and property relations prevent them from enjoying what the society accepts to be the basic living requirements. At the same time, these persons are objectively unable to increase their income (through the due application of entitlement and claims or through the sale or other disposal of one's own assets), thereby improving their situation through their own actions. Those who do not try to improve their situation by their own actions are not acknowledged as being in material need.

Benefits under assistance in material need are:

- Allowance for Living
- Supplement for Housing
- Extraordinary Immediate Assistance

### **Allowance for living**

This is the basic benefit covering cases of material need that tackles the insufficient income of a person or family. Persons or families are entitled to an allowance for living if the income of these persons or families is less than the amount of living when reasonable housing costs have been deducted.

The amount of allowance for living is established on a case-by-case basis based on an evaluation of the person's income, efforts and opportunities. The amount of allowance for living for families is determined by the sum of the amounts of the allowance for living of each family member. The amount is derived from the subsistence minimum or the existence minimum (which is used to put a sanction on one's inactivity or other conduct stipulated in the Act on AiMN).

The amount of the allowance for living is set as the difference between the cost of living of a person or family and the income of that person or family, less reasonable housing costs (reasonable housing costs are the cost of housing to a maximum of 30 %, in Prague 35 %, of the income of the person or family).

### **Supplement for housing**

The second benefit in material need aims at cases where the income of the person or family, including the entitlement to a housing allowance from the system of state social support, is insufficient to cover justified housing costs.

The benefit is provided to flat owners or tenants who are entitled to the allowance for living and a housing allowance. In exceptional cases, a supplement for housing can be provided to a person not eligible for a housing allowance or to a person using a form of housing other than rental.

The amount of the supplement for housing is determined in such a manner that, on payment of justified housing costs (i.e. rent, services related to housing and energy costs) the person or family is left with the amount of living.

The period of benefit payment is limited to 84 months over the last ten calendar years. An exception applies to households exclusively consisting of people over 70 years and disabled living in flats adjusted for them.

### **Extraordinary immediate assistance**

This is provided to persons who find themselves in situations that have to be resolved immediately. Six situations justify this benefit:

1. Where persons do not meet the conditions of material need but, due to a lack of funds, suffer from a serious threat to their health. The benefit tops up a person's income so that it is level with the existence minimum.
2. Where persons are victims of a serious extraordinary event (a natural disaster, storms and gales, ecological disaster, fire, etc.) The maximum amount of the benefit is fifteen times the individual's subsistence minimum, i.e. up to CZK 51,150.
3. Where persons do not have enough resources to cover essential one-off expenditures connected, in particular, with the payment of an administrative fee for duplicate copies of

personal documents or in cases of monetary loss. The maximum amount of the benefit is the actual amount of this one-off expenditure.

4. Where persons do not have enough resources to acquire or repair basic furniture or durables. The maximum amount of the benefit is the actual amount of this expenditure, but the sum of benefits granted must not exceed ten times the individual's subsistence minimum in one calendar year, i.e. the amount of CZK 34,100.
5. Where persons do not have enough resources to cover justified costs relating to the education or special interests of dependent children or ensuring the necessary activities for the social and legal protection of children. The amount of the benefit may be a maximum of the specific expense, but the sum of benefits granted must not exceed ten times the individual's subsistence minimum in one calendar year, i.e. the amount of CZK 34,100.
6. Where persons are at risk of social exclusion. This concerns, for example, the situation of persons who have been released from custody or from prison, who have left an orphanage or foster care on reaching adulthood, or who have completed treatment for an addiction. A benefit of up to CZK 1,000 may be granted. The benefit may be awarded repeatedly, but the sum of benefits granted in one calendar year may not exceed four times the individual's subsistence minimum, i.e. the amount of CZK 13,640.

### Special Benefits for People with Disabilities

There are two benefits: an allowance for mobility and a grant for special aid. People with disabilities can be granted also a certificate of disability (based on assessment of their health status by physicians of the medical assessment service).

The relevant authority for both the benefits and the certificates is the Labour Office of the Czech Republic. The Ministry of Labour and Social Affairs is the appellate body.

#### Allowance for Mobility

The Allowance for Mobility is a recurrent obligatory allowance which is provided to people who are older than 1 year and who are eligible for a certificate of person with disability ZTP or ZTP/P (*see below*) and transport themselves repeatedly and at their cost. The monthly amount of the allowance is CZK 400.

#### Grant for special aid

The Grant for Special Aid is a one-off obligatory benefit for those aids that are not covered by health insurance. Such aid must enable self-reliance, working activities, education or social contacts. The grant is intended for people with a severe handicap for support and motion apparatus, blind or deaf. The list of aids for which the benefit could be granted is stipulated by a Ministerial Decree (e.g. a vehicle, guide dog, Braille printing machine, signal of doorbell or special modification of a vehicle or a flat).

The amount of the grant is being set individually. However, there are three regimes depending on the price of the aid or its type. These are respectively:

- If the price is under CZK 24,000 the grant is provided only to people whose income is below 8 living minimums (exceptions are allowed) There must be a contribution from the applicant amounting to 10 % of the price of the aid, with a minimum of CZK 1,000..



- If the price is over CZK 24,000 the income is not tested. However, there must be still be a contribution from the applicant of 10 % of the price of the aid, and at least CZK 1,000. Some exceptions for low income applicants are allowed, but the minimum contribution CZK 1,000 remains. The maximum amount of the grant is CZK 350,000, (CZK 400,000 for a “staircase lift”).
- If the aid is a vehicle the maximum grant is CZK 200,000. The amount is set individually with respect to frequency and the reasons for the transport, the income of an entitled person (and related persons) and social and property circumstances.

### **Certificate of a Person with a Disability**

A “Certificate of a Person with a Disability is “a card” which brings numerous favours/privileges in various branches. Eligible persons must be more than 1 year old with a physical, sense or mental disability that limits his/her ability of mobility or orientation.

There are 3 types of the certificate depending on the seriousness of the disability (TP, ZTP, and ZTP/P). A holder of a “TP Certificate” is eligible to use reserved seats on public transport or for priority when solving his/her issue requires a long wait standing. Certificates ZTP and ZTP/P are an entitlement to free municipal transport, reduced fares on railways or regular coach lines, certain tax reliefs, exemption from certain charges, etc. Some private enterprises also offer various preferential treatment and discounts to holders of the certificates.

### **Social Services**

The Social Services sector is regulated by the Social Services Act (Act No. 108/2006, as amended). Social services mediate assistance in the care of one's own home, providing meals, accommodation, assistance in running a household, care and assistance with bringing up a child, providing information, mediation of contact with social environments, psychotherapy and social therapy, assistance in assuring one's rights and interests.

Social services help people to live a normal life - they allow them to work, shop, attend school and places of faith, participate in leisure time activities, take care of themselves, their home, etc. The services aim to help them maintain the highest possible quality and dignity in their lives. Social services are provided to individuals, families, as well as to groups of people.

Social services are administered to people in adverse social situations if they are permanent or long-term residents of the Czech Republic. The most numerous groups of beneficiaries are, particularly, the elderly, people with disabilities, families with children. However there are also, people living on the fringes of society for various reasons.

### **Social Services Providers**

**Municipalities and regions** look to form suitable conditions for the development of social services, in particular, by researching people's real needs and the resources necessary to satisfy such needs. In addition they set up organisations to provide social services.

**Non-governmental non-profit organisations and individuals** provide a wide spectrum of services and are also important social services providers.

**The Ministry of Labour and Social Affairs** is the incorporator of five specialized social care institutions.

In total, there are around 2,400 registered providers of social services.

### Applying for a social service

An individual must, usually, apply for a social service. For some types of social services the municipalities and regions issue resolutions on the services to be provided in administrative proceedings. This concerns, in particular, domiciliary care services and services associated with staying in homes for people with disabilities and for the elderly. The service is always provided on the basis of a contract between the provider and the client. The contract, also includes a clause concerning the user's financial participation in the service provided (please note that some services are free of charge and such clause is not necessary in that case).

### Types of social services

- Social counselling,
- Social care services,
- Social prevention services.

Services could be residential (these services include accommodation), ambulatory (the client visits the provider but is not accommodated there) and field services (they are provided in the client's natural environment).

The individual types of services are listed in the Social Services Act. The Social Services Act also stipulates the rules for payments for the services (selected services are provided free of charge).

Social services may be provided only if the provider is registered to provide them unless the provider is a natural person close to the recipient of the social services. Registration is done by the relevant regional authority. One of the conditions for registration is that the provider follows the standards of quality which are also stipulated by a decree of the Ministry of Labour and Social Affairs. The Ministry runs a register of providers of social services in the whole Czech Republic.

Regional authorities are responsible for the coordination of social services in the territory of their region as well as safeguarding accessibility of the services. They receive subsidies from the state budget which must be used only to that end (upon an application submitted to the Ministry of Labour and Social Affairs which decides on the subsidy). Regional Authorities then decide on awarding grants to social service providers. The Ministry also provides special grants to the regions and municipalities for the performance of social works and can also provide direct grants to social services providers

**The Ministry of Labour and Social Affairs** is in charge of social services' inspection.

However, the primary task of MoLSA is the preparation of long-term systematic measures and the relevant legal regulations as well as quality enhancement support of the social services provided. This concerns, for example, the support of:

1. planning of a social services network in regions and municipalities based on the people's needs as researched,
2. qualification enhancement,

3. quality improvement of services provided with an emphasis on protecting the service users' rights,
4. civic and mutual activities, that is the non-profit sector.

## Care allowance

The care allowance is a non-contributory benefit paid to individuals dependent on care provided by another person. The purpose of the allowance is to help (not to cover all the costs of the care) for the person to obtain social services and other forms of social assistance needed to handle the basic life needs defined by the Act.

The care allowance is provided to persons whose long term unfavourable health condition makes them dependent upon another person's assistance when dealing with basic living needs: mobility, orientation, communication, self-feeding, putting on clothes and footwear, washing oneself, using the toilet, looking after one's health, personal activities and household tasks.

The **amount of care allowance** corresponds with the degree of the "dependence on care" which is based upon an assessment of a person's ability to manage the above mentioned 10 basic living needs.

### There are 4 levels of dependence:

- Grade I (slight dependence);
- Grade II (medium-heavy dependence);
- Grade III (heavy dependence);
- Grade IV (total dependence).

The level of dependency on care for persons entitled to the care allowance is assessed by a medical doctor of the Medical Assessment Service.

The monthly amounts of the allowance are:

Grade of dependence	Amount for persons under 18 years of age	Persons over 18 years of age
Grade I	3,000	800
Grade II	6,000	4,000
Grade III	9,000	8,000
Grade IV	12,000	12,000

Children under one year of age are not entitled to the allowance. The allowance is increased by CZK 2,000 for recipients who are dependent children below 18 years of age and for parents of dependent children below 18 years of age if the income of the family is under the family's subsistence minimum multiplied by 2.0. The allowance is also increased by CZK 2,000 for recipients who are children from 4 to 7 years of age in grade III or IV.

The care allowance can be used for professional or informal care (for example care by a member of the family). It is up to discretion of the recipient of the benefit.

## Belgium

### 2. System of Social Assistance

#### Legal framework

Article 23 of the Belgian Constitution, in effect since 1994, states that every human being has the right to live a life in accordance with human dignity. Human dignity comprises, among other things, the access to economic and social rights, the right to social assistance and the right to cultural and social development.

In order to have a correct overview of the minimum income schemes in Belgium, a formal distinction must be made between the 'right to social integration' and the 'right to social assistance'. Both are obviously interrelated, but they can be considered to some extent as separate schemes. The right to social integration presents itself mainly as a pathway to employment and/or the provision of a "social integration income". The approach to minimum income and poverty is more structural in nature. In other words, the right to social integration is a right that can effectively be claimed in the courts of justice. This right was formalised in the law of May 26th 2002 regarding the right to social integration and in corresponding Royal Decrees. This law covers all aspects from eligibility conditions to governance arrangements.

The right to social assistance includes various forms of support from the Public Centres for Social Welfare. For households benefiting from the right to social integration it may include additional financial support. Those ineligible for 'social integration' still have a legal right to social assistance. This may mean financial support equivalent to the social integration income, or in-kind help. For example, it may include urgent medical assistance (for undocumented immigrants), financial support for medical and housing costs, additional child support, etc. The right to social assistance is organized by the law of 2 April 1965.

#### The aim and main rules of social integration

The right on social integration is broad in the sense that it does not primarily nor solely intend to provide every person with a financial minimum benefit – the social integration income. The right to social integration is conceived as a dynamic one. It is feared that the mere provision of a social integration income pushes people into a powerless acquiescence.

Everybody, on the contrary, should be allowed to find his/her place within society, solidarily contribute to its development, and should be able to obtain a right to individual emancipation. The right to social integration is thus not only conceived as an individual right, but also as a goal. In order to achieve this goal, the legislation provides three important instruments: the social integration income (1) and/or employment (2). Both can be embedded in an individualised project for social integration (3).

#### Division of Tasks between Public Authorities: Central and Regional Levels

Two levels of policy can be identified with respect to minimum income schemes (social integration as well as social assistance). The key decisions are taken at the federal level. The federal Parliament is responsible for the legal framework. However, since the adoption of the law of 2002, the Parliament's interventions have been limited, while many decisions are taken by the government. The Minister of

Social Integration – supported by the Federal Public Planning Service for social integration is the primary stakeholder acting on behalf of the federal government. Many adjustments of the schemes of minimum income are the result of government interventions (e.g. Royal Decrees, circular letters).

To a lesser extent, there is a third player namely the industrial (labour) tribunals. Their competence is not decisive as such, but over time they have built up numerous precedents in cases concerning minimum income schemes. This jurisprudence steers the interpretation of the legal framework (e.g. eligibility conditions, conditionality rules).

The second policy level is the most important one, the municipal level. In fact, the municipal Public Centres for Social Welfare (PCSWs) are competent for the effective delivery of minimum income benefits, social integration, and social assistance. The PCSWs have little discretionary competence in the field of social integration (i.e. the social integration income and/or employment) due to the existence of a uniform legislative framework. In the field of social assistance, on the contrary, practice differs widely. As such, this is not a bad thing. The discretionary competence guarantees that the PCSWs can intervene differently according to the specific social conditions and social needs (that differ from municipality to municipality and from person to person).

### **Institutions of Social Assistance and Support Including the Role of NGO's**

NGO's play an important role in guiding the beneficiaries to the centers, supporting them during the application process and providing complementary assistance such as direct material support or food distribution.

### **Forms of Social Assistance and Support**

#### **Criteria for the Granting of Social Assistance**

The law on social integration (article 3) imposes six conditions in order to obtain the right to social integration:

1. having one's actual residence in Belgium;
2. being of age (18+) or being put on a par with an 18 year old;
3. possessing Belgian nationality or belonging to one of the following categories: European citizens, foreigners registered in the national register, recognized refugees, or stateless persons;
4. having insufficient resources;
5. willingness to work, unless prevented by health or equity reasons;
6. having exhausted the right to any other (social) benefits (both Belgian and foreign social rights).

The first condition, regarding residence requirements, is interpreted with some flexibility. The right to social integration does not necessarily depend on having a legal address of residence within municipal boundaries. In the case of homeless people, for example, a shelter is regarded by courts as the actual residence, even when one's (registered) residence is in a municipality different from the shelter. In fact, a study of the case law in 2006 shows that residence requirements are interpreted in 'affinity' rather than geographical terms.

The right to social integration applies only to people with a solid relationship to Belgium. This interpretation, however, has its consequences for asylum seekers and undocumented migrants.



Concerning the second condition, it is worth mentioning that in specific circumstances minors can be treated as adults (18 years or older). In particular, minors emancipated by marriage, and minors that are pregnant or already have children can count on societal solidarity integration. When it can be demonstrated that family ties have been broken, the right to social integration can be effectively claimed.

A special treatment is reserved for the age cohort between 18 and 25. PCSWs must provide these youngsters with particular guidance that leads to socio-professional insertion and employment. The PCSW and the benefit applicant have to agree on an 'individualised project for social integration'. This contract aims at guiding the applicant towards socio-professional insertion and employment through a study or training path, or through job search.

At first sight, the nationality criterion is broad. It does not just encompass Belgians and Europeans, but also other foreigners and their family members. Specific target groups are clearly defined.

The situation for undocumented migrants is more precarious. According to the legal framework, they have no right to social integration. On the contrary, they have to provide for their own living. However, in the case of a medical emergency, they can get help from the PCSWs.

In verifying whether the applicant has insufficient resources, the PCSW has the burden of proof. The calculation takes into account all possible resources the applicant possesses, but also possibly all resources of the persons with whom the applicant lives together. Since both personal (individual) integration and human dignity are important principles in the right to social integration, the PCSW – and the tribunals in case of a lawsuit – have some degree of freedom in which resources are included for calculation purposes. In other words, if all available resources still make the achievement of both principles impossible, the applicant is considered to have insufficient resources. Complete dependency on the income of the co-habitant would in fact stand in the way of individual integration and development.

Although the legal framework allows a strict interpretation, willingness to work should not be interpreted too literally. It indicates that applicants should not resign themselves to their fate, but should actively try to ameliorate their situation. Furthermore, the willingness to work does not necessarily result in employment. In practice, participation in education, training or indeed any kind of 'social activation' may be considered a sufficient proof of commitment. In any event, the condition should be interpreted as an 'effort commitment' rather than a 'result commitment' on the part of the applicant.

Finally, every applicant should exhaust his entitlement to any other income. This indicates the primarily residual nature of the right to social integration. These other sources of income refer to the societal as well as the family level: in other words, unemployment benefits, invalidity benefits, child and family allowances as well as alimony, transfer of child allowances (in case of single youngsters) etc.

### Cash Benefits

Although the social integration income is not the only minimum income scheme, it is the only structural financial benefit provided by the right to social integration. In total, there are three standard amounts according to the specific household type:

- Category 1: Co-habitant person € 544,91 monthly or €6.538,91 a year
- Category 2: Single person € 817,36 monthly or €9.808,37 a year

- Category 3: Couple € 1.089 monthly or €13.077,84 a year

Any person who lives together with one or more persons with whom he or she commonly manages the household is considered to be a co-habitant. Any person who has at least one dependent unmarried minor has the right to the family amount. If this person lives together with a (legal) companion, this amount covers both the applicant and his or her companion. Note that these amounts still have to be adjusted downwards depending on the resources the applicant possesses. In the case of singles, the calculation only accounts for personal resources.

Within families, the resources of all members can be accounted for – in practice, the resources of the applicant and the companion. Co-habitants normally get the full amount, but PCSWs can also consider the means of the other co-habitants as resources.

### **Other Support**

Under specific circumstances, the social integration income can also be cumulative. In order to stimulate benefit-recipients to accept job offers or attend vocational training, a part of the related earnings or premiums is exempted. During a period of 6 years but for a term of a maximum 3 years, only the income above € 234,55 net per month is accounted for in the calculation of the social integration income. For students, the exemption is valid during their whole study period.

Families with children not only receive the highest social integration income, but can also claim additional family allowances.

### **Calculation Methods and Beneficiaries of Social Assistance - Defining Target Groups**

The minimum income provided by the right to social integration is primarily a residual benefit. One of the eligibility conditions indeed states that all applicants must first exhaust their rights to other social benefits. When the applicant appears to dispose of sufficient means, he or she will not be entitled to a social integration income. Nevertheless, it is possible to combine an unemployment benefit or any other social benefit with the social integration income. The claimant will not receive the full amount of social integration income, but the difference between the social benefit in question and the social integration income.

Take the (fictive) example of a single mother with two children who works half-time. Due to a restructuring, the mother is laid off and receives an unemployment benefit. The unemployment benefit is calculated as a proportion of the previous wage. Since the mother only worked half-time, she receives a net benefit of €600. Considering her household situation, she is entitled to a social integration income of €1.089,82. When she applies for a social integration income, she thus will receive a social integration income of € 489,82 euro. In practice, however, most social benefits exceed the social integration income, especially unemployment benefits.

Under specific circumstances, the social integration income can also be accumulated. In order to stimulate benefit-recipients to accept job offers or attend a vocational training, a part of the related earnings or premiums is exempted.

Conditionality rules, and the sanctions and exclusions attached to the right to social integration are strictly regulated by the law. The autonomy of the PCSW is thus limited in order to protect applicants against arbitrariness. The law thereby guarantees or, at least, tries to, an equal treatment of all

applicants. These conditionality rules are particularly strict for the PCSWs. The applicant mainly has a duty to be cooperative and truthful. Only severe transgressions of these two principles may lead to a sanction against, or an exclusion of, the benefit payable to the applicant or recipient.

The conditionality rules can be sub-divided into four phases. The first phase includes the duty to provide full and correct information. The PCSW is obliged to hand out all useful information to the applicant, in writing. This information concerns the eligibility and conditionality rules, the amount of the benefit, the calculation method, the possibility for applicants to make themselves heard, the rights of applicants when negotiating an employment agreement or an individualised project for social integration. Moreover, the information has to be accurate, complete, free of charge, in an understandable language, and has to be provided within 45 days following the application.

Secondly, the PCSW has the obligation to gather all missing information, if necessary, in order to make a correct assessment of the applicant's right to social integration. Finally, the individualised project for social integration has to be negotiated. An imposed individualized project is considered to be ineffective in terms of social integration. In order to support their negotiation-capacity, applicants can be assisted by a third person. It is important to notice that a lack of co-operation by the applicant in principle does not lead to a sanction. On the contrary, the PCSW is obliged to fill in the gaps in information. Deliberate misinformation by the applicant, however, is sanctioned – e.g. by reimbursing the wrongfully obtained amount of a benefit. But the PCSW has to adopt a proactive role in the gathering of information. This should normally prevent the applicant from deceiving his or her social assistant.

The submission of an application is also conditionalized. In general, the application for a social integration income can be introduced by both the applicant or the PCSW.

Prior to the final decision, the qualification of the application is a unique competence of the PCSW. The Centre has to determine whether the applicant meets the eligibility conditions. In qualifying, the PCSW has to take the state of needs into account. The applicant can, however, appeal the judgment of the center. In this event, the tribunal determines the applicant's qualification.

Thirdly, every PCSW has to follow specific rules when examining the application. In particular, the PCSW has to carry out a social inquiry and hear the applicant. A social inquiry is needed whenever the right to social integration is awarded, a decision is revised or withdrawn, or in the event of suspension of the social integration income. Every inquiry has to conform to a number of rules in order to guarantee the objectivity of the right to social integration. Only social assistants – with strict qualifications under penalty of nullity – can perform a social inquiry. The social inquiry must respect the applicant's or recipient's dignity and privacy. The inquiry aims to verify the eligibility of the applicant, the legitimacy of the application, and the most appropriate means of assistance.

Finally, the results of the social inquiry can be summarized in an accurate written report. The applicant has to sign this document. Prior to any decision regarding the social integration income (attribution, refusal, revision, sanction, or reclaim), an individualised project for social integration, or social integration via employment, the PCSW has the obligation to hear the party concerned. The law thus provides the applicant or recipient with the possibility to defend him- or her-self before the centre takes a decision. The PCSW is obliged to inform the party concerning this possibility in writing, in an understandable language.

Moreover, a third party can assist or even represent the applicant or recipient. Finally, the PCSW has to follow a certain number of rules when taking a final decision. First, decisions need to be taken within 30 days of the receipt of the application. In the event of a territorial incompetence, this period remains the same. When a decision has not been made within these 30 days, the centre has to provide assistance pending the final result. Second, every decision is motivated by specific principles. The motivation is both legal and factual. The applicant should be able to understand the extent of the decision when reading the motivation. The motivation should thus be in an understandable language.

Further, the decision needs to be notified to the applicant within 8 days by registered mail. The decision is effective as from the date of the application. The social integration income is paid within 15 days of the decision. Unless the delay in payment is justified, late payment attracts interests. In principle, any reclaim of the social integration income is forbidden. However, the law identifies a limited number of cases in which reclaim is allowed, more precisely, in the event of retrospective revision.

The PCSW can also impose a sanction on the benefit recipient. When the applicant or recipient makes inaccurate or incomplete declarations, the centre can decide to completely or partially suspend the payment of the social integration income for a maximum of 6 months. In the case of malicious deception, the suspension can last for up to 12 months. In the absence of legitimate reasons, the infringement of the terms of the individualized project for social integration can also induce sanctions. To be more specific, it can lead to complete or partial suspension of the social integration income for a period not exceeding one month.

Imposing sanctions involves strict procedures. Violations of procedures can lead to an overruling of the centre's decision by an administrative court. Every decision by the PCSW can be challenged by the claimant. The period of appeal is three months. In the case of an appeal, courts have the authority to make a binding decision. In fact, the labour tribunals have a substitutive competence. In certain cases, the tribunals can take up the competence to make decisions of the PCSWs.

The right to social integration is not an acquired right. It is always temporal. This temporal aspect should not be understood as a fixed period in time during which you receive assistance, and after which your right to social integration expires. It means that the right to social integration, no matter which form it takes, is revisable. A revision of the right to social integration can be initiated by either the PCSW or the recipient. It has to be conducted, but has to be carried out at least once a year. The main question while performing this procedure is whether the eligibility conditions are still being fulfilled. If the recipient's social situation has changed, so will the interpretation of his or her right to social integration. His or her right to social integration might even be discontinued.

## Numerical and Statistical Data

**Table 1. The Average Monthly Number of Beneficiaries of the Social Integration Income, Social Assistance and Urgent Medical Assistance**

Year	Social income	Integration	Social assistance	Urgent assistance	medical
2010	95.619		24.584	12.544	

2011	94.888	283351	13.055
2012	95.517	26.756	13.418
2013	98.840	21.546	11.694
2014	102.657	18.447	11.062
		(first nine months)	(first three months)

### Strengths

There is a public center in every municipality. So in principle, almost everybody should be covered by the right to social integration. The Belgian minimum income scheme (the right to social integration and social assistance) should guarantee quasi-universal access.

### Critical issues

- The amount of the social integration income is lower than the At-Risk-of-Poverty Threshold. increases in the amount do not follow the evolution of the cost of living.
- The fact that a single person with a family charge can receive the same amount as two co-habitants can have a family disruptive effect on families.
- The local discretionary competence can lead to an unequal treatment.



## France

### 3. System of Social Assistance

#### Legal framework

The main current legislation is the “Code de l'action sociale et des familles Social assistance and Family code”. It was last consolidated on 25 June 2015

While social action in France has its roots in the initiatives of the Church and of the Royal Government's aim to contain poverty, the modern design dates back to the end of the 19th century. Social action started in the form of associations, aiming to provide assistance to the poorest members of the population. The legislator then started to take action, and an initial law on the protection of children was established in 1889.

The first “social workers” appeared towards the end of the century and the first “social home” was created in 1896. After the separation of the Church and the State in 1905, the state took over social action, which mainly targeted families at that time. The early phases of professionalisation appeared with the creation of the “Practical School of Social Services” in 1913. Social action expanded between the two World Wars, particularly with the first International Conference of Social Services in Paris in 1928, and through the first version of the current Social Action and Family Code (1938). The “visiting nurses” (diploma created in 1922), social assistants (1932) and plant superintendents were the main contributors during this period.

After 1945, social action was based on new concepts, such as solidarity and entitlement. The State organised local initiatives with the creation of Departmental Divisions of Sanitary and Social Action (Ddass) in 1964. Several key texts were drafted during this period, such as the law of 1975 on social and medico-social institutions and the law of 2002 on renovating social action. The years 1982-1983 were also a critical phase, with decentralisation, transferring most social action responsibilities from the central Government to the territorial authorities.

#### The Aim and Main Rules of Social Assistance

In France, the framework for social assistance is defined by the Social Action and Family Code: “Social and Medico-social Action Aiming to Promote the Autonomy and Protection of Individuals, Social Cohesion, and Citizenship, and to Prevent Exclusion and Correct the Effect of Exclusion in an Interministerial Context”. This code is based on the continuous assessment of the requirements and expectations of members of all social groups, particularly the disabled and the elderly, vulnerable people and families, those facing poverty or precariousness and the provision of services for the former in cash or in-kind. This code is implemented by the State, territorial authorities and their public establishments, social security bodies, associations and social and medico-social institutions[...].”

#### Division of Tasks Between Public Authorities: Central and Regional Levels

In terms of social action, the French system is characterised by both multiple players and strong uniformity. Three main levels exist for the implementation of social action.

#### National bodies

Social action is managed and defined at the national level. With the exception of “extra-legal” services - in the sense that they complete “legal” services - social action and social benefits are defined by law and regulations and managed by national institutions, including when financed and implemented in full at local level. In addition to the Government and the Parliament, this level also combines the national agencies of the different social protection systems, as well as the leading national associations managing or federating networks, some of which are extensive, of establishments and social and medico-social services.

### Local bodies

Social action is currently mainly implemented at local level. The decentralisation laws of the 1980s effectively transferred most responsibilities for the implementation of social action to territorial authorities. In addition to public authorities, social protection bodies also oversee a network of local bodies at departmental or regional level.

### Establishments and services

Social and medico-social services and establishments are specialised in specific fields (children, the elderly or disabled, the fight against exclusion, etc.) and implement the different facets of social action.

### The Superior Council of Social Work

The Superior Council of Social Work (CSTS) was created in 1984 and acts as an advisory body. The council includes around fifty members representing public authorities and all those involved in social action. CSTS advises the Government on all matters relating to social work: social professions, training, changes to social work. The council drafts opinions, recommendations and proposals - in the form of reports - on questions submitted by the government.

### **Latest Reforms**

Social action is constantly being modified and adapted to closely match a changing society. In recent years, several innovative initiatives and key texts have therefore been implemented : the law of 2002 regulating social and medico-social initiatives, the law on disabilities of 2005, the universal medical coverage programme, the personal autonomy allowance, the compensatory disability allowance, accommodation rights, active solidarity income, etc.

New debates and priorities should lead to further changes in future years.

### **Social Action and Crisis**

The French social action system has already proved itself effective in protecting the most fragile members of the population against the effects of the economic crisis. This crisis has had less an effect on France than on most developed countries and the level of poverty in France is one of the lowest after the Nordic countries. Nonetheless, social difficulties have increased and the French social action system is subjected to high pressure. This situation has led social work to be reconsidered, and even some social workers to feel uncomfortable.

### **Brainstorming Social Work**

In this context, in 2013, the State launched a major coordination and brainstorming process on changes in social work, with the ambitious aim of “re-founding social work”. Brainstorming particularly focused on

social work practices, changing professions, the merging of systems and a professional code of conduct, etc.

## Entitlement

The French social action system covers all situations and leaves nobody sitting on the wayside. However, those in need must raise their hand. Recent examples - such as the active solidarity income RSA or assistance with acquiring complementary health insurance - demonstrate that some allowances are only received by some of their potential beneficiaries. It would therefore increasingly appear necessary to adopt a proactive approach. The “100,000 entitlement” (“100 000 rendez-vous des droits”) operation launched by the National Family Fund in 2014 is just one example of this new approach.

## Simplification and Unique Application File

While the French social action system is effective and diverse, it can sometimes be complex. This makes it hard for citizens to understand the system. In the context of the “simplification shock” announced by the French president, the Government has recently started trials for a unique and simplified application process for a whole series of allowances. This unique application process may be extended throughout France from 2015.

## Networking

The number of participants involved, and the increasing level of sophistication of systems, means that coordinating those involved is more and more critical. The solution particularly means creating networks and coordinating beneficiaries. The aim is to ensure that general practitioners, hospitals and social workers, for example, work together. This networking-based approach is applied, for example, when handling dependency and, more specifically, people suffering from Alzheimer’s.

## ICT and Social Work

For many years now, new technologies have been used for the purposes of preventing and managing vulnerability, thanks to the computerised management of social data. ICT can also be used to increase the transversality of social action, helping to improve the sharing of information. France has acquired know-how in the field to meet rules on ethics and on data confidentiality.

## Sharing Information

Sharing information is a corollary to networking and regularly comes up. France has indeed adopted a highly detailed code of conduct for social work, particularly based on the concept of professional secrecy recognised by law and by case law. Although this existing situation should not be modified, debate continues on how to combine this code of conduct with the improved sharing of information, particularly in terms of child protection.

## Natural Helpers

After having long ignored natural helpers, the French social action system is becoming aware of the essential role of 3 million natural helpers (family and friends) in allowing the elderly or disabled to remain in their homes. An original system is therefore currently being launched to provide support in the form of training, discussion points, and the means for natural helpers to take a break.

## Institutions of Social Assistance and Support Including the Role of NGOs

The French social action system includes a very wide range of contributors. While this diversity means that coordination efforts are significant, hence the central role of the State, it is also beneficial, multiplying know-how and encouraging local action. The main contributors are as follows:

### The State

The State ceased almost all direct social action with the decentralisation laws of 1982-1983 and later 2003-2004. Currently employs few social workers (except for its own staff). The State still plays a key role in two respects.

To begin with, the Government and the Parliament define, in the form of laws and regulations (enforcement orders), all social action initiatives. Indeed, in France, all of the action and services defined in the previous chapter are legislative in nature and the State has defined the implementation procedure, sometimes in a highly detailed manner. A unique 1500-page document - the Social Action and Family Code - combines all applicable provisions. In order to guarantee equal treatment for users, these initiatives will apply in the same manner throughout France, even if they are managed and financed in full at local level.

The State will subsequently finance some social actions directly. Examples include:

- the active solidarity income RSA (managed by local family funds),
- disabled adult's allowance, or AAH (managed by local family funds),
- the "minimum pension" or "solidarity allowance for the elderly" (Aspa), paid by retirement funds to those who have not acquired pension rights independently,
- allowances paid to the unemployed who are no longer entitled to unemployment benefits (specific solidarity allowance and equivalent pension allowance) paid by Pôle emploi,
- housing the homeless,
- State medical assistance (AME), which covers the health costs of illegal aliens (managed by health insurance).

### Territorial authorities

Decentralisation has considerably reinforced the role of territorial authorities. Their involvement in social action does however vary depending on the type of authority.

#### *Regions*

The regions provide training for social workers and participate in the reintegration of people in difficulty via professional training courses.

#### *Départements*

Départements have become pivots for local social action under the decentralisation laws. Départements are involved in practically all fields of social action:

- social assistance for children: protecting children in danger, adoption, providing support for children and families in difficulty, placing children in homes or with foster families, etc.
- social assistance to the elderly: payment of the personal autonomy allowance (APA), home help, retirement home accommodation costs, etc.
- social assistance for disabled adults: payment of the compensatory disability benefit (PCH), home

help, home accommodation costs, etc.

- integration: allocation and financing of the active solidarity income (RSA), financing of integration actions, etc.

### *Municipalities and intermunicipalities*

Municipalities and intercommunal consortia are historically the number one local contributors to social action, and intervene in many fields:

- creation of collective childcare structures (crèches, nurseries, etc.),
- home help for the elderly and helping to reduce isolation,
- accommodation for the elderly (managing retirement homes, collective housing, etc).

Municipalities take action either directly or via a specific structure: the municipal (or intercommunal) centre for social action.

### Social protection bodies

These bodies mainly take action by insurance (payment of allowances in consideration of the contributions paid by employees and beneficiaries). However each of the three main social security branches has also developed large-scale social action activities.

#### *The family branch*

This branch manages several forms of social action:

- financing of collective (investment and operation) and individual childcare,
- support for extra-curricular activities and free time (leisure centres),
- support for social centres,
- support for parents and family mediation,
- individual assistance for low-income families,
- processing and payment of several social minima such as the active solidarity income RSA and the disabled adult's allowance AAH.

#### *The retirement branch*

Retirement funds play a growing role in preventing the loss of autonomy:

- information and awareness programmes and prevention workshops,
- financing help with household tasks,
- home help.

#### *The health branch*

The health branch finances investment and operation for social and medico-social services and establishments hosting the elderly and the disabled via the allowance paid to the National autonomy solidarity fund (CNSA). This branch also finances complementary health services for people on low incomes.

### Hospitals

In addition to providing care, public hospitals play a key social role by promoting access to healthcare, particularly via 24/7 healthcare access services (Pass). They also employ social assistants, who attempt to find solutions (home help or retirement home) for elderly people after a period of hospitalisation.

### *Social and medico-social services and establishments*



These services and establishments assist foster children, the elderly, disabled children and adults, and people facing integration difficulties.

### NGOs

NGOs (Associations) are highly active in the social sector in France and particularly manage most services and establishments (not-for-profit private bodies) in all fields of social action. The largest associations lead networks of several hundred establishments, helping tens of thousands of people and employing thousands.

### Social centres

Social centres are local structures and open to all members of the population of any age. They particularly provide care, and lead activities and services with a social purpose. They are supported by participating inhabitants in order to develop projects at district or municipality level.

### **Forms of Social Assistance and Support**

Over the years, France has developed a certain number of innovative systems and policies for social action. These systems and policies cover four main areas:

- children and families,
- the elderly,
- the disabled,
- the fight against exclusion.

### Children and families

France applies an original and recognised policy in this field, which clearly relates to its dynamic demographics (one of the highest fecundity rates in Europe). The main approach is based on family benefits, paid by local family funds (CAF), on services provided for families and implemented by territorial authorities or associations and on tax benefits for families. However, social actions targeting families are also significant.

#### *The social action of the Family Branch of the social security system*

This branch is financed by significant funding from the National Family Fund (CNAF) dedicated to social action and acts to the benefit of many families. This social action is implemented in the context of an overall range of services provided to families - including the payment of cash benefits, access to social security services etc. and covers several types of services:

- assistance with child-care (ages 0 - 3 ): the various services in this field include both collective offerings (crèches, etc.) and individual assistance (childcare assistants, etc.),
- assistance with extra-curricular activities organised by municipalities,
- support for local structures, such as social centres,
- support for parents and family mediation,
- miscellaneous assistance for low-income families, such as help to go on holiday.

#### *The protection of children and assistance provided to families in difficulty*

Social action in this field is mainly organised at département level and includes several policies:

- protecting children in danger: handling of reports and provision of care for children suffering from

mistreatment or negligence,

- adoption,
- social assistance for children (ASE): support for families facing educational difficulties, action within families (“educative initiatives in an open environment”), placing children in homes or with foster families, etc.

### The elderly

The French retirement system is effective, meaning that on average, the elderly currently benefit from an equivalent income to the active population. Significant social action targeting low-income families and individuals has however been developed in France, and, more generally, assistance with ageing and dependency.

#### *Prevention of ageing and home help*

This factor is gaining in importance and particularly includes:

- the promotion of “healthy ageing”: information and educational health and prevention campaigns organised by retirement funds,
- home help assistance: adapting homes, remote alarms, meal deliveries, suitable transport, help with household tasks, etc.

#### *The personal autonomy allowance (APA)*

APA was created in 2002 and is an innovative service aiming to offset the loss of autonomy. This allowance is intended for the elderly living at home or in a retirement home. The amount varies depending on the income of the person and their degree of dependency. The APA, paid by départements, is accompanied by the implementation of a “help plan” (a set of human and/or material services to offset dependency).

#### *Joining a retirement home*

The social assistance branches of départements can cover the accommodation and catering costs of people with low incomes living in retirement homes. Health-care expenses are met by health insurance funds and the APA meets dependency expenses.

### The disabled

A law of 2005, covering all facets of disability, profoundly modified the policy in favour of the disabled. Social action in this field has two main sections.

#### *Compensating for the disability*

This compensation is currently provided in the form of the Compensatory Disability Benefit (PCH). Just like the APA, this benefit can be paid to people living at home and in care establishments. The amount varies according to the type of disability. PCH is paid at département level and is used to finance a range of services (human assistance, material assistance, etc.) in order to offset the loss of autonomy. The disabled can also benefit from an allowance for disabled adults, a monthly amount designed to compensate for the inability to work, and for disabled children, the child’s education allowance (AEEH).

#### *Care in a home*

Homes able to provide medical assistance for the disabled are covered by health insurance, while assistance services and establishments based on work (ESAT) are covered by the State. On the other hand, social assistance provided by the départements covers the accommodation costs of the disabled working in ESAT.

#### *The National Autonomy Solidarity Fund (CNSA)*

CNSA was created in 2005 and is an institution dedicated to financing social action to the benefit of the elderly or the disabled. With a budget of €22 billion, this fund finances the operation and investment of medico-social establishments and helps départements to finance the APA and the PCH. Its resources are obtained from health insurance and allocated taxation.

#### The fight against exclusion

France acquired significant expertise in terms of the fight against exclusion in 1998 with the creation of the minimum guaranteed income (RMI) and in 1999 with the creation of the universal medical coverage programme for the poorest (CMU). Excluding Scandinavian countries, levels of poverty in France are some of the lowest in the European Union. A wide range of types of initiatives are used to reduce exclusion, particularly including:

- The active solidarity income (RSA, which replaced the RMI in 2008): differential income for people with low or no income. This assistance is accompanied by integration initiatives, in coordination with the public employment service. The “activity RSA” was also created in the reform of 2008, aiming to improve the situation of workers with low income.
- The universal medical coverage programme allows all people on low incomes to benefit from basic protection if they are not already covered (basic CMU) or complementary health protection (complementary CMU). The assistance for the acquisition of complementary health insurance (ACS) has the same target for people not entitled to the complementary CMU.
- Accommodation rights (DALO) were established in 2007 and allow people with inadequate housing to contact an independent body that can force the State to provide accommodation, subject to financial sanctions

#### **Numerical and Statistical Data**

**Table 1.**

<b>Scheme / Millions of Euros</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Public authorities</b>	<b>55 317</b>	<b>56 798</b>	<b>58 076</b>	<b>60 406</b>	<b>63 090</b>
Central Government	25 317	25 264	25 781	26 811	27 728
Other centralized institutions	5 150	4 986	4 804	4 917	5 324
Municipalities	5 645	5 808	6 053	6 362	6 719
Departments	18 186	19 647	20 331	21 068	22 011

Regions	1 020	1 093	1 106	1 248	1 308
<b>Non-profit organizations</b>	<b>19 278</b>	<b>20 041</b>	<b>21 036</b>	<b>21 705</b>	<b>22 368</b>
<b>Public hospitals (social assistance function only)</b>	<b>56 807</b>	<b>57 826</b>	<b>59 128</b>	<b>60 638</b>	<b>62 401</b>

**Table 2. Beneficiaries**

		2009	2010	2011	2012	2013 (p)
<b>For the elderly</b>		<b>1298660</b>	<b>1330890</b>	<b>1364660</b>	<b>1388890</b>	<b>1418880</b>
Aid to the elderly at home		731600	749760	767270	778030	794240
	Domestic help	20730	19380	18390	18130	17760
	Personal autonomy allowance (APA)	675190	687440	698590	704660	715180
	Compensatory allowance for third person 60 years or older (PTCA)	18210	17540	18380	18210	18350
	Disability compensation benefit of 60 or over (PCH)	17480	25390	31920	37030	42960
Aid for institutionalized elderly		567060	581140	597380	610860	624640
	Social Accommodation assistance (ASH)	116060	116150	116260	115110	114960
	Home in private	1670	1800	1840	1740	1800
	Personal autonomy allowance (APA)	446820	460320	475640	489700	503560

	Compensatory allowance for third person 60 years or older (PTCA)	2060	2150	2350	2390	2200
	Disability compensation benefit of 60 or over (PCH)	460	720	1290	1920	2130
<b>Total personal autonomy allowance (APA)</b>		<b>1122000</b>	<b>1147760</b>	<b>1174230</b>	<b>1194360</b>	<b>1218730</b>
<b>Total compensation allowance for third person 60 years or older (PTCA)</b>		<b>20270</b>	<b>19680</b>	<b>20730</b>	<b>20600</b>	<b>20550</b>
<b>Total provision of disability compensation for 60 years or more (PCH)</b>		<b>17940</b>	<b>26120</b>	<b>33210</b>	<b>38950</b>	<b>45090</b>

<b>Aid to disabled</b>		<b>310040</b>	<b>331910</b>	<b>355590</b>	<b>369480</b>	<b>380340</b>
Assistance for people with disabilities at home		168920	186170	202550	206530	213990
	Home helps and carers	18570	19490	21110	20250	20270
	Compensatory allowance for third person under 60 (PTCA)	59560	53680	49960	45460	42450



	Disability compensation benefit of under 60 (PCH)	90790	112990	131480	140810	151270
Disability supports institutional		141130	145750	153040	162950	166350
	Social Accommodation assistance (ASH)	96250	98950	103330	107810	110670
	Home in private	5180	5310	5260	5310	5450
	Home day	16210	16190	16840	17020	17350
	Compensatory allowance for third person under 60 (PTCA)	15810	14220	12460	11890	10040
	Disability compensation benefit of under 60 (PCH)	7670	11070	15140	20930	22830
<b>Total compensation allowance for third person under 60 (PTCA)</b>		<b>75370</b>	<b>67900</b>	<b>62420</b>	<b>57350</b>	<b>52490</b>
<b>Total disability compensation benefit of under 60 (PCH)</b>		<b>98460</b>	<b>124060</b>	<b>146630</b>	<b>161750</b>	<b>174100</b>

<b>Social assistance to children</b>		<b>289440</b>	<b>290700</b>	<b>297250</b>	<b>303380</b>	<b>306670</b>
Children greeted at		144450	145980	148440	150350	153100

the ASE						
	Children placed in social childcare	126460	129100	132280	134780	137870
	Direct investments by a judge	17990	16880	16160	15570	15230
Educational activities (AEMO and EDA)		144990	144730	148810	153040	153580
	Educational activities at home (AED)	44470	44140	45010	47450	47940
	Educational action in an open environment (AEMO)	100520	100580	103800	105590	105640
<b>Total social assistance to the elderly, disabled and children</b>		<b>1898140</b>	<b>1953510</b>	<b>2017500</b>	<b>2061750</b>	<b>2105890</b>

<b>Welfare under insertion</b>		<b>1364400</b>	<b>1435840</b>	<b>1474510</b>	<b>1555380</b>	<b>1661800</b>
	Minimum insertion income (RMI)	2470	20	-	-	-
	Active solidarity income (RSA) base	1313920	1373750	1411280	1497500	1611400
	Integration contract	48010	62070	63240	57880	50400
<b>Total</b>		<b>3262540</b>	<b>3389350</b>	<b>3492010</b>	<b>3617130</b>	<b>3767690</b>

**Table 3. Scales of social minima: maximum monthly amounts as at 1 January (in current euros)**

	2010	2011	2012	2013	2014	2015
Active Solidarity Income base (1)						
Basic amount						
Single person without children	460,09	466,99	474,93	483,24	499,31	513,88
Single person with 1 child	690,14	700,49	712,4	724,86	748,97	770,82
Single person with 2 children	828,17	840,58	854,87	869,83	898,76	924,99
Couple without children	690,14	700,49	712,4	724,86	748,97	770,82
Couple with 1 child	828,17	840,58	854,87	869,83	898,76	924,99
Couple with 2 children	966,20	980,68	997,35	1014,84	1048,55	1079,15
Per additional child (from the 3rd)	184,04	186,80	189,97	193,30	199,72	205,55
Amount together						
pregnant woman	590,81	599,67	609,87	620,54	641,17	659,88
Isolated with a child	787,75	799,56	813,16	827,38	854,89	879,84
Per additional child	196,94	199,89	203,29	206,85	213,72	219,96
Minimum Insertion Income						
Single person without children	460,09					

Single person with 1 child	690,14					
Single person with 2 children	828,17					
Couple without children	690,14					
Couple with 1 child	828,17					
Couple with 2 children	966,20					
Per additional child (from the 3rd)	184,04					
Parent Allowance Isolated						
pregnant woman	590,81					
Isolated with a child	787,75					
Per additional child	196,94					
Package deductible housing RMI, API and RSA						
Single person	55,21	56,04	56,99	57,99	59,92	61,67
2 persons	110,42	112,08	113,98	115,98	119,84	123,33
3 persons and more	136,65	138,7	141,05	143,52	148,30	152,62
Specific Solidarity Allowance (full rate)						
Standard rate *	460,51	467,50	475,41	483,62	490,01	494,27
Increased rate *	661,26	671,30	683,23	694,11	703,23	709,32
Retirement Allowance Equivalent / Transitional Allowance Solidarité (2) *						

	994,32	1009,23	1026,26	1044,20	1057,89	1067,32
Temporary Waiting Allowance (3) *						
Inserting Allocation						
	324,55	329,41	334,89	340,67	345,23	348,27
Allowance for Disabled Adults (4)						
Single person	681,63	711,95	743,62	776,59	790,18	800,45
Income support to the AAH	179,31	179,31	179,31	179,31	179,31	179,31
Increase for independent living	104,77	104,77	104,77	104,77	104,77	104,77
Solidarity Allowance for the Elderly (5)						
Old age allowance Added						
Single person or a single recipient in the couple	677,13	708,95	742,27	777,17	787,26	800,00
amount AVTS	265,14	265,14	270,70	276,39	279,98	281,66
additional retirement allowance	443,81	443,81	471,57	500,77	507,28	518,34
Couple with two recipients	1147,14	1157,46	1 181,77	1206,59	1222,27	1242,00
amount AVTS	519,95	529,27	541,40	552,78	559,96	563,32
additional retirement allowance	627,19	628,19	640,36	653,81	662,31	678,68

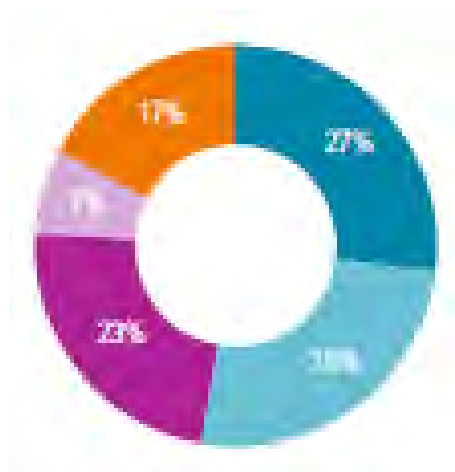


Disability Allowance Added						
Single person or a single recipient in the couple	376,69	380,07	388,05	396,21	401,35	403,76
Couple with two recipients	621,59	627,18	640,35	653,80	662,30	666,27
Widowhood allowance						
Amount	565,13	570,21	582,18	594,41	602,12	602,12
*: Calculated over a month "medium" (365 days / 12)						
<b>Yearly series</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Gross minimum wage in euros, 1 January	8,86	9,00	9,22	9,43	9,53	9,61

### Strengths and weakness

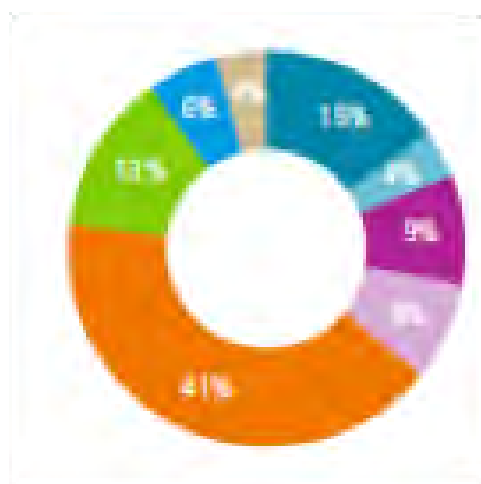
Strengths and weaknesses according to a 2011 survey among professionals of the sector (<https://www.kpmg.com/FR/fr/IssuesAndInsights/ArticlesPublications/Documents/ESS-secteur-social-regards-croises-2013.pdf>)

### The strengths of the actors



- their political project, the militant character (first asset of 27% of respondents);
- flexibility and adaptability to all the public (26%);
- their capacity for innovation and experimentation (23%);
- their proximity with the field of vision requirements (17%);
- the commitment of their staff (7%) is cited to a lesser extent.

### The weaknesses of the sector



Under the weaknesses of the sector, the constraint of financial resources is first mentioned by 41% of respondents. Governance and issues related to the size of the operators are then referred respectively as the main source of concern by 15% and 13% of practitioners who participated in the survey. Specifically, other players raise issues such as control of economic balance (9%), the organization management of their institution (8%), personnel management (6%), collective agreements (4%) and evaluation (4%).

## Romania

### System of Social Assistance

The Romanian National Social Assistance System, as defined by the current legislation in place, consists of a set of institutions, measures and actions, through which the State, represented by central and local government authorities and civil society intervene to prevent, limit or remove the effects of temporary or permanent situations that can lead to marginalization and social exclusion of the person, a family, groups or communities.

The National Social Assistance System consists of social benefits and social services.

### Legal Framework

Currently, social assistance in Romania is regulated by Law no.292 /2011 on Social Assistance, the third legal framework from the last 15 years. It addresses Romanian society's economic, social, cultural and institutional changes. This is achieved through measures of strengthening the national social assistance system, providing a unified and coordinated legal and institutional framework which sets up the general principles and rules for implementing social assistance measures, as well as the system's organisation and functioning criteria. This ensures adequate conditions for elaborating and implementing sectoral public policies in the social assistance field.

The social assistance system includes social assistance benefits and social services, which are regulated by special laws.

### The Aims and Main Rules of Social Assistance

- creating a unified and coordinated legal and institutional framework for granting social assistance measures,
- guaranteeing all Romanian citizens and foreign persons who have residence in Romania, the right to social assistance,
- preventing, limiting or removing the effects of temporary or permanent situations that can lead to marginalization and social exclusion of the person, a family, groups or communities
- providing a package of social assistance benefits and social services with interrelated and complementary measures;
- integrating socially excluded persons within the community;
- creating a network of social services adequate to the needs in this regard

### Division of Tasks between Public Authorities: Central, Regional and Local Levels

The Ministry of Labour, Family, Social Protection and Elderly (MoLFSPE) is a specialized public institution within the central public administration, subordinated to the Government. It elaborates the national policies, in line with European and international policies in the field of labour, family, social

protection etc and coordinates the application of the strategy and policies of the Government of Romania in these areas. Additionally it has the role of coordination, monitoring, inspection and control.

MoLFSPE is responsible for:

- ✓ drafting and implementing the legal framework necessary for ensuring the positive and dynamic interaction of social and employment policies, in order to:
- ✓ improve the quality of life of all citizens,
- ✓ ensure social cohesion,
- ✓ ensure equal opportunities between women and men,
- ✓ address poverty and reduce the poverty rate and the risk of social exclusion, through a qualitative, equitable and accessible to all citizens system of social assistance.
- ✓

Institutions operating under the supervision or under the authority of MoLFSPE:

A. Under the supervision of MoLFSPE:

1. Labour Inspection,
2. National Agency for Payments and Social Inspection– responsible for the administration and management of all social assistance benefits and for monitoring and verifying the implementation of the social service and social assistance benefits legislation, as well as controlling the activity of public institutions with responsibilities in the field or private social services providers;
3. National Authority for Child Protection and Adoptions – with DGASPC it is responsible for drafting social policies (strategies, programs, legislation, reports) in the fields of child protection and adoptions, monitoring and evaluating their implementation and impact,
4. National Authority for Persons with Disabilities- responsible for drafting social policies (strategies, programs, legislation, reports) in the field of protecting persons with disabilities, monitoring and evaluating their implementation and impact,
5. Department for Equal Opportunities between Men and Women - responsible for drafting social policies (strategies, programs, legislation, reports) in the field of equal rights and opportunities for men and women, monitoring and evaluating their implementation and impact,

B. Under the authority of MoLFSPE:

1. National House of Public Pensions,
2. National Agency for Employment.

At local level, there are 41 counties and 1 municipal structure/agency in Bucharest, as follows:

- a. 41+1 Labour Territorial Inspectorates,
- b. 41 County Agencies for Payments and Social Inspection + 1 municipal agency. These are responsible for the implementation of the legislation regarding the payment of social assistance benefits and for monitoring and verifying the implementation of the legislation in the field of social services and social assistance benefits, as well as controlling the activities of the institutions with responsibilities in the field.

c. 41 General Departments for Social Assistance and Child Protection + 1 department for each of the 6 districts of Bucharest. These are responsible for developing and implementing the strategies and action plans at the county level, in line with the national strategies and plans for the protection of children, family, elderly, persons with disabilities and for other persons in difficulty and for the administration of the social services for vulnerable groups.

Besides this, there are local public authorities, with their Public Social Assistance Services. These are responsible for conducting social assistance surveys on the locality's population in order to determine the most poor or vulnerable people at local level. This determines potential beneficiaries of social assistance measures (social assistance benefits or services) and establishes a right to social assistance benefits.

In terms of social services, they are provided in a decentralized system, at the local level. Social services providers can be public (social assistance services within local public administration) or private (non-governmental organizations; religious bodies; economic operators, as provisioned by special regulations), accredited by the MoLFSPE, according to the legislation in force.

### Latest reforms

The first national law regulating the social assistance system was Law no.705 /2001 on the national social assistance system. It was replaced by Law no.47/2006 which established the institutional structure of the system.

During the period 2005-2010, the social benefits system, including 14 types of benefits, was developed without a coherent strategy, without coordination or correlation with the social services and active measures, and especially, without a results-based approach.

A major step in solving those issues was represented by the adoption of the current Law no 292/2011 "On Social Assistance".

The purpose of this new law was to:

- ✓ create a unified and coordinated legal and institutional framework for granting social assistance measures.
- ✓ represent a necessity under the current demographic trends, changes in family structure, negative dynamics of the labor market and reduction of public spending, as well as the lack of specialized personnel in the welfare system.
- ✓ guarantee to all Romanian citizens and foreign persons who have residence in Romania, the right to social assistance.

The new law on social assistance established a new classification and definition of social services in order to facilitate access to services for all categories of people in need, including elderly persons, and concurrently ensuring the system's sustainability.

The Strategy of the Government (2011) in this field, had further set the grounds for the reform of the system, based on clear results, regarding the equity and efficiency of social assistance policies.

The objectives of the Government reforms of social assistance, aimed at:



- ✓ Increasing the fairness of the system by extending the principle of granting assistance to those who need it the most;
- ✓ Reducing fiscal costs of the system;
- ✓ Increasing the system's proactive approach by granting incentives to families who invest in the education of their children and to adults searching and keeping jobs;
- ✓ Simplifying the administration of the system;
- ✓ Establishing clear objectives for the programmes and monitoring their results for improving performance management.

For Romania it is a priority to implement measures targeted at the most disadvantaged groups. Thus, the following regulations were adopted:

- ✓ Law 276/2010 for modification of the Law on the guaranteed minimum income;
- ✓ Law 277/2010 on the family allowance;
- ✓ Strategy for child protection 2014-2020;
- ✓ Strategy for social inclusion and poverty reduction for the period 2015 – 2020.
- ✓ Strategy for promoting active aging and the elderly's protection for the period 2015-2020

During the last period, in order to increase the life quality of persons belonging to vulnerable groups, including older people, Romania has been permanently focussing on reorganizing and modernizing the system.

### **Institutions of Social Assistance and support**

Pursuant to the Law no.292/2011, actions in the area of social assistance are performed by central and local government administration authorities and private social services providers. They cooperate in this regard with social organisations, foundations, associations, employers, as well as legal and natural persons.

Social services can be organized in different forms:

- in community
- at home (home care services)
- in day care centres, public or private residential institutions
- in social canteens.

Social services are provided in:

- ✓ temporary care centres,
- ✓ residential centres/hostels,
- ✓ residential care centres similar to nursing homes,
- ✓ sheltered housing, multifunctional centres,
- ✓ home care services,
- ✓ day centres (seniors' clubs, counselling centres),
- ✓ memory centres for those affected by dementia,
- ✓ respite centres,



- ✓ palliative care centres,
- ✓ socio-medical units,
- ✓ at the house of the person providing the services,
- ✓ in the community,
- ✓ others

## Financing the System

The National Social Assistance System is financed from the state budget, county councils' budgets and local budgets, as follows:

The State budget finances the main social assistance benefits for low income households and family policies

County council budgets finance the social assistance benefits established by decisions of county councils or the council of Bucharest or the districts of Bucharest and the social services.

Local budgets finance social aids and indemnities granted at local level, social benefits which are sustained by local authorities, depending on their financial capacity, and also the social services addressed to community members.

Additionally, MoLFSPE finances annually, on a competitive process basis, a program of subsidies for NGOs who provide social services. It sustains the development of social services through National Interest Programs and through the financing of the rehabilitation of the social services infrastructure.

## Forms of Social Assistance and Support

Social assistance consists of social assistance benefits (various categories of cash benefits) and social services (different forms of non-financial support).

### Criteria for Granting of Social Assistance

Social assistance is provided to individuals and families living in poverty or at risk of poverty and social exclusion, or at risk or in a difficulty, to social groups at risk or in difficulty which generates marginalisation or social exclusion and to the community needing awareness raising, prevention and combating difficulty or risk situations.

Social services beneficiaries can be: children, elderly, people with disabilities, people dependent on drugs, alcohol or other toxic substances, people who have left the penal systems, single parent families, people affected by domestic violence, victims of human trafficking, HIV/AIDS infected persons, people with low or no income, immigrants and refugees, homeless people, chronic illness patients, as well as other people in social need situations.

### Cash benefits

Social assistance benefits are a form of additional income or substitution of individual / family income earned from work in order to ensure a minimum standard of living and a form of support to promote social inclusion and increase the quality of life of certain categories of persons.

Social benefits are addressed at low income families and for family policies, as well as for categorical programs, such as for persons with disabilities.

Social assistance benefits are classified as follows:

- a) for the prevention and combating of poverty and social exclusion;
- b) for child and family support;
- c) to assist people with special needs;
- d) for special situations.

The most important social assistance benefits programs are:

Child state allowance. This is granted on a monthly basis, in a fixed amount, no matter what the income of the family is. It is granted based on the principle of universality for all the children until the age of 18, without discrimination. Young people over the age of 18 who enrol in educational courses or vocational educational courses have the right to receive child state allowances until they graduate.

Family allowance. This is means tested based and is granted to all families with children if the net monthly income of the family per family member is lower than 530 lei.

Child raising benefit and incentive. This is granted to parents who had professional net incomes in the last 12 months before a child's birth. The parents can choose for one of the two options available for receiving the parental leave and child raising indemnity:

Option I: Parental leave and child raising indemnity until the child reaches one year old. The parent receives a monthly child raising indemnity and monthly insertion incentive when going back to work granted until the child reaches the age of 2, in a monthly amount to a maximum 3400 lei.

Option II: Parental leave and child raising indemnity until the child reaches the age of two years:

- monthly child raising indemnity, in the amount of 85% from the average of the professional net incomes received in the last 12 months before the child's birth, with a minimum 600 lei and a maximum of 1,200 lei.

- the monthly insertion incentive is not granted for this option.

Guaranteed Minimum Income - established as the difference between the monthly net income of the eligible family, or single person and monthly guaranteed minimum income levels stipulated by law.

Other programs:

Heating benefit program for families with low or medium incomes aimed at covering part of the heating costs of the household for the winter period.

### 3.2. Social services

Ssocial services, as regulated by Law 292/2011 "On Social Assistance" and Government Ordinance no.68/2003 "On Social Services", with further amendments, take priority over social assistance benefits, if their cost and their impact on beneficiaries is similar.

Social services represent the activity or set of activities designed to meet social and special, individual, family or group needs to overcome difficult situations, preventing and combating social exclusion risk. Social services are services of general interest and are organized in forms / different structures,

depending on the specific activity / activities undertaken and the particular needs of each category of beneficiary.

Social services are pro-active and require an integrated approach to individual needs in relation to a person's socio-economic status, health, education and social environment.

Based on individual needs, social services may have a wider target audience, the group or community.

To achieve social actions consistent, coherent and effective for the person's benefit, social services can be organized and provided in an integrated system along with employment, health and education services and other social services of general interest, as appropriate.

The classification of social services is based on the following criteria:

a) service goal (assistance and support services to fulfill an individual's basic needs, personal care services, recovery / rehabilitation, employability / social reintegration, etc.);

b) the categories of recipients to whom it is addressed (social services for children and / or family, disabled people, elderly, victims of domestic violence, homeless people, people with various addictions, e.g. alcohol, drugs, other toxic substances, internet, gambling, etc., trafficking victims, prison inmates, persons sanctioned with educational measures or non-custodial sentences under the supervision of probation services, for persons with mental illness, people living in isolated communities, unemployed for long time and social support services for family beneficiaries);

c) the assistance regime, residential or non non-residential (accommodation services, on short-term or indefinite basis: residential care centres, protected housing, night shelters etc. or services without accommodation: day care centres and / or home care units, social canteens, mobile services providing food, etc. social ambulance);

d) the place of assistance (at the beneficiary's residence, in day care centres, in residential centres, at the residence of the person providing the service, in the community);

e) the legal status of social service providers (can be organized as a public or private structure);

f) the system of granting services (they are provided in normal and special regimes: services provided under access, contract and customary documentation regime; services granted in special eligibility and extensive accessibility regime focusing on preventative measures under reduced bureaucracy and a set of social services, which will be accessed by users only while maintaining anonymity, respectively drug and alcohol addicts, prostitutes, victims of domestic violence etc. Special services can be provided without concluding contracts with the beneficiaries; services provided under special category regime are regulated by special laws on social inclusion and increasing the quality of life).

### **Calculation Methods and Beneficiaries of Social Assistance - Defining Target Groups**

Social assistance should lead to the social integration and social inclusion of its beneficiaries, as well as their greater activity and independence.

Social assistance benefits are a form of additional income or substitution of individual / family income earned from work in order to ensure a minimum standard of living and a form of support to promote

social inclusion and to increase the quality of life of certain categories of persons whose social rights are expressly provided by law.

Social assistance benefits, depending on the conditions of eligibility, are classified as follows:

- a) selective social assistance benefits based on testing the livelihood of a single person or family;
- b) universal social benefits, awarded without testing the livelihood of a single person or family;
- c) categories of social assistance benefits granted to certain categories of beneficiaries, with or without testing the single person's or family's livelihood.

(2) testing the livelihood of a single person or family specified above takes account of:

- a) evaluation of their monetary income that consists of all the money earned in the country or outside the country's borders, including those from state social insurance rights, unemployment insurance, legal obligations for maintenance, salaries, allowances, permanent benefits and other legal claims;
- b) evaluation of assets and income that can be obtained by exploiting / use of movable and immovable property owned or in use.

Depending on the purpose and nature of social benefits provided under letter a) and, where appropriate, letter c) social assistance benefits are granted only after assessing the monetary income or on the cumulative assessment of cash income, assets and earnings that can be obtained by exploiting / use of movable and immovable property owned or in use.

Refusal of employment, rejection of participation in training courses / qualification course / retraining and in other active measures provided by law may lead, as provided by special laws, to reductions in the amount of social benefit or its termination and prohibition on granting a new social assistance benefit for a period of time.

Levels as well as social benefits amounts are set in relation to a reference social indicator by applying an index of social insertion. The Reference Social Indicator (ISR) represents the unit expressed in domestic currency – Lei - which relate to social assistance benefits, paid from the state budget, given both for the protection of individuals in the social assistance system and for stimulating persons benefiting from social assistance to become employed. The reference social indicator is provided by Law no. 76/2002 “On the Unemployment Insurance System and Employment Stimulation”, with subsequent amendments. The Social Insertion Index (ISI) is the multiplication factor applicable to the reference social indicator and is established in relation to the type of family and the purpose of the social assistance benefit.

The social benefits accrued by a single person or, where appropriate, by a family may not exceed a coefficient related to the reference value of the reference social indicator. This coefficient is set annually by Government Decision, depending on the type of family and social benefits to which the family or its members or respectively a single person are entitled.

Based on individual needs, social services may have a wider target audience, the group or community.

People and families in difficult situations benefiting from social services, under the conditions specified by law: Groups and communities in difficult situations benefit from social services and community action



programmes to prevent and combat the risk of marginalization and social exclusion approved by decisions of the county / local council.

Any dependent person is entitled to personal care, given as to the individual's need for help, family, socioeconomic or personal living environment status.

The recipients of personal care services are the elderly, the disabled and chronically ill people.

### **Strengths**

The Romanian social assistance system has some very good characteristics which the Government is using for its enhancement. One of these is represented by the fact that social assistance benefits and services cover the majority of vulnerable groups and situations of vulnerability or disadvantage such as: energy poverty, child poverty, special needs, emergency situations etc. Moreover, it is very well structured and organised, having institutions at all levels: central, county and local level.

The system processing the payments (SAFIR), the management information systems and the financial management arrangements are very well structured, such as it offers data in real time regarding the beneficiaries of social assistance measures and the possibility to interconnect data from various databases such as the population's evidence and registration, individual income evidence etc.

The Guaranteed Minimum Income (GMI) is one of the best programmes, in the region and in the world, in respect of the accuracy of identifying the target group. Romania identifies this as a way of targeting its scarce budgetary resources towards those really in need, a programme well adapted to the circumstances of the country, a programme which can be duplicated on a large scale.

The supervision and control institutions and mechanisms, including those aiming at reducing error and fraud are also stable.

### **Critical issues**

Among the issues impacting the system are:

- the demographic trend which puts pressure on the system,
- insufficient human resources (especially at local level),
- insufficient infrastructure and logistics,
- budgetary constraints.

## 附件 2. 社会救助体系国别报告

### 欧洲社会救助体系国别报告

#### 项目第三部分



2015 年 9 月

# 目 录

目 录.....	254
I. 意大利 .....	257
<b>社会救助体系</b> .....	257
1.1. 法律框架.....	257
社会救助的宗旨和主要原则.....	257
中央和地方各级公共机构的任务分工.....	258
<b>最新改革</b> .....	258
<b>社会救助机构和支持机构，包括非政府组织的作用</b> .....	260
<b>社会救助和支持形式</b> .....	261
1.1. 给予社会救助的标准.....	261
现金救助补贴.....	262
其它支持.....	264
<b>社会救助计算方法和受益人——确定目标群体</b> .....	264
<b>6.数值统计数据</b> .....	264
<b>优势</b> .....	267
<b>关键问题</b> .....	268
波兰.....	269
<b>1.社会救助体系</b> .....	269
1.1. 法律框架.....	269
社会救助的宗旨和主要原则.....	269
中央和地方各级公共机构的任务分工.....	269
<b>最新改革</b> .....	269
<b>社会救助和支持机构</b> .....	270
<b>社会救助和支持形式</b> .....	272
1.1. 给予社会救助的标准.....	272
现金救助补贴.....	274
其它支持.....	274
<b>社会救助计算方法和受益人——确定目标群体</b> .....	275
<b>数值统计数据</b> .....	275
<b>优势</b> .....	276
<b>关键问题</b> .....	277
西班牙.....	278
<b>1.社会救助体系与法律框架</b> .....	278
西班牙宪法与自治法有关社会服务的规定.....	278
中央和地方各级公共机构的任务分工.....	278
社会救助的宗旨与主要原则.....	278
<b>提供社会救助和支持的机构，包括非政府组织的作用</b> .....	279
<b>社会救助和支持形式</b> .....	279

1.1. 老年人.....	279
推动个人自主，帮助依赖人群.....	282
影响国家移民与社会服务机构职能的最新改革.....	282
1.1. 关于长期护理.....	282
过去三年：.....	283
社会救助计算方法和受益人——确定目标群体.....	283
数值统计数据.....	284
优势.....	285
关键问题.....	285
捷克共和国.....	286
1. 社会救助体系.....	286
社会救助和支持机构.....	286
社会救助和支持形式.....	286
1.1. 享有的救助金.....	286
收入评估.....	286
国家社会支持 (SSS) .....	287
国家社会支持救助金概述.....	287
物质需求救助 (AiMN) .....	288
残疾人特殊补贴.....	289
社会服务.....	290
1.1. 社会服务提供者.....	290
社会服务申请.....	291
社会服务类型.....	291
现金救助补贴.....	291
比利时.....	293
1. 社会救助体系.....	293
法律框架.....	293
社会融入的目标和主要原则.....	293
中央和地方各级公共机构的任务分工.....	293
社会救助机构和支持机构，包括非政府组织的作用.....	294
社会救助和支持形式.....	294
给予社会救助的标准.....	294
现金救助补贴.....	295
其他支持.....	295
社会救助的计算方法和受益人——确定目标群体.....	295
数值统计数据.....	297
优势.....	297
关键问题.....	297
法国.....	298
1. 社会救助体系.....	298
1.1 法律框架 .....	298
社会救助的宗旨与主要原则.....	298
中央和地方各级公共机构的任务分工.....	298

最新改革.....	299
1.1. 社会行动和危机.....	299
集思广益式社会工作.....	299
权利.....	299
简化和独特的申请文件.....	299
社交联网.....	299
信息通信技术和社会工作.....	300
信息共享.....	300
自然协助者.....	300
社会救助机构和支持机构, 包括非政府组织的作用.....	300
社会救助和支持形式.....	302
数值统计数据.....	304
优势和劣势.....	310
1.1. 从业者优势.....	310
行业劣势.....	311
罗马尼亚.....	312
1. 社会救助体系.....	312
社会救助体系.....	312
法律框架.....	312
1.4. 中央、地区和地方各级公共机构的任务分工.....	312
最新改革.....	313
社会救助和支持机构.....	314
融资体系.....	315
社会救助和支持形式.....	315
1.1. 给予社会救助的标准.....	315
现金救助补贴.....	316
社会服务.....	317
计算方法和社会救助的受益人-确定目标群体.....	317
优势.....	318
关键问题.....	319



## I. 意大利

### 社会救助体系

#### 1.1. 法律框架

意大利第 328/2000 号法律是关于实现一体化社会救助系统的框架性法律。该法审查并重新确定了意大利社会救助的政府和责任框架。新法规的主要目标在于确保将意大利境内的每位居民和每个家庭都纳入一体化社会服务中，借助活跃的劳动力市场、培训和医保政策，通过社会救助行动避免、减少或消除贫困现象。第 328/2000 号法律在社会救助方面作出的主要变化有：

- 社保系统中各机构的职责：区域和本地机构直接负责规划和管理社会救助服务与救助金；
- 分配公共资源，改正社会救助与社会保险之间既定的公共资源分配不均衡现象；
- 根据要求与本地机构共同提供社会救助服务和救助金；
- 提升非政府组织的作用。

第 328/2000 号法律重新组织了中央政府、地区政府、省政府、市政府和其它法律机构的任务：

- 中央政府确定了社会救助的整体原则和目标；
- 地区政府负责规划协调社会救助项目，以及健康和劳动力市场服务，并设定目标；地区政府还负责管控项目质量，监督所提供服务的资金使用情况；
- 市政府和省政府参与规划活动，负责管理本地层面的社会救助服务

中央政府与地区政府已在为期三年的国家社会计划（NSP）中制定了社会救助政策。NSP 规定了一体化服务网络应在未来三年应采取的活动，确保在全国范围内均匀分配高质量服务，避免地区差异，避免市民得到不公平待遇。NSP 规定了确定地区层级规划及开展行动的指导原则。根据 NSP 规定，各地区应与当地社会救助合作伙伴协作确定该区域社会救助方案。各市政府也应与当地社会救助合作伙伴共同确定特定的当地社会救助方案，以及医保方案。

#### 社会救助的宗旨和主要原则

意大利社会救助框架的主要目标是以积极负责的方式帮助人们成为社会中不可缺少的一部分。一体化社会救助法律框架旨在向市民和家庭提供切实帮助，帮其克服困难，提高生活质量。更准确的讲，社会救助框架旨在确保：

- 将无法自力更生的老年人纳入一体化系统中；
- 将残疾人士纳入一体化系统中；
- 为家庭和儿童提供支持；
- 将移民纳入一体化系统中；
- 应对酗酒和其它成瘾症。

为达到这一目标，必须执行一体化的战略与行动框架，提高生活质量，确保公民权利，应针对劳动力市场采取行动、提供职业培训、医保服务和社会救助支持措施。

### 中央和地方各级公共机构的任务分工

正如上文所述，328/2000 号法律确定了社会救助系统中中央政府和地区政府的职责。

中央政府确定基本政策，主要负责下列事宜：

- 确定社会救助项目的三年国家计划；
- 分配国家社会政策资金，并发放至地区政府
- 每年确定优先资助区域（根据国家财政法）
- 确定救助金的基本等级（LEP、LIVEAS 和 LEA）

地区政府将中央政策反映在更详细的地区政策与活动中，主要负责下列事宜：

- 将国家法律与政策纳入地区监管框架
- 制定三年地区计划（确定机构、管理和组织资产）
- 向所管辖区分配资金（市政府）
- 监督与评估计划

省政府联合参与社会救助行动，主要负责下列事宜：

- 社会救助需求并提供分析；
- 确定培训计划；
- 帮助确定并执行当地社会救助方案

市政府负责执行计划，主要负责下列事宜：

- 帮助开展当地社会救助方案（安排现场工具与行动）
- 为社会救助活动提供资金支持（救助金与服务）
- 执行本地社会救助方案
- 监督与评估计划
- 信息与沟通

### 最新改革

1990 年，一方面受到与贫困和社会排斥有关的社会风险的影响，另一方面由于意识到意大利当前救助金模式存在的不公正问题，决策者开始关注社会救助问题。1997 年，议会委员会——就是当时人们熟知的“奥诺弗里委员会”——分析了当前的社会救助政策，强调了其主要缺点，并建议进行改革。分析的主要结果可概括如下：

- 社会救助总支出不足
- 现金与各种救助福利之间存在不均衡

- 缺少最后的“安全网”
- 机构和功能呈现碎片化，且彼此重叠

奥诺弗里议会提出了如下建议：

1. 提高社会救助的整体开支，尤其是各种救助金；
2. 引入最低收入计划；
3. 创建全国性框架，明确职责，避免重叠和碎片化

同年，意大利政府设立了社会政策国家基金，为社会救助提供资金支持，帮助克服数十年以来此类政策资金不足的状况。

1998 年，意大利政府引入了一项用于评估家庭经济状况的新指标：经济状况等值指标。该新指标旨在使救助金系统更加公平，减少贫困，帮扶家庭，帮助弱势群体。

经济状况等值指标旨在成为一项标准指标，从而评估一个人在通过家庭调查后是否有权获得任何形式的社会救助金。该指标被认为是有选择的普遍适应性的第一步。

2000 年，就在奥诺弗里委员会发表报告的三年后，意大利政府通过了社会救助项目一体化系统的框架法律——328/2000 号法律；这是自 1890 年以来第一部重新构建整个社会救助系统的法律。新法律提倡有选择的普遍适用性，试图克服分类设置（大部分社会救助政策依然采用此类设置），强调发放实物救助和货币转让。从制度角度讲，该法律意识到了中央政府有责任确定目标和指南，将执行政策的任务交给当地和地区政府。更准确的说，政府从垂直（从中央层面的国家社会政策计划到地区层面的地区计划以及本地层面的本地计划）和水平（涉及诸多参与者，尤其是第三方领域）角度关注了一体化规划。该法律旨在通过辅助性原则，将中央层面原先承担的诸多职责下放至地区层面。

该法律出台后，2001 年的宪政改革对社会救助框架职责分工产生了深远影响，将中央层面的一些权力下放至地区层面。从此，中央政府再也不是质量标准或目标的唯一负责人，而是应与地区议会商讨。

2011 年，201 号法律引发了经济状况等值指标框架的重大变革（更广为人知的名称为“拯救意大利”改革）。此次改革宣布取消单独的标准指标，而是根据与不同社会救助项目救助金和服务有关的不同资格采取不同指标。特别是采用了多层级经济状况等值指标体系：政府机构、本地机构和独立组织为获取不同救助金和服务设置了其特有的经济状况等值指标等级。经济状况等值指标框架的主要变化可概括如下：

- 从经济状况等值指标的角度重新定义了工资性收入，使其包括免税金额；
- 通过提高资产稳定性，提高了指标的针对性；
- 特别关注不同的家庭种类（比如儿童、残疾人等）；
- 针对不同种类受益人使用不同的经济状况等值指标；
- 重新确定不同社会措施的临界值；
- 提高控制系统，减少在不必要情况下使用社会服务。

2013 年的经济状况等值指标改革已包含了上述指南（内阁会议总统第 159 号声明），并于 2014 年纳入法律中，于 2015 年 1 月 1 日生效

### 社会救助机构和支持机构，包括非政府组织的作用

意大利社会救助的责任机构包括：

- 中央劳工与社会政策部
- 意大利国家社会保障署
- 地区政府
- 市政府
- 非政府组织和第三方
- 私立机构

中央劳工与社会政策部负责管理国家社会政策基金。国家社会政策基金资金来源于基本税收系统，并负责向社会救助系统提供资金，确保为该系统提供适当的资金流，满足全国范围内日益增长的社会救助资金需求。国家社会政策基金为地区社会救助计划和本地社会救助计划一体化框架提供资金支持。各计划分别向其辖区内的弱势群体和家庭提供服务与支持，提高社会融入等级和生活质量。

国家社会政策基金主要为两大方面提供资金：

- 向人民和家庭提供现金救助补贴（由意大利国家社会保障署管理）；
- 区域性社会服务一体化网络，由地区政府分配该二级区域的经济资源。

国家社会政策基金会将部分资金划拨至意大利 15 个市区，供儿童与青少年专项活动之用。

地区和市政府还能够通过各自的资金来源为社会救助计划提供资金支持。

中央劳工与社会政策部不但负责国家社会政策基金，还监督现金救助补贴和实物救助金的开支情况以及服务的提供情况。

意大利国家社会保障署是欧洲最大最复杂的社会保障组织之一。它负责提供社会保障以及社会救助服务和救助金，以及从工人中收取个人缴纳部分。

意大利国家社会保障署与在意大利境内建有庞大的办事处网络的私立机构合作：

- 庇护机构，公民还可在此执行所有行政流程，包括申请社会救助；
- 财务救助中心（地方家庭基金），尤其是计算经济状况等值指标，这是获得社会救助救助金和服务最重要的要求。

地区层面：宪政改革（2001 年）赋予了地区在社会救助领域的更多独有权利，因此地区政府应根据其规定与社会规划将资金划拨至各个城市。

市政机构：主要负责根据当地社会救助计划，批准向市民提供服务，并执行。



非政府组织和第三方：328/2000 号法律授予了第三方创新而又重要的角色（非营利组织、社区工作组织、企业组织、社会推动机构、志愿者组织）。根据法律规定，这些组织可与公共机构一并提供救助服务。为提供社会救助服务，私立机构必须获得认证，必须确认所提供服务满足政策标准。根据 328/2000 号法律规定，中央、地区和当地机构应为第三方履行职责提供便利。他们规划、组织和管理一体化社会救助系统及其职责对了解公民对社会救助的真实需求至关重要。第三方机构根据质量、透明度和社会职责原则直接管理其所提供的当地社会救助服务。

私立机构：公共机构与私立机构之间存在多种不同的合作方式。在意大利社会救助框架内，公共与私人领域在医保系统中的合作主要由地区政府管理。诸多私立医院和诊所在国家医保服务框架内经营，为公民提供服务，此类服务资金均来源于国家医保系统。私立机构根据特定的社会经济（或实际）要求，在中央和当地层面提供社会救助金和服务。

## 社会救助和支持形式

### 1.1. 给予社会救助的标准

根据现有法律规定，所有在意大利长期居住的公民和家庭都有权获得社会服务。优先群体包括：

- 生活贫困或收入有限的个人
- 身体或心理残疾的个人
- 无法自主生活或进入劳动力市场的个人
- 服刑人员家庭

经济状况等值指标是计算和均化获得社会救助金与服务标准的最重要方法。正如之前所述，经济状况等值指标（ISEE）是意大利在计算和均化获得社会救助金与服务标准的最主要经验，是一个国家性的基本指标。该指标通过评估家庭收入和社会状态后，为家庭进行打分。它是核实救助金申请人（及其家庭）收入和资产的基础。在引入经济状况等值指标前，意大利政府仅基于家庭收入决定社会救助金与服务的使用标准；而经济状况等值指标还考虑了家庭资产值以及家庭的多种类别。

最近的经济状况等值指标改革引入了与不同家庭组成有关的多个经济状况等值指标。这些新指标能够表明家庭情况的所有可能组合（比如存在残疾人、未婚父母、或未居住在一起的父母等），以及该家庭可申请的社会救助金/服务。

因此，经济状况等值指标能够确保在全国境内公正公平评估公民的社会经济情况。

根据经济状况等值指标提供的主要救助金/服务包括：

- a) 家庭：产妇救助金、市政多人口家庭补贴、儿童服务、减免幼儿园费用；
- b) 教育：入学救助金、减免大学费用、提供免费校餐或降低费用、奖学金；
- c) 家庭收入：“购物卡”、住房补贴、餐券、减免燃气费/电费/税费、减免市政税费
- d) 医保：市政医保和救治、医保设施（比如护理服务、家庭护理、社区服务和医院服务、长期居住护理等）



为避免重叠和“悬崖”效应，经济状况等值指标还会在核实收入过程中考虑已经向申请人提供的其他社会救助金。此外，该指标是基于等值比例计算的，即根据申请人家庭成员数量（比如儿童、老年亲属等）、儿童年龄、有特殊需求的家庭成员数量（比如残疾人、大型家庭、和/或单亲家庭）、家庭成员缴纳的租金和贷款等参数计算得出的。

## 现金救助补贴

中央层面的意大利国家社会保障署和当地层面的地方政府都会提供意大利社会救助现金服务。

### 社会救助现金救助补贴针对的是穷人和穷困家庭

中央层级意大利国家社会保障署提供的现金救助补贴包括：

- “购物卡”，也成为“社会卡”，是一种为低收入家庭提供的电子借记卡（每两个月自动充值），可用于购买初级产品、生活设施或药品。这是一种配有特殊基金的国家救助金，由意大利国家社会保障署和 **Poste Italiane**（负责发放和充值的私人公司）共同提供给符合条件者；虽然该救助金由中央拨款，但市政、地区政府和省政府每月也需提供额外配套资金（40 欧元）。

目前有两种形式的“购物卡”：

- 为 65 岁以上老年人和 3 岁以下儿童提供的普通购物卡（每月 40 欧元）
- 为低收入家庭提供的实验性购物卡；该实验项目针对意大利 12 个城市的 250000 名居民（每月 200/400 欧元，适用于至少包含 1 名 18 岁以下成员、且有特殊社会经济要求的低收入家庭成员）

当地层面市政提供的现金救助补贴包括：

- 为至少有 3 名儿童的低收入家庭提供的家庭救助金：该类救助金由市政拨款，费用来源于意大利国家社会保障署，申请家庭通过经济状况等值指标社会经济要求评估后方可获得救助金
- 住房救助金：为租房家庭提供的现金救助补贴
- 市政费用代金券（燃气费和电费）

当地层面由地区政府提供的现金救助补贴包括：

- 为低收入家庭提供的住房救助金：为租房家庭提供的现金救助补贴
- 为按揭买房的家庭提供的现金救助补贴

### 为老年人提供的社会救助现金救助补贴

中央层级意大利国家社会保障署提供的现金救助补贴包括：

- 为 65 岁以上低收入老年人提供的社会救助金；
- “普通购物卡”，一种电子借记卡（每两个月自动充值），对象为 65 岁以上低收入老年人，可购买初级商品、设施或药品。

当地层面市政提供的现金救助补贴包括：

- 当地层面由市政提供的现金救助补贴：

#### 为低收入家庭儿童提供的社会救助金

中央层级意大利国家社会保障署提供的现金救助补贴包括：

- 针对 2015-2017 年间出生或收养的儿童按月给予经济补贴；
- 按月提供儿童服务和产品优惠券

申请人在通过经济状况等值指标社会经济要求评估后方可获得此类救助金。

- “普通购物卡”，一种电子借记卡（每两个月自动充值），对象为拥有三岁以下儿童的低收入家庭，可购买初级商品、设施或药品。

当地层面市政提供的现金救助补贴包括：

- 教育设施优惠券（比如书籍、学习材料等）
- 幼儿园服务优惠券
- 多人口家庭经济补助（超过 3 个儿童）

各市政府负责确定获得救助金的资格条件，以及救助金的落实流程。

#### 为残疾人提供的社会救助现金救助补贴

中央层面由意大利国家社会保障署提供的残疾救助金：

残疾人指的是因先天或后天残疾导致永久丧失至少三分之一工作能力的人（生理或心理）。丧失劳动力的程度按百分比计算，根据百分比提供不同等级的救助金。

在意大利，残疾人可获得下列现金救助补贴：补贴、救助金和减免。残疾人符合残疾要求并通过社会经济要求认证后方可获得上述救助金。

意大利国家社会保障署和国家医保系统的当地医保机构（ASL）负责管理残疾要求评估过程。该过程如下：

- 家庭医生（在线）向意大利国家社会保障署提交医疗证明；
- 公民在线向意大利国家社会保障署提出申请，医疗证明将会自动随附在申请书中；
- 意大利国家社会保障署以在线形式将申请书交于负责的 ASL；
- 医疗委员会（由 ASL 和意大利国家社会保障署成员组成）检查申请人的医疗情况；
- 意大利国家社会保障署负责的医疗办事处证明检查情况；

意大利国家社会保障署负责管理社会经济要求评估和认证过程。

残疾人最多只能获得各类残疾（聋哑、失明和其他残疾）中的一项救助金。

若医疗委员会认为残疾情况会随时间而变化，并设定残疾截止日期时，残疾人应在截止日期前重新检查，从而了解残疾是否已确认、终止或变化（恶化或改善）。

终身/不可恢复的参加人无须进行新的医疗检查。

当地层面由地区政府提供的服务。

由于残疾直接与医保问题相关联，多个地区都向残疾人提供了现金救助补贴（用于当事人雇佣医疗照护人员的现金救助补贴）

## 其它支持

除现金救助补贴外，当地政府和机构还通过第三方和私立机构提供实物救助，比如为老年人、残疾人或无法行走的患者提供家庭护理服务。

## 社会救助计算方法和受益人——确定目标群体

经济状况等值指标用于确定目标群体，收集受益人和低收入家庭或公民的信息。

针对不同目标/受益人采用不同指标：

- 整个家庭；
- 家庭中的残疾人/老年人；
- 家庭中的儿童/18 岁以下青少年；
- 家庭中的学生 。

根据所需的种类社会救助金，在验证过程中采用特定的指标。

指标等于收入以及家庭成员资产 20% 的总和，二者均为均等比。

根据申请人家庭（比如子女数量、老年亲属等）、儿童年龄、有特殊需求的家庭成员数量（比如残疾人数量、大型家庭和/或单亲家庭）、需要付房租和抵押贷款的人数等因素进行扣减，在一些参数的基础上制定均等比。

## 6. 数值统计数据

表 1 显示了 2009 年至 2012 年所有社会救助提供者的社会救助资金总开支，尤其关注了公共机构的救助金金额。此外，表格还关注了实物与现金救助补贴之间的差异（资金均来源于公共机构）

表 1—按功能和类型展示社会救助救助金，2009-2012（百万欧元）

救助金功能与类型	2009	2010	2011	2012	2009	2010	2011	2012
	所有机构				公共机构			
现金救助补贴	25.819	24.293	23.608	23.995	25.819	24.293	23.608	23.995
养老金	3.933	4.131	4.142	4.284	3.933	4.131	4.142	4.284
战争救助金	908	829	787	763	908	829	787	763
残疾人救助金	14.860	15.086	14.594	14.962	14.860	15.086	14.594	14.962

失明救助金	1.153	1.120	1.127	1.151	1.153	1.120	1.127	1.151
失聪救助金	177	168	177	181	177	168	177	181
其它救助金	4.788	2.959	2.781	2.654	4.788	2.959	2.781	2.654
<b>实物救助</b>	<b>13.790</b>	<b>14.616</b>	<b>14.931</b>	<b>14.253</b>	<b>8.294</b>	<b>8.826</b>	<b>8.667</b>	<b>7.933</b>
制造商提供的产品与服务 (a)	7.790	8.342	8.768	8.138	3.907	4.233	4.251	3.633
非市场制造商提供的服务 (b)	6.000	6.274	6.163	6.115	4.387	4.593	4.416	4.300
<b>社会救助金总计金额</b>	<b>39.609</b>	<b>38.909</b>	<b>38.539</b>	<b>38.248</b>	<b>34.113</b>	<b>33.119</b>	<b>32.275</b>	<b>31.928</b>

来源：Istat—意大利 2013 年统计年报

市场制造商指的是通过所提供的大部分或所有产品赚取大量利润的公司。出售价格至少达到了生产成本的 50%。

非市场制造商指的是通过所提供的大部分或所有产品赚取少量利润、甚至不盈利的公司。出售价格未达到生产成本的 50%。

正如图 1 所述，社会救助救助金的总支出逐年下降这是因为受到经济危机的影响。图 8 能够更好的解释这一现象。此外，图 1 还表明大部分社会救助开支源于公共机构。

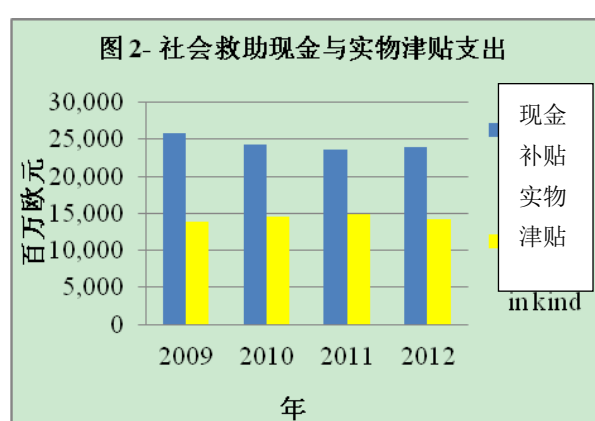
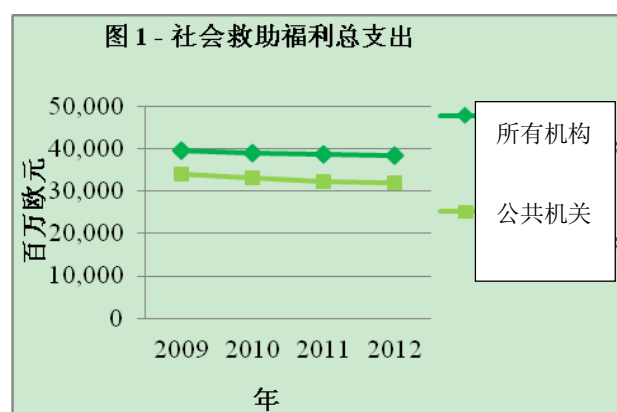


表 2 对比了社会保障措施之间的开支，包括社会保险、医保和社会救助。

**表 2—社会保障措施（2009-2012）**

措施	所有机构				公共机构			
	2009	2010	2011	2012	2009	2010	2011	2012
百分比								
社会保险	671	676	683	690	660	666	674	680
医保	237	236	231	226	255	254	249	244

社会救助	92	88	86	84	85	80	77	76
<b>总计</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>
占公共开支百分比								
社会保险	397	405	410	417	363	370	370	382
医保	140	141	139	136	140	141	139	136
社会救助	54	53	52	51	47	45	43	42
<b>总计</b>	<b>591</b>	<b>599</b>	<b>601</b>	<b>604</b>	<b>550</b>	<b>556</b>	<b>552</b>	<b>560</b>
占 GDP 百分比								
社会保险	191	194	195	201	175	177	178	184
医保	68	67	66	66	68	67	66	66
社会救助	26	25	24	24	22	21	20	20
<b>总计</b>	<b>285</b>	<b>286</b>	<b>285</b>	<b>291</b>	<b>265</b>	<b>265</b>	<b>264</b>	<b>270</b>
占各类百分比								
现金救助补贴	731	731	736	743	724	725	731	737
社会保险	671	676	683	690	660	666	674	680
社会救助	60	55	53	53	64	59	57	57
实物救助金	269	269	264	257	276	275	269	263
市场制造商	112	112	110	105	111	111	107	103
医保	94	93	90	87	101	101	97	94
社会救助	18	19	20	18	10	10	10	09
非市场制造商 (b)	157	157	154	152	165	165	162	160
医保	143	143	141	139	154	154	152	150
社会救助	14	14	13	13	11	11	10	10
<b>总计</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>	<b>1000</b>

来源：Istat—意大利 2013 年统计年报

市场制造商指的是通过所提供的大部分或所有产品赚取大量利润的公司。出售价格至少达到了生产成本的 50%。非市场制造商指的是通过所提供的大部分或所有产品赚取少量利润、甚至不盈利的公司。出售



价格未达到生产成本的 50%。

## 优势

由于涉及到诸多机构和实体，以及需提供诸多社会救助现金和服务，因此意大利社会救助系统非常错综复杂。尽管如此，其主要优势在于系统的高效性和全面性，能够覆盖每位公民的一生，无须考虑其社会和经济状态。此外，社会救助现金与服务——以及其他医保服务——的资金来源都是机构所获得的税收（中央税收和当地税收），受益人无须为此单独缴税。此外，随着欧洲“接近原则”的发展，社会救助系统也在地域间分散传播：当地政府（地区政府和市政）以及第三方的有力参与能够确保与公民之间的密切联系，不仅是在提供服务与救助金过程中，还在于收集社会救助需求方面。

意大利当前的社会救助框架的另一个优势在于引入了经济状况等值指标的概念，这一系列指标能够根据公正的标准按照相同的方式在全国范围内准确评估家庭的社会经济条件。它还能够提高认证速度，使受益人更快获得社会救助现金与服务：因为经济状况等值指标基本上每年计算一次，且公共机构之间都采用了数字化信息传播方式，因此无须在经济状况等值指标认证过程中对申请人家庭的社会经济条件进行额外或补充评估（使用其他政府机构认证的数据，比如收入与税务局提供的收入数据）。实际上，意大利境内强大的 ICT 框架能够为中央和本地层面的社会救助框架提供越来越多的支持。根据 122/2010 号法律规定，应当设立全国社会救助登记中心。全国社会救助登记中心将负责登记每个机构向每位公民提供的所有救助金与服务（公共机构和私立机构、中央机构和当地机构）。该登记中心应设有知识库，可供全国所有机构查阅。

此外，诸多法律法规也预见到了应在公共机构之间保持高级一体化合作和沟通，从而整合所有机构的信息与数据。

意大利当前社会救助框架的另一个优势在于可通过多种渠道管理公民信息（中央层面和当地层面），当地办事处便可向公民提供信息。根据最近出台的关于公共机构数字化的法律法规，社会救助机构与公民之间的沟通将逐渐实现电子化，通过互联网、社交网络、智能手机应用或信息中心便可获取。但是，当地政府应管理与公民的沟通（通过当地机构/地区、省或市办事处，或通过代表公共机构提供社会救助服务的私人公司），从而确保当地政府能够为公民提供支持。

鉴于此，意大利国家社会保障署非常先进，通过下列方式管理着与公民的沟通：

- 覆盖意大利全境的意大利国家社会保障署办事处网络（大约 1650 个）
- 机构网站可向公民提供其所管理的所有信息与服务（包括社会救助服务）；尤其包含：
  - 各项救助金与服务的信息页（包括社会救助救助金），可解释政策、操作流程、有效期和要求等信息
  - 在线服务（比如在线申请、在线申请状态查询、个人信息咨询等）
- 联系中心，不仅可以向公民提供信息，还可提供育婴服务，比如申请社会救助服务

此外，为消除信息鸿沟，意大利国家社会保障署还与庇护公共机构和地方家庭基金这两家特定的私立机构合作，后两者在意大利全国范围内建立了庞大的办事处网络。

### 关键问题

意大利当前社会救助系统的关键问题在于区域间的差异性，导致公民服务的可用性存在差异；实际上，各地区间每个市政提供的社会救助服务与救助金持续变化。虽然该项目旨在重新均衡同一政策内的地区差异，但纵观整个意大利，家庭之间（幼儿园儿童、残疾人救助金等）的分配不均匀问题依然十分严重。

此外，2009 年金融危机依然在影响着意大利社会救助系统，这场危机对整个社会系统的整体可持续性产生负面影响。经济危机同时产生了两个主要后果：

- 减少了社会救助资源，根据欧盟要求限制了公共开支
- 贫困现象越来越多，社会救助受益人不断增加

此外，受老龄化和移民人数增长的影响，意大利社会救助系统中的受益人也越来越多。

缩写	描述
ASL	当地卫生机构
INAIL	国家工伤疾病局
INPS	国家社保局
ISE	经济状况指标
ISEE	经济状况等值指标
LEA	必要医保等级
LEP	必要提供等级
LIV EAS	必要社会救助等级
NFSP	国家社保政策基金
NSP	国家社会计划

## 波兰

### 1. 社会救助体系

#### 1.1. 法律框架

2004 年 3 月 12 日出台的关于社会救助的法律为波兰社会救助提供了法律支持（2015 年法律第 163 条）。波兰中央政府、当地政府以及诸如基金会、协会、天主教、其他教会、宗教团体、雇主、自然人和法人等共同提供社会救助。

#### 社会救助的宗旨和主要原则

- 若当前个人和家庭无法利用自身权利、资源和能力克服困难处境，则社会救助应对其提供帮助
- 从社会干预层面对无收入或低收入个人、退休人士和残疾人提供资金
- 从社会干预层面对需要临时支持的低收入家庭提供资金
- 为受社会病理学（包括家庭暴力）影响的家庭提供专业帮助；
- 将受社会排挤的个人纳入社群中；
- 创建能够满足需求的社会服务网络

#### 中央和地方各级公共机构的任务分工

公共机构任务分工：

- 市政——社会救助中心
- 区域——家庭支持中心
- 地区——地区社会政策中心

中央和地区政府在社会救助系统中扮演着重要角色。地区政府负责评估社会救助资格条件与效率，监督各市区和区域内社会救助组织所提供活动的质量及服务标准。社会保障部门负责人（比如劳工与社会政策部）负责制定社会救助理念与策略，制定法律法规，确定服务标准并分析其效果。

大部分社会救助服务由中央和区域的社会救助中心提供。他们负责支付现金和非现金救助补贴。地区社会救助中心负责与社会救助提供商和组织者（比如非政府组织）合作。非政府组织提供的服务包括：为无家可归者提供庇护所、为单亲母亲提供住所、提供日托中心和其他支持中心等。

#### 最新改革

波兰当前的社会救助体系建基于 1989 年的系统改革以及后续改革，也包括 1999 年的行政改革。1989 年系统改革后，波兰政府的第一部社会救助法于 1990 年正式实施。在此之前，该领域的主管法律为 1923 年颁布的法律。直至 1989 年，社会救助领域的医保和支持政策主要针对的是残疾人、老年人、无工作能力者以及需要护理的人。

改革导致失业人数增加、贫困、社会排斥、无家可归者等社会问题，对新的社会救助系统造成了挑战，而社会救助系统是国家社会保障政策的一部分。社会救助服务与救



助金以及新出现的受益人群体造成了挑战（主要受益人为失业者）。现代社会救助系统的关键职责在于向专业社会工作者分配社会工作。根据需求，在当地社会救助中心建立一项全新的社会救助机构组织系统。改革后的第一年，社会救助系统直接处理新出现的社会问题，因此成为了经济改革负面社会问题的“缓冲器”。

社会救助系统随后发生的变化始于 1999 年的行政改革。随着新产生的地区以及引入了区域的概念，波兰确立了新的社会救助组织结构，并分配了新的任务。这些变化还进一步去除了社会救助服务中央化的特点，引入了新的方法，对社会产生了更广泛影响，使私立机构的能力变得更加透明。

目前的法律于 2004 年生效，是波兰社会救助制度的基础。之所以在转变阶段后再次改革社会救助系统，其决定因素在于需要根据社会救助金系统调整社会救助（发放家庭救助金、在社会经济基础上建立社会一体化系统），以及受到波兰加入欧盟的影响。主要的变化包括进一步提高当地政府在提供社会救助方面的职责，采用新方法确定受益人收入标准，强调受益人的积极参与，进一步实现服务标准化，加强控制，改善监督系统。

最近几年和未来计划的社会救助系统将进一步关注提高社会救助形式、与包括劳动力市场等其他机构合作采取行动以及进一步推动服务标准化。欧盟资金还在 2007-2013 年扮演着重要角色，波兰利用该资金对社会救助人员进行了培训，制定并核实了新系统解决方案，使当地社会救助机构能够通过新的举措帮助受益人。

## 社会救助和支持机构

根据法律规定，中央和当地政府应负责本地区的社会救助工作。中央政府和当地政府应与诸如基金会、协会、天主教、其他教会、宗教团体、雇主和自然人和法人等机构合作。

其他社会救助机构包括：

- 地区社会政策中心
- 家庭支持地区中心
- 社会救助中心
- 社会救助家庭
- 专家，包括家庭和顾问中心
- 支持中心
- 危机干预中心

### 社会救助中心

社会救助中心是在市政层面提供社会救助的组织机构。

### 地区家庭支持中心

地区家庭支持中心是在地区层面提供社会救助的组织机构，由市政社会救助中心提供服务。地区家庭支持中心拥有地区身份，市镇的任务由城市社会救助中心（家庭支持市政中心）执行。

### 地区社会政策中心

在省一级层面，有两种不同结构，即中央政府派出机构和当地政府行政部门。

省级地区层面中央政府的职责是由省级地区政府完成的。该省级地区内的社会救助任务是由省级地区办事处社会政策部门完成的。

当地政府任务是由省级负责人通过地区社会政策中心完成的——该机构目的在于在当地提供社会救助服务。

### 社会救助家庭

若公民因年龄、疾病或残疾等个人需求需要全天看护，社会救助家庭可根据公民所需服务的形式和范围提供住宿、护理、支持和教育服务，并达到相关适用标准。

根据受益人的不同，社会救助对象包括：

- 老年人
- 慢性肢体疾病患者
- 慢性精神疾病患者
- 存在智力障碍的成年人
- 存在智力障碍的未成年人
- 残疾人

### 支持中心

支持中心属于半固定式社区，能够在救济对象原有的生活环境中提供救助以防止寄居机构化，主要包括：

- 社区自助家庭
- 日托家庭
- 夜间收容所
- 护理中心

### 危机干预中心

危机干预中心的职责是向遭受暴力或处于其它危机形势下的个人、家庭和社区提供全天候的专家服务，尤其提供心理学、法律和住宿方面的服务，避免这些人出现机能障碍。



## 社会救助和支持形式

社会救助包括多种类型的现金救助补贴以及不同形式的非现金救助补贴支持，比如社会工作、关怀服务、专家咨询等——主要是法律和心理咨询，以帮助解决正式问题或其他关键生活问题。

### 1.1. 给予社会救助的标准

- 向个人和家庭提供社会救助的标准主要包括：
  - 贫困
  - 孤儿
  - 无家可归
  - 失业
  - 残疾
  - 长期患病或患有严重疾病
  - 家庭暴力
  - 需要保护人口买卖受害人
  - 需要保护孕妇家庭或大家庭
  - 无法照顾和抚养儿童，家庭成员众多，尤其是单亲家庭或大家庭；
  - 以难民身份入境的外国移民
  - 从惩戒机构释放后难以调整适应生活的人
  - 酗酒者或吸毒者
  - 无法预料的情况和危机
  - 自然或生态灾难

- 若个人和家庭收入未超过社会干预临界值规定的收入标准，则该个人和家庭有权申请现金救助补贴。从 2012 年 10 月 1 日起，需照顾家庭的个人收入临界值为 542 PLN 兹罗提（2015 年 10 月 1 日起提高至 634 PLN 兹罗提），家庭中个人收入临界值为 456 PLN 兹罗提（2015 年 10 月 1 日起提高至 514 PLN 兹罗提）。市政议会可通过决议提高获得临时救助金和有针对性救助金的临界值。

- 在社会救助系统中，家庭指的是相关或非相关的人群以一种实际的社会关系居住在一起形成的集体户。

- 除非法律另有说明，否则收入指的是申请前一个月份的当月收入总和，若没有收入来源，则指的是申请当日的收入总额，无论其源于何处，并需扣除下列费用：

- 1) 每月的个人所得税；
- 2) 向国家医保基金和社会保险机构缴纳的医保费用



- 3) 向其他人支付的维护费用
- 其它收入不包含：
  - 1) 以现金形式一次性支付的社会救助金
  - 2) 有针对性的救助金
  - 3) 根据教育系统条款获得了社会鼓励性质的资金救助；
  - 4) 实物救助金的等值金额；
  - 5) 根据失业条例和劳动力市场规定给予的失业救助金，

关于从事非农业性经济活动的个人：

- 1) 根据个人所得税法规定征收个人所得税——收入指的是从事此类活动获得的收入，减去与从事上述活动相关的可减税费用、个人所得税法规定的应缴税款、由公共资金负担的医保服务征收的社保缴费，从收入中扣除的社保缴费，按现行法规规定不属税收可减费用，上一年度提交的纳税申报表中申报的经济活动中所得收益，除以纳税人从事活动的月份数量，计算得到收入，如果纳税人无从事活动，则收入即为该人申报的相关金额；
- 2) 根据法规规定针对某项收入（按该人申报收入）按统一费率征收个人所得税。

• 在此情况下，如果纳税人从经济活动中获得收益，还拥有其它收入或与其配偶共同提交纳税申报表，应缴税款按纳税申报表中申报的纳税人从非农业性经济活动中所获收入与申报的收入总和的比例进行计算。

• 在根据个人所得税法规定追查应税活动时，非农业性经济活动的收入根据主管税务机关负责人出具的证明为基础进行确定。证明提供以下信息：

- 1) 收入；
- 2) 税收可减费用；
- 3) 收入与税收可减费用差额；
- 4) 来自非农业性经济活动以外的收入，比如纳税人从经济活动中获得收入，拥有其它收入或与其配偶一起提交纳税申报表；
- 5) 从收入中扣除的社保缴费；
- 6) 应缴税款；
- 7) 与非农业性经济活动相关的健康保险缴费，从税款中扣除。

• 在根据统一个人所得税法规定就某项收入追查应税活动时，非农业性经济活动的收入根据主管税务机关负责人出具的证明为基础进行确定；该证明提供了税项信息，并以社会保险机构缴费已经交纳的证据为基础。

• 在确定是否享有永久及临时救助金的权利时，由寄养家庭或家庭式儿童之家抚养的儿童，及由寄养家庭或家庭式儿童之家抚养的成年子女，不包括在家庭

成员人数之内。计算家庭收入时，不包括维持生活所需的收入及补助，也不包括根据支援家庭及寄养体系条例获得的补贴。

- 在确定应支付给救助金照顾家庭的生活费用时，生活在公共机构的其他家庭成员，如家庭为他们支付费用的，在计算家庭成员人数时算入在内。
- 服刑人员无权享有救助金，除非该服刑受电子监控。遭到临时逮捕的人员，其享有救助金权利也将中止。在临时逮捕期间不提供任何救助金。

## 现金救助补贴

根据 2004 年 3 月 12 日颁布的社会救助法，社会救助体系分为三种基本现金救助补贴：永久救助金、临时救助金以及针对性救助金（特殊救助金）。

作为规则，个人或家庭人均收入不超过《社会救助法》规定标准的，可以领取现金救助补贴。根据法案第 8 条规定，供养一个家庭的个人其收入标准现在是 542 PLN 兹罗提（2015 年 10 月 1 日起提高至 634 PLN 兹罗提），家庭中个人收入标准为 456 PLN 兹罗提（2015 年 10 月 1 日起提高至 514 PLN 兹罗提）。

永久救助金与强制补贴，发放给因年老或残疾而丧失劳动能力的人员，只要其收入不超过收入标准。此救助金是对其收入的补充，直到达到法定收入标准金额。此救助金的金额即收入标准与个人收入之差额。救助金不能低于每人每月 30 PLN 兹罗提。对于供养单一家庭的人员，救助金金额不得超过 529 PLN 兹罗提每月（2015 年 10 月 1 日起提高至 604 PLN 兹罗提）。

临时救助金可授予那些没有足够收入（收入低于法定收入标准）的人士，尤其是因长期疾病、残疾、失业以及无法维持或得到其它社会保障体系救助金权利的人士。

临时救助金的金额以收入标准与个人收入之间的差额为限。但是，根据《社会救助法》规定，每份救助金不能低于收入标准与个人收入差额的 50%。临时救助金金额不得低于每月 20 PLN 兹罗提。对于供养单一家庭的人员，临时救助金金额不得超过每月 418 PLN 兹罗提。

## 其它支持

### 受国际保护的人员享有的支持

《社会救助法》还为受国际保护的人士提供了社会融入支持。目前，适用于在波兰领土受辅助保护的难民及外国人。

该救助由家庭支援地区中心与外国人签署的个人社会融入计划提供，计划根据外国人及其家庭的个人生活情况，规定了救助金额、范围及形式。此项救助期限不超过 12 个月，主要包括：

- 现金救助补贴，供维持及包含与学习波兰语相关的费用，
- 支付国家健康基金就普通保险规定的健康保险缴费；
- 专门指导

## 社会救助计算方法和受益人——确定目标群体

根据《社会救助法》规定，拥有波兰公民身份、居住及暂居在波兰领土的人士、居住及暂居在波兰领土的外国人、持有居住证或难民身份的人士，以及暂居在波兰领土及持有暂居许可的欧盟及欧洲经济区公民，有权享有社会救助服务。

社会救助主要受益人群如下：

- 无家可归者（救助形式为提供住处、食物及衣服）
- 失业人员（现金救助补贴、融入活动）
- 残疾与受抚养人士（看护服务、社会救助之家、现金救助补贴）
- 穷人（现金救助补贴）
- 老年人（看护服务、社会救助之家、现金救助补贴）
- 家庭与孩子（现金救助补贴、给在校孩子提供营养品）
- 自然与生态灾难受害人（专项救助金）

社会救助应引导受益人积极融入社会，扩大其活动范围和提高其独立性。

## 数值统计数据

**表 1 在贫困线以下领取救助金的人数**

序号	说明	年份			
		2011	2012	2013	2014
1.	波兰总人口	38,538,447	38,542,400	38,495,700	38,483,957
2.	经裁定领取救助金的人数	2,017,690	1,926,328	1,987,597	1,873,901
3.	经裁定领取救助金人员所占百分比	5.2	5.0	5.2	4.9
4.	家庭成员中领取救助金的人数	3,457,170	3,250,112	3,322,193	3,083,939
5.	家庭成员中领取救助金人员所占百分比	9.0	8.4	8.6	8.0
6.	在温饱水平以下人员所占百分比	6.7	6.8	7.4	
7.	低于最低生活水平人员所占百分比	42.6	43.4	44.7	
8.	法定贫困线	6.5	7.2	12.8	
9.	相对贫困线	16.7	16.3	16.2	
10.	相对贫困线 - 欧盟统计局	27.2	26.7	25.8	

表 2 救助金项目国家预算的实施(PLN 兹罗提)

项目	2011	2012	2013	动态 2013/2012
国家预算总计支出	302681609	318001861	321345286	101%
救助金支出占比	1.3%	1.3%	1.4%	
<b>救助金</b>				
救助金照顾家庭	976149	965564	930015	96%
支持中心	282159	320073	350304	109%
应对家庭暴力的任务	16512	16665	17271	104%
为领取某种救助金、某种家庭补助的人员以及参加社会融入中心课程的人员支付的健康保险缴费	77757	104820	71966	69%
实物救助金与救助及养老保险缴费	615866	701531	986727	141%
永久救助金	529942	706100	856005	121%
家庭支持地区中心	1779	984	1746	177%
社会救助中心	491844	500189	492695	99%
专业顾问单位、受保护住房及危机干预中心	559	525	789	150%
看护服务与专业护理服务	66671	71244	77740	109%
外国人救助	2152	2357	1990	84%
社会融入中心	6	12		
去除自然灾害影响	202093	34862	23162	66%
其它活动	588977	662856	561481	85%
	<b>3852466</b>	<b>4087782</b>	<b>4371891</b>	<b>107%</b>
<b>动态 (前年 = 100%)</b>	<b>94%</b>	<b>111%</b>	<b>107%</b>	

### 优势

波兰社会救助体系的特点是针对不同需求人群提供不同的救助方法。救助处于行政层面，其离市民及地方社区最近。一方面，可以使我们提供有效的个性化救助，解决特

定人员或家庭的特殊问题，另一方面，地方政府与自治区又有相当大的灵活性，在制定社会救助政策时考虑到了当地社会经济条件。

波兰社会救助体系一个重要特点是，它为需要救助人群提供了足够的专业支持，强调了社会工作者及其工作的重要作用。社会工作是一项受规制的职业，需要具备足够的教育背景和实践经验，并且要求通过正式的专业培训。

救助项目的结构与发放流程确保了社会救助体系作为最后解决方案的有效性，确保其针对个人及家庭的困难有效作出直接与快速地响应。

## 关键问题

波兰社会救助体系具备很多特点，既展现了优势，也隐含着具体的挑战与问题。比如，因为各地区及村镇的社会经济发展水平不平衡，导致社会救助体系出现地区差异。在很多情况下，这也导致了在获取救助服务方面的不统一性，以及地方社会救助机构提供的支持出现重大差异。救助资金的融资渠道以及地方政府在预算方面的作用也是很重要的。

由于对社会工作者的教育与雇用的特定要求，也导致了在地方层面内缺乏专业的社会救助工作人员。其它问题包括社会工作者工作量过大（常兼任行政与文员工作），他们通常在困难与危险环境下工作，很容易出现职业倦怠。

此外，波兰社会救助体系面临着与整个社会政策体系相同的挑战，比如人口变迁，适用所提供救助金的相关需求，与专注于帮助激发受益人并使其独立，防止出现地区社会问题的其它社会服务机构的协商和合作的需求等。



## 西班牙

### 1. 社会救助体系与法律框架

西班牙属于议会君主立宪制国家，其民主政府受法律管辖。1986 年起成为欧盟成员国，同时十分注重其与大西洋彼岸的伊比利亚美洲（即说西班牙语的美洲国家）的联系。

根据 1978 年西班牙宪法，全国政治与行政区划分为十七个自治区，同时还包括休达和梅利利亚。

自治区是西班牙王国宪法体系中的领土单位，拥有立法自治权、执法权，以及自治区政府通过其代表的管辖权。

### 西班牙宪法与自治法有关社会服务的规定

1978 年西班牙宪法确立了以下社会权利：家庭经济、法律与社会保障方面相关权利（第 39 条）；保障所有公民在需要时提供足够救助与社会救助金的公共社会保障体系（第 41 条）；享有良好住房的权利（第 47 条）；针对残疾人的预防、治疗与康复、融入以及专业护理政策（第 49 条）；通过足够及适当的抚恤金为老年人提供足够收入、通过社会服务体系，响应老年人在健康、住房、文化与娱乐方面面临的问题，提升老年人的幸福感（第 50 条）。

根据宪法，自治区负责根据各区情况，制定社会服务法律。

### 中央和地方各级公共机构的任务分工

所有自治区均按其自治条例行使社会服务专项权利，制定必要的法律，为本地区发展提供服务。

但是，在保障全体西班牙公民平等行使其权利及履行宪法义务方面（第 149.1.1a 条），国家也可以对其基本条件加以管理，因此，就社会服务领域的基本条件也制定了相应法律。

### 社会救助的宗旨与主要原则

社会服务是试图解决经济与社会不平等的手段，目的是为确保所有公民的生活质量，提高集体幸福感。为此，不同机构与领域制定了不同类型的响应措施。

针对此项事务，国家与自治区通过了法规，并制定了相关计划与服务措施，缓解存在的劣势。这些措施逐步加入到不同的行动领域（社会保障、社会服务、健康与就业），或者在管理特定人群的法规中纳入这些措施（残疾人、老年人或依赖人群）。

鉴于其重要意义，国家通过的法规《推动个人自主及关注依赖人群法》，尤其值得注意。该法律管理西班牙全境基本条件，确定了公民如因年龄、疾病或残疾、缺乏或失去身体、精神、智力或感官自主能力，在需要他人看护或重要救助以执行日常生活中的基本活动，比如穿衣、吃饭、外出等，有获得服务或经济利益的权利。

最后，值得注意的是，通过这两个基本手段，建立了很多重要的关爱计划。我们借助个人补贴与公共救助，或者国家层面与自治区授权从事关爱人群计划的非政府组织。此外，国家与自治区之间的合作，是通过社会服务地区理事会、自主与关注依赖体系，以及社会服务方面的合作协议及其批准的财务承诺进行的。



## 提供社会救助和支持的机构，包括非政府组织的作用

针对老年人与依赖人群（长期关爱），在国家层面有移民及社会服务协会(国家移民与社会服务机构)、卫生部下属的社会保障管理机构、社会服务大臣领导的健康、社会服务与平等部，具有以下职能：

- 管理并监督非缴费制残疾与退休金。
- 补充社会保障体系救助金的服务。
- 监督有关残疾人权利及其社会融入的一般法修订文本规定的经济补助的管理，但不影响在休达与梅利利亚地区直接管理这些救助金。
- 基本立法建议，确保在确定残疾程度时的平等与公正。
- 建议并实施老年人及社会服务协会的职能，尤其是为所有依赖人群制定个性化救助计划及基本管理规定，保证服务的全民性。
- 推动老年人组织与机构的合作。
- 建立并管理专业护理中心。
- 建议、管理并监督国家层面老年人与依赖人群社会服务计划。
- 与外国及国际团队的联系，为在其行动范围内的事务及团队的国际合作计划提供技术援助。
- 推动个人自主及支持依赖人群法律框架

社会服务由名为社会服务地区理事会与依赖人群自主及关注体系的合作团队负责组织，该合作团队由国家（社会服务部）及自治区（社会服务主任）代表组成。决定必须由代表一致通过批准。国家与自治区均注入资金，提供财务支持。

关于非政府组织的合作，行政方面（即国家移民与社会服务机构）与民间团体的合作是由全国老年人理事会组织的，自治区层级也存在这些理事会。

## 社会救助和支持形式

西班牙政府通过国家移民与社会服务机构制定国家层面老年人与依赖人群的政策（长期关爱）。其目标和行动以公民为中心。

### 1.1. 老年人

根据以上前提，处理老年人政策，重视发展与提供服务。必须谨记的是，2011 年的经济形势带来了不确定性，因此需要恢复公共财政的稳定性，恢复到长期增加的轨道上。尽管如此，政府做了很多努力，将维持老年人的政策作为重中之重。

而最优先事项，无疑就是养老金。政府每年对非缴费型养老金进行调整，有超过 450,000 人领取此类养老金，2011 年-2013 年间增加了 5.3%。为租房者提供了辅助救助金，残疾人获得作为员工或自雇人员的工作收入同时，还能领取非缴费型残疾救助金。

2014 年，移民及社会服务协会(国家移民与社会服务机构)总计向 451,816 人士支付了非缴费型退休金与伤残抚恤金 23.55 亿欧元，其中 68%为女性。

此项保护政策使 65 岁以上人员的贫困率低于欧盟平均水平。西班牙此项贫困率低于象瑞典、英国这样的国家。过去三年里，贫困率降低了 7.3%。

改善老年人生活与健康的老龄计划也得到积极实施。同时，为老年人建立了一个互相联系的社会。移民及社会服务协会(国家移民与社会服务机构)每年预算为 30 多个政府机构拨出了将近 240 万欧元。此外，通过非政府组织收入税补贴，政府在过去两年里为身处困境的老年人护理服务拨付了将近 1.46 亿欧元。

同时，还维持并改善了针对老年人的社会旅游与康复水疗项目：

社会旅游项目由移民及社会服务协会(国家移民与社会服务机构)部分出资，帮助老年人在十月至来年六月的旅游淡季期间，以实惠及有吸引力的价格享受假日时光。在旅游类型与时间上也有各种不同方案。

移民及社会服务协会(国家移民与社会服务机构)还为老年人以打折价格享受康复水疗项目，根据医疗报告获得基本治疗。有了这个项目后，很多疗养地是全年开业，这也增加了旅游淡季的就业率。

这两个项目提供了 110 万个客房空位，1005 万人次旅客过夜，创造了 4.35 亿欧元的财富，帮助维持了 104,000 个就业机会。同时，针对老年人旅游与温泉疗养总计补贴 230 万欧元，1 万多名残疾人享受了旅游及水疗项目，创造了 1800 多个额外工作岗位。

社会旅游项目使用了将近 93.8 万个客房空位，为 301 家酒店创造了 830 万个住店过夜人次机会，产生了 3.17 亿欧元的经济效益（0.66 亿欧元由国家移民与社会服务机构提供），创造了将近 89000 个就业岗位。

现今，2014 水疗项目所有指标均优于 2008 年同期，当时经济危机尚未开始。而对经济方面的影响也是如此（2008 年 0.9297 亿欧元；2014 年为 1.171 亿欧元），参与疗养院数量（2008 年：84 家；2014 年达到 105 家），可用客房空位（2008 年：183,872；2014 年达到 209,222 个），过夜人次（2008 总计为 2,022,592；2014 达到 2,250,000）。

未来几年里，社会旅游项目新订了不少合同，在提供的项目方面更具多样性与灵活性，并有更多可用客房空位。当然，还有一些新的水疗合同，采纳了一些灵活与有效的措施，以平衡供需。

在现在与未来阶段，继续推动实施相关措施与行动，积极巩固预期寿命健康增长，需要全社会的积极支持，以及政策框架不断推出新的内容。在此方面，移民及社会服务协会(国家移民与社会服务机构)已经着手制定“老年人行动框架”，并部署到社会各个方面。该行动框架旨在确保老年人获得最佳治疗；提升其个人与社会权利；设计行动，让他们觉得自己是社会不可缺少的活跃的一分子，自己为社会做出了重要的贡献；因此，即便在亟需社会救助的情况下，他们也能视自己为社会积极一员，被社会接纳和爱护。

老年人行动框架制定了积极的老龄计划与代际间团结的指导原则以及措施，这些原则在 2012 年 12 月 6 日由欧盟理事会（EPSCO）通过，作为欧洲 2020 战略的补充。理事会首先作了含蓄声明，不过后来于 2013 年 2 月 20 日欧盟委员会的沟通中，鼓励成员国遵循这些指导原则。在此方面，西班牙是首个制定并遵守这些原则的欧盟国家。

行动框架经历了广泛的争辩与参与过程，主要是老年人通过其协会与公共机构，尤其是其主要顾问机构：全国老年人理事会参与其中，后来于 2014 年 10 月 8 日全体会议上批准。

所批准的文件包含 348 份建议与措施，作为行动纲领，目的是为引导针对老年人的政策与行动，提高政府内部、政府部门、公司及社会的认知度与敏感度，鼓励这些部门及机构予以采纳。不过，此框架并非限定数量的措施列表，而是有待于未来继续发展及补充。

行动框架中的 348 份提议经分类成为四大主题部分：就业、社会参与、独立生活与非歧视、机会平等及关注弱势群体。

移民及社会服务协会(国家移民与社会服务机构)拥有 19 个不同类型的护理中心，分布于西班牙全境。总计有 1465 个居住床位，日间护理中心有 349 个床位，雇用了将近 2 千名专业人员，为人们提供综合护理，提高个人自主，改善生活质量。

其中有六家属于残疾人康复中心[西班牙语缩写为 CRMF](位于拉科鲁尼亚和阿尔瓦塞特省的贝尔贡多；位于加的斯的圣费尔南多；位于拉里奥哈、马德里 和 萨拉曼卡的拉尔德罗)。它们的目的是为了实现医疗与心理康复，为身有残疾或感觉障碍的工龄人士提供职业指导与培训，培训可根据个人情况、需求及用户兴趣，分为寄住、半食宿或门诊等类型。

另外一组由残疾人护理中心组成[西班牙语缩写为 CAMF](位于埃尔费罗尔,拉科鲁尼亚；阿尔库埃斯卡尔，刻瑞斯；波佐布兰科，科尔多瓦；瓜达拉哈拉；及莱加内斯,和马德里)。这些中心为残疾人提供综合护理，分为寄住或半食宿，这些残疾人缺乏合理的职业恢复前景，因为其残疾较为严重，极难融入劳动力市场，无法照顾自己的基本日常活动需求。

此外，还有国家参考中心（西班牙语缩写为 CRE），是无自理能力人士自主及关注体系（西班牙语缩写为 SAAD）框架内的社会服务资源，目的是为推动并改善依赖他人生活的老年人或残疾人护理领域的资源。

它们在以下领域为依赖人群实施社会保障方面的创新项目、方法与技术：干预、编制、分析、传播在其专业领域内的信息与知识；职业培训与资格评定；推动并制定最佳实践；通过信息、广告、培训及支持行动关注家庭、协会、实体及专业人员。

目前，移民及社会服务协会(国家移民与社会服务机构)拥有五家中心：位于圣安德雷斯德拉瓦内多的重度残疾人护理及推动个人自主及关爱对他人依赖人员的中心；位于萨拉曼卡的阿尔茨海默病及其它痴呆症护理中心；位于马德里的脑损伤护理中心（西班牙语缩写 CEADAC）；位于布尔戈斯的罕见病人及其家属护理中心；位于马德里的推动个人自主中心（CEAPAT），旨在消除因年龄或残疾导致的行动障碍；为政府机构、协会、公共与私人团体及有需要人士提供研究、信息与技术支持。

2015 年，将新增三家国家参考中心。施工已经完成，这三家中心有些已经得到部长授权，有些正在获取授权的最后阶段。以下为新增中心：

关注严重精神疾病患者心理社会问题国家参考中心（CRE），位于巴伦西亚。

针对依赖人群的国家参考中心，位于莱昂。

针对依赖人群的社会及医疗关爱国家参考中心，位于索里亚。

此外，位于兰格雷奥的“史蒂芬·霍金”神经功能疾病患者国家参考中心，计划自筹资金，于 2015 年完成施工与装备。

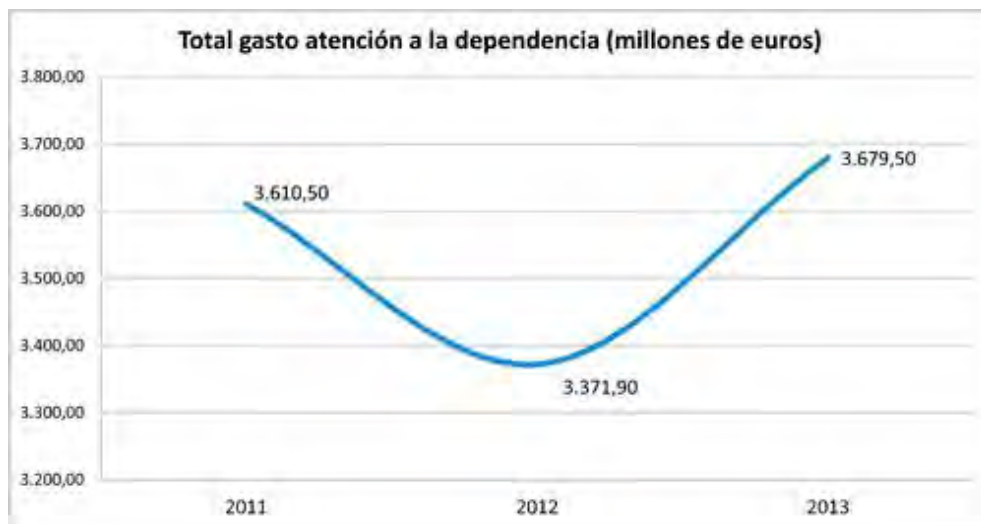
除了这些中心，休达与梅利利亚地区理事会建立了中心：休达老年人社会中心及下属日间护理单位，梅利利亚老年人社会中心及下属日间护理单位，以及位于梅利利亚老年人综合服务中心，由这些城市直接管理，从而完善了移民及社会服务协会(国家移民与社会服务机构)中心的网络。

## 推动个人自主，帮助依赖人群

2006 年 12 月 14 日颁布的第 39/2006 号法律，确立了保证公民行使主体权利、以推动个人自主与关爱依赖他人生活人士的基本原则。为此，建立无自理能力人士自主及关注体系（SAAD）具有至关重要的意义，解决并协调一般国家行政及西班牙地方政府、自治区之间的合作行动。

在 SAAD 体系中，管理鉴定依赖性的程序与体系提供救助金的合法性是自治区的责任。管理从提交申请救助金开始，至正式鉴定确认（如适用），确定有效日期，包括按比例评估依赖情况，声明认可这种情况。国家有权力管理保证全体西班牙人行使其权利的基本条件。

表 1 关注依赖人群总计支出（百万欧元）



来源：无自理能力人士自主及关注体系

## 影响国家移民与社会服务机构职能的最新改革

### 1.1. 关于长期护理

2012 年 7 月 10 日，无自理能力人士自主及关注体系地区理事会（现名为社会服务与无自理能力人士自主及关注体系地区理事会）与自治区联手批准了一项协议，协议包括了改善此体系的措施。这些措施形成了一个公平的关心体系，延伸其服务与救助金类别，保证了公民权利及评估范围（2011 年 2 月批准），该评估是纳入体系的入口，确保了体系的质量、公正性及可持续性。这些措施给予严重依赖人士优先考虑，通过职业服务推动就业，如同当初批准时预期的那样，确保了资金足够应付最低保障水平。



## 过去三年：

制定针对依赖人士法律的法规（共包括 671 个自治区法规及 134 个国家法规）得到重新组织与简化。

为响应市民呼声，评估依赖程度的流程从之前的六个等级减少到三个，简化了流程。

改善服务与救助金类别，为所有程度的依赖人士提供个人支持（之前仅限严重依赖人士）。

通过提供合理的最低标准培训，或在个别地区确保住房，根据法律规定增加合格的职业服务，推动制造就业机会，从而改善依赖他人生活人士的家庭护理的质量。

地区理事会批准相应标准、推荐办法及最低条件，允许自治区针对依赖他人生活人士的情况、并特别考虑风险及老年人的行动制定预防计划，防止出现依赖情况。

地区理事会就通用标准、推荐方法与最低条件达成一致意见，针对三岁以下儿童出现依赖或或能出现依赖的情况制定综合计划，加强对儿童的关注。

改善信息体系的透明度，使其能真实反映出管理状况，数据录入系统后，每月由自治区出具证明，建立保障；每年就资助依赖他人生活人士的缴费情况出具证明。系统中所有信息均公布在依赖平台及西班牙官方公报（BOE）。

审计院反映的不合规情况已经得到解决，故而能够从一般国家预算中获得三千九百万欧元预算。

根据非职业护理人特殊劳动力协议，通过社会保险缴款支付社会保障库务局的债务，总计 10.34 亿欧元。

## 社会救助计算方法和受益人——确定目标群体

2006 年 12 月 14 日颁布的第 39/2006 号法律其目的是为需要帮助人群提供必要的支援，以便其执行基本日常活动。救助金可为现金或实物形式，由中央政府与自治区政府联合提供资金并发放，在绝大多数情况下，须由受益人按一定比例缴费。

依赖分为三种：等级 1——中等；等级 2——严重；等级 3——极度依赖。至于补助方面，则包括不同服务与现金救助补贴。在全国范围内建立了广泛的服务体系，地方通过公共中心或公共部门资助的私人中心控制公共社会服务网络。公共机构网络归地方政府管辖，连同地方机关、国家参考中心、正式认证的私人提供方一起提供这些服务。

必须满足以下条件，才能享有经济补助与依赖服务：

—其依赖程度属已确立的程度之一（需要一个或多个人员照顾才能执行日常基本任务）。由健康与社会服务体系专业人员在该人家庭按一定比例对其情况作了评估。

—过去五年里居住在西班牙，且其中两年必须紧接在申请提交日期之前。

—无年龄限制。

—根据收入与个人健康情况缴纳服务费用。如果收入低于西班牙公共收入指标（2015 年为每月 532 欧元）的领取人，不需要为服务缴费。同样，经济补贴的最高金额可能根据个人资源进行降低（对于极低收入人群，可获得较多金额）。



此外，社会服务专业人员建立了个人护理项目，由他们从服务及经济补助形式中选择最能够符合需求的形式，同时还提供参与及事先咨询，以及从建议替代方案中选择的其它干预模式。

月度经济补助及服务内容如下：

—预防服务及推动个人自主

—远程支持

—日间与夜间护理中心

—寄住护理

—与上述服务关联的经济补助。针对私立机构提供的护理与上述服务，确定相应金额获得护理与服务。

—一个人助理经济补助。

—家庭护理经济补助。

## 数值统计数据

基本管理数据截止至 2014 年 11 月 30 日：

- 729,313 名受益人领取有效补贴（目前 81.29%具有有效权利，比 2011 年提升了 10 个百分点；重大与严重依赖他人的人员上升到 86.62%）。2014 年前 11 个月新增 56,834 受益人，使过去三年里新受益人总数增加到 281,644。11 月，总计有 6,875 名有权领取补贴的新受益人添加到系统中。

- 目前受益人中，38,214 名年龄不满 18 岁，而 2012 年 1 月是 31,793，上升了 20.2%。

- 等候领取救助金的人数为 167,869，本年度到目前为止减少了 11.88% (22,634 人)，自 2012 年 1 月以来减少了 45.13% (138,072 人)。这是自依赖计划实施以来，等候领取救助金人员的年际数据及规模出现的最小数据。

- 符合条件的关爱依赖人群专业服务代表了总计认可救助金的 58.5% 及经济补助的 41.5%。与 2012 年 1 月 1 日相比，专业服务总计提升了 3.9 个百分点。

- 自 2012 年以来，社会保障呈现出明显的联营趋势。新增 15,309 家联营单位。11 月 30 日，总计新增 353,429 家联营单位。

以下图表显示了这此数据与立法开始阶段相比出现的变化：

关于 SAAD 资金。2013 年，一般国家预算资金转拨至自治区，作为关注依赖人群的资金，与 2011 年相比，上升了六千九百万欧元（从 36.105 亿欧元上升到 36.795 亿欧元）。两部法律（第 39/2006 号及第 22/2009 号法律）保障了此项资金。2014 年 5 月 29 日批准的审计院第 1,035 号审计报告中证实了这一点。

表 2 等待领取救助金人员



总计减少: -138.072 来源: 无自理能力人士自主及关注体系

审计院根据 2012 年数据认为, 用于依赖人群的专项资金由以下三方面组成: 最低水平保护(由国家移民与社会服务机构负责), 占比 19.7%, 自治区收到国家拨款 29.52% (根据第 22/2009 号法律通过补充性非专项资金), 其 50.77% 由这些自治区承担。

## 优势

### 一属于主体权利

推动个人自主、关注依赖人群的法律认可公民主体权利。在出现意见分歧时, 公民可上诉至高等法院, 为其权利辩护, 因此并不依赖行政部门拥有的鉴定裁量权。

### 一国家与自治区之间的合作

### 一全国各地区提供的服务类型相同

不论受益人居住在哪个自治区, 针对依赖人群的服务目录都是一样的。评估依赖程度时只有一个标准, 所以所有受益人都采用了相同技术的评估手段。

2015 年, 在关注依赖人群方面, 将全面适用第 39/2006 号法律, 从 2015 年 7 月 1 日起等级 1 (中度依赖) 受益人也将纳入该法律范围。此外, 将全面实施依赖人群自主及关注体系信息系统。地区理事会将制定关注三岁以下处于依赖或可能存在依赖的儿童综合计划评估并批准。还将开展“推动、开发及巩固西班牙个人助理作用”的综合项目, 该项目得益于依赖人群自主及关注体系服务目录。

## 关键问题

### 一地区失衡

因为社会经济条件各不相同, 所以并非所有自治区都具有相同水平的社会服务。有的地区老龄人口及低收入人群较多。

此外, 有的自治区居民居住较为分散, 有的自治区分布于岛屿, 也对这种不平衡产生了影响。

目前正采取措施, 通过社会服务理事会与依赖人群自主及关注体系扭转这种局势。

## 捷克共和国

### 1. 社会救助体系

社会救助形式包括非缴费型社会救助金和实物，比如社会服务和社会工作。

非缴费型社会救助金由以下几个主要部分：国家社会支持、物质需求救助、残疾人救助金和护理补贴。

#### 社会救助和支持机构

非缴费型社会救助金由捷克共和国劳工局准予并支付。该劳工局负责决定救助金的发放。相应地，救助金申请应提交给该劳工局。

救助金申请由捷克共和国劳工局 14 个区域分支机构之一的联络点受理。受理点为救助金享有人（符合资格的申请人）常住住所所在的联络点。

救助金申请应按照劳工和社会事务部规定的格式递交。

上诉机构为劳工和社会事务部。

#### 社会救助和支持形式

##### 1.1. 享有的救助金

捷克公民和外籍人士如果自身连同其家庭成员/同居人士登记为捷克共和国永久居民，并在捷克有居所，则有权享有救助金。对于非欧盟外籍人士，则必须是自居留申报之日起超过 365 天的外国人，且不包括此人寻求庇护的时期。这些人中还包括可直接适用欧盟法律的欧盟公民。

领取救助金权自申请之日起 3 个月内到期。如果是一次付清的救助金，则应自申请之日起一年内到期。

得到国家社会支持的家庭包括父母及受其抚养的子女，但前提是它们必须共同居住，并承担共同需求成本。

#### 收入评估

一些救助金在发放前需要对申请人收入进行核实。经济状况调查不在国家社会支持 (SSS) 计划范围内。当对其收入进行核实时，最低生活费相关的某机构应按最低生活费的倍数，设定收入限额。

在核实收入时，应对提出救助金申请的家庭所有成员的收入进行核实。这意味着最低生活费是以每户家庭，而非以个人为单位。

决定是否有权获得国家社会支持救助金的收入包括但不限于养家收入（就业）、创业或其他自谋职业收入、疾病和养老保险费、失业金和类似的境外收入。所有这些收入都是净收入。

最低生活费是指满足家庭基本需求的金额，住房成本除外。独居成年人的最低生活费为每月 3140 捷克克朗。如果另一位共同受评估人为受其抚养的子女，<sup>26</sup>且年龄在 15-26 岁之间，则费用为 2450 捷克克朗；年龄在 6-15 岁之间的，费用为 2140 捷克克朗；年龄在 6 岁以下的，费用为 1740 捷克克朗。换句话说，每户家庭的最低生活费各不相同，这取决于该户家庭住了多少人，其中有几名小孩，小孩年龄。<sup>27</sup>

## 国家社会支持 (SSS)

该计划可以追溯到 20 世纪 90 年代，所依据的是 1995 年颁布的第 117 号国家社会支持法及其修订案。它的优势在于主要面向家庭（也就是“家庭救助金”）。

国家社会支持体系所遵循的一项规则为在某些规定的社会状况（比如分娩）下发放救助金。如果满足条件的相关人士申请救助金，则必须予以发放。

## 国家社会支持救助金概述

### 儿童补贴

向家庭收入低于最低生活费 2.4 倍有子女需要抚养的家庭提供儿童补贴。

根据儿童的年龄，该补贴分为三个层次：

受抚养子女的年龄	儿童补贴月金额（捷克克朗）
6 岁	500
6-15 岁	610
15-26 岁	700 <sup>28</sup>

### 住房补贴

如果业主或永久居住在该物业的登记租户的住房成本在家庭收入的 30% 以上（布拉格 35%），则应向其提供补贴。该家庭收入的 30%（布拉格 35%）必须低于法律规定的成本。<sup>29</sup>

住房补贴水平定为规定住房成本和相关家庭收入乘以系数 0.30（布拉格 0.35）之间的差额。

在发放住房补贴时，该公寓下登记的所有永久住户都必须接受共同评估。

<sup>26</sup>受抚养子女是指抚养子女到他们/她们完成义务教育，以及继续教育或职业培训之后，或者他们/她们是残疾人，但最多不超过 26 岁。

<sup>27</sup>举例：家庭成员包括父亲、母亲、两名子女（一个 8 岁，一个 17 岁）和外婆。该家庭该家庭的最低生活费为 3140 捷克克朗（第一位成年人）+2830 捷克克朗（第二位成年人）+2830 捷克克朗（第三位成年人）+2140 捷克克朗（年幼的子女）+2450 捷克克朗（年长的子女），共计 13390 捷克克朗。

<sup>28</sup>上述例子中领取子女抚养补贴的该家庭该家庭收入限额为 32136 捷克克朗（13390X2.4）。如果该家庭该家庭的家庭收入低于此限额，则有权领取 1310 捷克克朗的子女抚养补贴，其中 610 捷克克朗是给年幼子女的，700 捷克克朗是给年长子女的。

<sup>29</sup>该规定住房成本为根据市区规模和家庭成员人数得出的平均住房成本。该成本包括租金以及合作公寓住户和公寓业主产生的类似成本。此外，成本还包括服务和能源费。该规定住房成本的计算依据是公寓的实用面积和长久住在公寓内的人数。

## 父母补贴

亲自正式照料家庭中最年幼子女的一方家长有权领取父母补贴。可持续领取父母补贴，直至全部的 22 万捷克克朗提完，但最多到子女满 4 岁。

如果家庭中至少有一方家长参加医疗保险的，那么家长可以选择享受父母补贴（自提取之日起）。父母补贴每月最高金额限制为 11500 捷克克朗或以下，这取决于扣除医疗保险费之前收入的多少。父母补贴金额每 3 个月变动一次。

如果任何一方家长的每日评估基数都不能确定，父母补贴可按每月固定金额 7600 捷克克朗支付，直到孩子满 10 个月，然后再按每月固定金额 3800 捷克克朗，直到孩子满 48 个月。

父母收入未经过核实的，提取补贴的一方家长可以开展职业活动，这样就不会失去享受父母补贴的权利。但是，该家长必须保证在职业活动期间，孩子在另一个成年人的照看之下。如果未满 2 岁的孩子每月有超过 46 小时的时间呆在托儿所或其他学前儿童机构（如果家长或孩子是残疾人，那么该限制条件应提高），那么家长将无权享受父母补贴。

## 生育补助金

这是一次性发放给低收入家庭的救助金，旨在帮助他们承担为第一个和第二个孩子的诞生所花费的成本。如果家庭收入不超过家庭最低生活费的 2.7 倍，则该家庭享受出生补贴。第一个孩子的生育补助金达 13000 捷克克朗，第二个孩子达 10000 捷克克朗。

## 丧葬补助金

安排受抚养子女丧葬的人或该受抚养子女的父母一方可以一次性领取 5000 捷克克朗的丧葬补助金，条件是死者在死亡之日为捷克永久居民。

## 物质需求救助 (AiMN)

该计划于 2007 年 1 月 1 日根据 2006 年颁布的第 111 号物质需求救助法推出，用于帮助收入不足的人。该计划还鼓励他们积极努力确保他们所需的资源能够满足其生活需求。与救助对象一起开展社会工作是物质需求救助体系的组成部分。

物质需求救助用了另外一种金额，也就是最低生存费。该费用是指满足基本生活需求的最低金额，定为每月 2200 捷克克朗。该费用不适用于受抚养子女、患有严重残疾的人和年逾 68 岁的人群。

请注意，最低生存费低于最低生活费，不过两者都是一个激励手段。在某些情况下，这两个金额可以用来计算救助金，选择哪个取决于申请人的态度（比如，如果某人配合捷克共和国劳工局的工作，则选择最低生存费）。

物质缺乏的人是指没有足够的收入，且其整体社会和财产关系使他们无法享受社会上公认的基本生活需求的个人或家庭。与此同时，这些人客观上无法增加他们的收入（通过正式的权利和索赔申请，或通过变卖或以其他方式处置自身的资产），因此也就无法通过自己的行动改善自己的处境。不设法通过自己的行动改善自身处境的人，则不被认为是物质缺乏的人。

物质需求救助金包括：

- 生活补贴
- 住房补贴
- 临时紧急救助

## 生活补贴



这是向收入不足的个人或家庭提供的基本救助金。如果个人或家庭收入低于扣除合理住房成本的生活费时，此人或这户人家有权享受生活补贴。

在对个人的收入和工作状况进行综合评估之后，生活补贴金额逐个确定。家庭生活补贴根据每位家庭成员的收入总数确定。生活补贴源自于最低生活费或最低生存费（选择哪个要看相关人士的态度，或者看此人的行为是否符合物质需求救助法的规定）。

生活补贴金额为个人或家庭生活费和收入，减去合理住房成本（合理住房成本最多为此人或家庭收入的 30%，在布拉格为 35%）的差额。

### 住房补贴

第二项物质需求救助金适用于个人或家庭收入（包括根据国家社会支持体系有权享有的住房补贴）不足以支付合理住房成本的情况。

该救助金应提供给有权享有生活补贴和住房补贴的公寓业主或租户。在特殊情况下，住房补贴可以发放给不符合住房补贴领取条件的人或采用租赁以外的方式供给住房的人。

住房补贴的确认方式为个人或家庭在付清合理住房成本（即租金和与住房和能源成本相关的服务）后剩余的生活费。

救助金支付期限限于最后十个日历年期间的 84 个月，也有例外情况，经整改后的公寓里只住着年逾 70 岁的老人和残疾人。

### 临时紧急救助

向面临不得不立即解决的紧急情况的人提供临时紧急救助。符合条件的有六种情况：

1. 由于缺乏资金某人无法满足物质需求，这严重威胁他们的健康。该救助金弥补了此人的收入，等同于最低生存费。
2. 在某人为重大异常事件（自然灾害、风暴和大风、生态灾难和火灾等）的受害者的情况下，最高救助金金额为个人最低生活费的 15 倍，即 51150 捷克克朗。
3. 在某人没有足够的资源来支付必要的一次性支出，特别是指个人证件复印管理费，或经济损失的情况下，最高救助金金额为该一次性支出数额。
4. 在某人没有足够的资源来购置或修理基本的家具或物品的情况下，补贴的最高金额为这笔开支的金额，但授予的补贴总金额数不得超过个人在一个日历年内的最低生活费的 10 倍，即 34100 捷克克朗。
5. 在某人没有足够的资源来支付与受抚养子女教育或特殊利益相关的合理成本，或为依法维护儿童的权利开展必要的社会活动的情况下，救助金金额为该最高费用额，但授予的补贴总金额数不得超过个人在一个日历年内的最低生活费的 10 倍，即 34100 捷克克朗。
6. 对于面临社会排外风险的人，比如羁押获释或出狱的人，孤儿或寄养在别家的人，或戒完毒的人，应向其发放 1000 捷克克朗的补贴。该补贴可反复授予，但授予的补贴总金额数不得超过个人在一个日历年内的最低生活费的 4 倍，即 13640 捷克克朗。

### 残疾人特殊补贴

分为两种救助金，一种是出行补贴，另一种是特殊救助补贴。残疾人还可以获发残疾人证（根据医学鉴定服务机构医师对健康状况进行的评估）。

这两种救助金和证书均由捷克共和国劳工局授予。该局同时还是上诉机构。

### 出行补贴

出行补贴是提供给获得 ZIP 或 ZTP/P 残疾人证（见下文），且多次自费出行之人（年满 1 岁）的经常性强制补贴。补贴每月金额为 400 克朗。

### 特殊救助补贴

特殊救助补贴是针对不在医疗保险范围内的一次性支付的强制救助金。该救助必须能够帮助残疾人自立、工作、接受教育和进行社会交往。该补贴的授予对象为需要借助辅助设备的严重障碍者，盲人或聋人。符合救助金发放条件的救助列表由相关部门颁令确定（比如残疾人专用车、导盲犬、盲人打字机、专用门铃或特别打造的车辆或公寓）。

该补贴金额应根据具体情况逐个确定。该金额根据救助工具价格或其类型决定。

- 如果价格在 24000 捷克克朗以下，则只向收入低于最低生活费乘以 8 的人士提供补贴（允许有例外情况）。而且，申请人必须支付该价款的 10%，至少 1000 捷克克朗。
- 如果价格在 24000 捷克克朗以上，无需对收入进行核实即可提供补贴，但申请人必须支付该价款的 10%，至少 1000 捷克克朗。允许对低收入申请人放宽要求，但 1000 捷克克朗的最低付款保持不变。补贴最高金额为 35 万捷克克朗（如果是“楼梯升降机”，则为 40 万捷克克朗）。
- 如果救助是一辆机动车，那么最高补助为 20 万捷克克朗。金额应根据出行频率和原因、权利人（和相关人士）的收入以及社会 and 财产情况逐个确定。

### 残疾人证

残疾人证是可以在各个分支机构享有多重优惠/特权的“一张卡”。患有身体、感官或精神残疾，且其行为能力受到限制的人（年满 1 岁）符合获发残疾人证的条件。

根据残疾的严重程度，残疾人证分为三种类型（TP、ZTP 和 ZTP/P）。TP 残疾人证持有人有权享受公共交通工具上的专座，或在办理事情时，无需长时间站立等候，可予以优先受理。凭 ZIP 或 ZIP/P 残疾人证可免费乘坐市政交通工具；在坐火车或定点巴士时可享受优惠价；可免缴一些税收或免除一些费用。一些民营企业还会向持证人提供各种优惠待遇和折扣。

### 社会服务

社会服务业受 2006 年颁布的第 108 号社会服务法及其修订案的管制。社会服务工作者在中间协助自我照顾、提供膳食、住宿；协助持家；照料并协助抚养小孩；提供信息；充当与社会环境接触的媒介；心理和社会疗法；帮助维护权益。

社会服务帮助人们过上正常的生活：让他们工作、购物、上学和祷告、参与休闲活动，照顾好自己及其家庭，这些服务旨在确保人们享受着尽可能高品质的生活和维护他们的尊严。社会服务对象为个人、家庭和群体。

向处于不利社会状况的人提供社会服务，但这些人必须是捷克共和国永久或长期居民。受益最多的群体大多是老人、残疾人、有孩子的家庭，当然也包括因各种原因生活在社会边缘的人。

#### 1.1. 社会服务提供者

市政和地区政府注重创造社会服务发展形成的适当条件，尤其是研究人们的真正需求和满足这种需求所需的资源。此外，它们还设立组织，提供社会服务。

提供广泛的服务的非政府非营利组织和个人同样也是很重要的社会服务机构。

劳工和社会事务部创办了五个专门的社会服务机构。

总共有大约 2400 家注册社会服务机构。

## 社会服务申请

通常情况下，个人必须申请社会服务。对于某些类型的社会服务，比如在行政诉讼中提供的服务，必须经过市政和地区政府决议。这种服务特别包括居家照顾服务以及残疾人和老年人在家看护服务。合同中应包含有关受助者提供服务费的规定（请注意一些服务是免费。对于免费服务，不需要本条款）。

## 社会服务类型

- 社会咨询
- 社会护理服务
- 社会预防服务

服务可以是居家的（这种服务包括住宿），也可以不居家（救济对象去提供者那里，但不住在那儿）和现场服务（在原有状态下为救济对象提供服务）。

服务类型在社会服务法中有规定。社会服务法还规定了服务费支付规则（选择性服务可免费提供）。

社会服务只能由注册服务者提供，除非服务提供者为社会服务接受者附近的自然人。应向相关区域当局完成注册手续。注册条件之一为提供者必须遵循劳工和社会事务部颁令规定的质量标准。劳工和社会事务部保管着一本全捷克社会服务提供者的登记簿。

地方主管部门负责协调在其区域范围内的社会服务，确保可获得服务。主管部门收到国家预算救助金，且必须将该救助金用于此目的（主管部门向劳工和社会事务部申请救助金）。地方主管部门可以决定向社会服务提供者提供补贴。劳工和社会事务部既可以向市政和地区政府提供专项补贴，便于社会工作的开展，也可以直接补贴社会服务提供者。

**劳工和社会事务部**负责社会服务检查。

但是，劳工和社会事务部的首要任务是编制系统化的长期措施和相关法律法规，并为社会服务质量的提升提供支持。例如：

- 1、 根据研究发现的人们的需求在各地区和各市规划社会服务网络；
- 2、 资格提升；
- 3、 改善服务质量，重点保护受助者的权利；
- 4、 公众和互动活动，也就是非营利部门。

## 现金救助补贴

现金救助补贴是向受另一人照料之人提供的非缴费型救助金，旨在帮助此人获得处理基本生活需求所需的社会服务和其他形式的社会救助，而不是承担所有的照顾费。

向常年身体状况不佳，必须在另一个人的帮助下才能满足基本生活需求的人提供现金救助补贴：出行、定位、通讯、吃饭、穿衣穿鞋、洗澡、如厕、照顾个人卫生、进行个人活动和料理家务。

现金救助补贴金额与“依赖看护”的程度相对应。可以根据上述 10 项基本生活需求，对受助者的自理能力进行评估。

## 依赖度分为四个级别：

- 1 级（轻度依赖）；
- 2 级（中度依赖）；
- 3 级（高度依赖）；

- 4 级（完全依赖）。

现金救助补贴享有者对看护的依赖度由医疗鉴定服务机构的医师进行评估。

月补贴金额为：

依赖程度	未满 18 岁的人获得的补贴	满 18 岁的人获得的补贴
1 级	3000	800
2 级	6000	4000
3 级	9000	8000
4 级	12000	12000

未满 1 岁的儿童无权享受补贴。如果受助者为未满 18 岁的受抚养儿童，且家庭收入低于家庭最低生活费的 2 倍，则现金救助补贴应提高 2000 捷克克朗。如果受助者年龄在 4 到 7 岁，且依赖看护的程度为 3 级或 4 级，则补贴也应提高 2000 捷克克朗。

现金救助补贴可以用于专业照料，也可以用于非正式的照料（比如由家庭成员照料），这完全由救助金享有者自行决定。



## 比利时

### 1. 社会救助体系

#### 法律框架

自 1994 年生效的比利时宪法第 23 条规定，人人均有维持合乎人性尊严生活的权利。人性尊严包括但不限于获得经济和社会权利，有权享有社会救助以及文化和社会发展的权利。为准确地了解比利时最低收入计划，必须正式区分“社会融入权”和“社会救助权”。两者之间明显相互关联，但是一定程度上，它们可以被认为是单独的权利。社会融入权是就业与/或“社会融入收入”提供的主要途径。最低收入的获得和贫困在本质上具有结构性。换句话说，社会融入权能够在法院得以有效地申诉。这项权利已经正式列入 2002 年 5 月 26 日关于社会融入权的法律，以及相应的皇室法令中。该法律涵盖了从资格条件到治理安排的所有方面。社会救助权包括从公众社会救助金中心获得的各种形式的支持。对受益于社会融入权的家庭而言，社会救助权可能包括额外的资金支持。没有资格享有“社会融入权”的那些人依法仍有权拥有社会救助权。这可能意味着资金支持相当于社会融入收入，或实物帮助。例如，它可能包括紧急医疗救助（针对无证移民）、医疗和住房成本的资金支持和附加子女抚养费等。1965 年 4 月 2 日颁布的法律首次对社会救助权进行了规定。

#### 社会融入的目标和主要原则

社会融入权在广义上并不主要只是打算向每个人提供最低经济收益，即社会融入收入。社会融入权被认为是动态的。人们担心仅提供社会融入收入会令人们陷入无力、顺从的状态。

相反，每个人都应该被允许发现他/她在社会中的位置，团结一致为社会发展做贡献，并应能获得个性解放的权利。因而，社会融入权不仅被看做个人的权利，同时也作为一个目标。为了实现这一目标，立法机构颁布了三份重要的文件：社会融入收入（1）与/或就业（2）两者皆可嵌入个性化的社会融入项目中。

#### 中央和地方各级公共机构的任务分工

最低收入计划（社会融入和社会救助）政策可分为两个层面。关键决策由联邦机构做出。联邦议会负责制定法律框架。但是，自从 2002 年颁布法律，议会的干预权受到限制之后，许多决定改由政府做出。在社会融入联邦公共规划服务的支持下，社会融入部部长为代表联邦政府行事的主要利益相关者。在政府干预（比如皇家法令和通函）的作用下，最低收入计划历经多次调整。

在较小程度上，最低收入计划还受到第三方，即工业（劳动）仲裁庭的影响。这些仲裁庭不具备决策能力，但多年来，仲裁庭在有关最低收入计划的案件中建立了无数的先例。该法院审判规程操纵着法律框架（比如资格条件和条件性规则）的解释。

第二个政策层面是最重要的一层，即市级层面。事实上，市公众社会救助金中心（公众社会救助金中心）能够胜任有效提供最低收入救助金、社会融入和社会救助的工作。由于统一的立法框架的存在，公众社会救助金中心在社会融入方面（比如社会融入收入与/或就业）能够自行决定的机会很少。相反，在社会救助方面，做法有很大不同。就其本身而言，这不是一件坏事。自行决定权能够保证公众社会救助金中心可以根据特定的社会条件和社会需要（因市而异，因人而异）采取不同的干预措施。



## 社会救助机构和支持机构，包括非政府组织的作用

非政府组织发挥着重要的作用，包括带领受益人来到公众社会救助金中心，在申请过程中支持他们并给予补充救助，比如直接的物质支持或粮食分配。

## 社会救助和支持形式

### 给予社会救助的标准

社会融入法（第3条）规定要想获得社会融入的权利，必须满足六个条件：

- 1、在比利时有实际住所；
- 2、年满18岁或在18岁以上；
- 3、拥有比利时国籍或属于下列一种类型：欧洲公民、国家人口登记簿登记的外国人、被承认的难民或无国籍人；
- 4、资源不足；
- 5、愿意工作，但因健康问题或受到不公平待遇而无法工作；
- 6、已用尽任何其他社会救助金（包括比利时和外国社会权利）。

对于第一项条件，也就是居所要求，在解释时具有一定的灵活性。享有社会融入权的人并不一定要在市区内拥有合法的住所。例如，对于无家可归的人而言，法院认定避难所也算实际住所，即使此人的户籍在市区，不在避难所。实际上，2006年通过对判例法的研究发现：对居所要求的解释体现出亲和性，而并非从地域角度来讲。

社会融入权只适用于与比利时有着稳固关系的人，但是，这种解释给寻求庇护者和无证移民带来了影响。

关于第二项条件，值得一提的是，在特定情况下，未成年人可以被视为成年人（18岁以上）。特别是，已婚、怀孕或已育的未成年人能借助于社会连带关系享有社会融入权。当经证实家庭关系已经被打破时，就能够要求享受社会融入的权利。

18到25岁的年龄群体还享受特殊待遇。公众社会救助金中心必须给予这些青少年特别的指导，便于他们融入社会和职业生活，并就业。公众社会救助金中心和救济金申请人必须对个性化的社会融入项目进行商议。本合同的目的在于引导申请人通过学习、培训或求职等方式融入社会和职业生活，并就业。

乍一看，国籍标准很宽泛。它不仅包括比利时人和欧洲人，还包括其他外国人及其家庭成员，并且对特定的目标群体有明确的规定。

无证移民的情况不是很稳定。根据法律框架，他们不仅没有社会融入权，而且还必须自食其力。然而，当发生医疗紧急事故时，他们可以向公众社会救助金中心寻求帮助。

在核实申请人是否资源不足时，公众社会救助金中心有举证责任。在该计算过程中，不仅考虑了申请人可能拥有的所有资源，还考虑了和申请人住在一起的人可能拥有的所有资源。因为无论是个人（个体）融合，还是人性尊严皆为社会融入权的重要原则，所以公众社会救助金中心和仲裁庭（在诉讼案件中）在一定程度上可自由决定将那些资源计算在内。换句话说，如果所有的可用资源均不能使这两个原则得以实现，则申请人应被认为不具有足够的资源。完全依赖于同居者的收入实际上会妨碍个人融合和发展。

虽然法律框架允许严格的解释，但愿意工作不应完全照字面解释。这表明，申请人不应听天由命，而应积极地设法改善自己的处境。此外，愿意工作并不一定带来就业。

在实践中，参加教育、培训或任何一种“社会活动”都被认为是承诺的充分证明。在任何情况下，对申请人而言，该状况应被解释为“努力承诺”，而不是“结果承诺”。

最后，每一个申请人应当用尽其有权享有的任何其他收入。这表明了社会融入权在根本上的剩余性质。这些其他收入来源既有社会层面，也有家庭层面，也就是指失业金、残疾救助金、儿童和家庭救助金、赡养费和儿童救助金转移（如果是单亲子女）等。

## 现金救助补贴

虽然社会融入收入不是唯一的最低收入计划，但它是由社会融入权所提供的唯一结构性的经济收益。根据具体的家庭类型，总共有三个标准金额：

- 第 1 类：同居人士，每月 544.91 欧元或每年 6538.91 欧元
- 第 2 类：单身人士，每月 817.36 欧元或每年 9808.37 欧元
- 第 3 类：夫妇，每月 1089 欧元或每年 13077.84 欧元

与一名或多名人士住在一起并共同持家的任何人被认为是同居人士。至少抚养一名未婚未成年人的任何人有权以家庭为单位享有救助金。如果此人与一名合法伴侣共同生活，那么该救助金的提供对象应既包括申请人，也包括他/她的伴侣。需要注意的是这些金额必须根据申请人拥有的资源下调。如果是单身人士，那么在计算时只考虑个人资源。

在家庭中，所有成员的资源均被考虑在内，实际上也就是申请人及其伴侣的资源。同居人士通常可以拿到全款，但公众社会救助金中心也可以将其他同居人的财产认作资源。

## 其他支持

根据具体情况，社会融入收入也可以累积。为了激励救助金受助人接受工作机会或参加职业培训，相关的收益或溢价将部分免税。6 年内，至多 3 年，只有超出 234.55 欧元的月净收入在计算社会融入收入时入账。对于学生来说，该免税政策在整个学习期内有效。

有孩子的家庭不仅可以获得最高限额的社会融入收入，而且还可以申请额外的家庭救助金。

## 社会救助的计算方法和受益人——确定目标群体

社会融入权提供的最低收入主要是剩余收益。其中一项资格条件规定所有申请人必须先用尽其享有的其他社会救助金。当申请人貌似转让充足的财产时，他/她无权享有社会融入收入，但是有可能会将失业金或任何其他社会救助金与社会融入收入结合在一起。申请人不会收到全额的社会融入收入，只会收到社会救助金和社会融入收入之间的差额。

举个例子，假设一位单亲妈妈带着两个孩子，并做着兼职。由于重组改制，这位母亲失业，并领取失业金。失业金的金额按之前的工资计算。这位母亲做的是兼职，所以她领取 600 欧元的净收益。考虑她的家庭情况，她有权获得 1089.82 欧元的社会融入收入。当她申请社会融入收入时，她将获得 489.82 欧元的社会融入收入，但是大多数的社会救助金大于社会融入收入，尤其是失业金。

根据具体情况，社会融入收入也可以累积。为了激励救助金受助人接受工作机会或参加职业培训，相关的收益或溢价将部分免税。

条件规则以及社会融入权附带的约束处罚和排除受到法律的严格监管。公众社会救助金中心的自主权因此受到限制，从而防范申请人任意申请。对此，法律至少保障尝试公平地对待所有申请人。这些条件规则对公众社会救助金中心尤为严格。申请人主要负责积极配合，并保持真诚的态度。只有在严重违反这两项原则的情况下，救济金申请人或接受者才有可能受到处罚或被剥夺社会融入的权利。

条件规则可以细分为四个阶段。第一阶段包括有责任提供完整、准确的信息。公众社会救助金中心有义务向申请人书面提供所有有用的信息。此信息涉及资格和条件规则、救助金金额、计算方法、申请人申请成功的可能性和在协商就业协议或个性化的社会融入项目时申请人的权利。此外，信息必须在申请后 45 日内，以易于理解的语言准确完整提供。

其次，公众社会救助金中心有义务收集所有丢失的信息（如有必要），从而准确地评估申请人的社会融入权。最后，个性化的社会融入项目必须经过协商。就社会融入而言，强加的个性化项目被认为是无效的。为了增强自身的协商能力，申请人可以寻求第三人的协助。值得着重注意的是申请人缺乏合作，原则上不会带来处罚。与此相反，公众社会救助金中心应负责填补信息缺口。蓄意误报的申请人会受到相应的处罚，比如报销以不正当方式收到的救助金。公众社会救助金中心应在信息收集方面发挥积极的作用，从而防止申请人骗取社会救助。

申请的递交也是有条件的。一般情况下，社会融入收入申请可以由申请人或公众社会救助金中心递交。

在作出最终决定之前，公众社会救助金中心应展示它独特的能力，确定申请人的申请资格。中心必须确定申请人是否符合资格条件。在授予资格时，公众社会救助金中心必须将需求情况考虑在内。但是，申请人可以对中心的判断进行上诉。在这种情况下，由仲裁庭决定申请人的资格。

第三，每家公众社会救助金中心在审查申请时必须遵循特定的规则。特别是，公众社会救助金中心必须展开社会调查，并听取申请人的意见。每当准予社会融入权、修改或撤销决定，或暂停发放社会融入收入时，都需要进行社会调查。每次调查都必须符合一些规则，以保证社会融入权的客观性。只有对准予资格严格，且违者将被剥夺享有权利的社会救助才能实施社会调查。在进行社会调查时，必须尊重申请人或受助人的尊严和隐私。调查的目的在于确认申请人的资格、申请的合法性，以及最适当的救助方式。

最后，可以在一份准确的书面报告中概述社会调查结果。申请人必须在这份文件签字。在对社会融入收入（归属、驳回、修改、处罚或要求收回）、个性化的社会融入项目，或基于就业的社会融入作出任何决定之前，公众社会救助金中心有义务听取相关方的意见。法律允许申请人或受助人在中心作出决定之前为自身辩护。公众社会救助金中心有义务以易于理解的语言将该可能性书面告知相关方。每项决定都是在特定原则的推动下作出的。该动机应合法，并符合实际。在阅读原则时，申请人应能够了解决策的程度。因此，这些原则应易于理解。此外，需要在 8 天内通过挂号信通知申请人所做的决定。该决定从申请之日起生效。社会融入收入应在作出决定后 15 天内支付。除非有正当理由，否则逾期付款将产生利息。原则上，不得要求收回社会融入收入，但是，法律

明确规定了允许收回社会融入收入的一些情况，但数量有限，更精确地说，是在追溯性修改的情况下。

公众社会救助金中心还可以对受助人进行处罚。当申请人或受助人提供不准确或不完整的声明时，中心可以决定完全或部分暂停支付融合社会收入，最多为期 6 个月。如果存在恶意欺骗，暂停期将延长至 12 个月。在没有正当理由的情况下，违反个性化的社会融入项目条款也会带来处罚，具体来说是指在一个月内完全或部分暂停支付融合社会收入。

实施处罚涉及到严格的程序。一旦违反程序，中心所做的决定将被行政法院推翻。申请人可以对公众社会救助金中心作出的每项决定进行上诉。上诉期为 3 个月。如果上诉，法院有权作出有约束力的决定。事实上，劳动仲裁庭具备代理能力。在某些情况下，仲裁庭可以代表公众社会救助金中心作出决定。

社会融入权并非既得权利。它始终是暂时的。该暂时性不应该被理解为你获取救助，到你享有的社会融入权到期的固定期间。这意味着，不论什么形式的社会融入权都是可以改变的。可以由公众社会救助金中心或受助人提议修改社会融入权，至少每年一次。在执行此过程中的主要问题是是否仍然满足资格条件。如果受助人的社会状况发生了变化，对他/她而言的社会融入权的定义也会随之变化。其社会融入权甚至会被终止。

## 数值统计数据

表 1 社会融入收入、社会救助和紧急医疗救助受益人的月平均人数

年份	社会融入收入	社会救助	紧急医疗救助
2010	95619	24584	12544
2011	94888	283351	13055
2012	95517	26756	13418
2013	98840	21546	11694
2014	102657	18447	11062
		(前九个月)	(前三个月)

## 优势

每个城市都有一个公共中心。因此，在原则上，几乎每个人都享有社会融入权。比利时的最低收入计划（社会融入权和社会救助）应保证普遍获取性。

## 关键问题

- 社会融入收入金额处于濒临贫困的界线值以下。因此，该金额不会随着生活成本的演变而演变。
- 实际上，有家庭支出的单身人士可以领取与有破坏家庭影响的两名同居人士一样的救助基金。
- 当地的自主决定权会造成不平等的待遇。





## 法国

### 1. 社会救助体系

#### 1.1 法律框架

法国现行的主要立法为 2015 年 6 月 25 日最新统一版的“社会救助行动和家庭法”。

在法国，社会行动最初由教堂和皇室政府倡议，旨在遏制贫困，而设计制定要追溯到现代 19 世纪末。社会行动开始采用协会的形式，以期向最贫困的人员群体提供救助。立法者随后开始采取行动。首部儿童保护法制定于 1889 年。

第一批“社会工作者”出现在 19 世纪末，首个“社会家庭”创建于 1896 年。1905 年，政教分离之后，转由政府采取社会行动，当时主要针对的是家庭。早期的职业化出现在 1913 年，也就是创办“社会服务实践学校”时。在两次世界大战期间，社会行动范围扩大，尤其是在 1928 年在巴黎召开首届国际社会服务国际会议，以及 1938 年首次颁布“社会行动和家庭法”之后。在此期间，“家访护士”（最初于 1922 年颁发毕业文凭）、社会救助（1932 年）和工厂监管均作出了重大贡献。

1945 年后，社会行动有了新的概念，比如团结工会和权利。政府组织当地自发性机构，于 1964 年创立团结和社会行动部（Ddass）。在此期间起草了几份重要的文件，比如 1975 年的社会和医疗社会机构或 2002 年社会行动革新法。1982 到 1983 年也是权力下放的一个关键阶段，大多数的社会行动责任由中央政府转由地方当局承担。

#### 社会救助的宗旨与主要原则

在法国，社会行动和家庭法规定社会救助框架是指：部门为推动自主性和保护个人，增加社会凝聚力和公民权，以及防止排外并纠正排外影响所采取的社会和医疗社会行动。该法典持续评估所有社会群体成员，特别是面临贫困或生活状况不稳定的残疾人和老年人，弱势群体和家庭的要求和期望，并以现金或实物向他们提供服务。该法典由国家政府、地方当局及其公共机构、社会保证机构以及社会和医疗社会机构等实施。

#### 中央和地方各级公共机构的任务分工

在社会行动方面，法国体系的特色在于多重参与和较强的统一性。社会行动的执行主要分为三个层次。

##### 国家机构

社会行动由国家管理制定。在依法完成服务的意义上讲，除了“超法律”服务以外的社会行动和社会救助金在法律法规中均有规定，并由国家机构管理，包括完全由地方资助、实施的社会行动和社会救助金。该层面不仅包括政府和议会，还结合了社会保障体系各异的国家机构和全国领先的网络经营或联盟协会，范围宽广，涉及多种设施以及社会和医疗社会服务。

##### 地方机构

社会行动目前主要在地方实施。1980 年分权法有效地将大部分的社会行动执行责任转移给地方当局。除了公共机构，社会保障机构同样也从部门或区域层面，监督着地方机构的网络。

##### 设施和服务



社会及医疗社会服务和设施实施的是特定领域（儿童、老人或残疾人和反排外等）不同方面的社会行动。

## 高级社会工作委员会

高级社会工作委员会（CSTS）创办于 1984 年，作为一所咨询机构运行。该委员会包括大约五十名成员，其中一些是公共部门的代表，还有一些是社会活动参与者。高级社会工作委员会在与社会工作相关的所有事项中给予政府意见，涉及社会职业、培训和社会工作变更。委员会对政府提出的问题以报告的形式起草意见、建议和提案。

## 最新改革

密切配合不断变化的社会，不断地修改和调整社会行动。近年来，一些创新举措和重要文件已付诸实施（见本手册中的序言）：2002 年社会和医疗社会举措规范法、2005 年残疾人法、全民医疗保险计划、个人自主补贴、补偿性伤残救助金、住宿权和就业团结收入等。

新的辩论和重点现在应给未来几年带来进一步的变化。

### 1.1. 社会行动和危机

法国的社会行动体系已经证明自身能够有效地保护最弱势的人群，帮助他们抵御经济危机的影响。相比大多数发达国家，这场危机给法国带来的影响较小，且法国贫困水平是北欧国家之后最低的国家之一。尽管如此，社会困难增加，法国的社会行动体系经受高压，从而需要对社会工作进行重新考虑，甚至一些社会工作者感到不舒服。

## 集思广益式社会工作

在此背景下，2013 年，国家启动了重点协调和集思广益流程计划，对社会工作进行变更，热切期望能够“重新发起社会工作”。集思广益特别侧重于社会工作实践、不断变化的行业、体系合并和职业行为准则等。

## 权利

法国的社会行动体系涵盖所有情况，不会弃任何一人于不顾。那些有需要的人必须作出努力。最新的例子，比如就业团结收入（RSA）或通过购买补充医疗保险进行救助，表明领取某些救助金的只是一部分的潜在受益人。因此，越来越有必要采取前瞻性方式。国家家庭基金会于 2014 年推出的“10 万份救助金”只是这种新方法的一个例子。

## 简化和独特的申请文件

法国的社会行动体系是有效且多元化的。它有时很复杂，这使得它很难被市民理解。在法国总统宣布“简化冲击”的背景下，政府最近开始对整个系列救助金尝试一种独特的简化申请程序。这种特有的申请程序从 2015 年起会在法国全面实施。

## 社交联网

众多参与者的加入和系统复杂度的提高意味着如何协调参与者之间的关系变得越来越重要。该解决方案特指建立网络，协调受益人。这样做的目的是确保全科医生、医院和社会工作者能够共同工作。举个例子，当处理抚养事宜时，更确切地说是患有老年痴呆症的人时，可以采用这种以网络为基础的方法。

## 信息通信技术和社会工作

多年来，得益于社会数据的电脑化管理，新技术已被用作预防用途，并管理安全漏洞。信息通信技术（ICT）也可以用于增加社会行动的横向范围，有助于促进信息的共享。法国已经获得了这方面的专有技术，这些技术满足道德规范和数据保密性条款的要求。

### 信息共享

信息共享是社交联网的一个必然结果，并且会定期发生。针对社会工作，法国确实采纳了非常详细的行为规范，特别是基于法律和判例法承认的职业保密理念。虽然这种情况不应被改变，但人们继续对如何将该行为规范和改进后的信息共享结合在一起争论不休，特别是在儿童保护方面。

### 自然协助者

在长期忽视自然协助者之后，法国社会行动体系开始意识到三百万自然协助者（家庭成员和朋友）在让老人或残疾人留在自己家中的重要作用。因此，一个原有的系统正在被投入使用，以培训、讨论要点和休息方式的形式提供支持。

### 社会救助机构和支持机构，包括非政府组织的作用

社会行动体系包括非常多的贡献者。这种多样性意味着内部协调的重要性，因此国家政府有必要发挥它的核心作用，融合专有技术并鼓励地方采取行动。主要贡献者如下所列：

#### 国家

根据 1982-1983 年和后续的 2003-2004 年分权法规定，国家政府几乎停止了所有的直接社会行动，目前只聘请少许社会工作者（自己的员工除外）。国家政府在两个方面起着关键的作用：

首先，政府和议会以法律法规（执行令）的形式制定所有社会行动计划。事实上，在法国，前述章节规定的所有行动和服务本身都具备立法性质。对此，国家政府已明确实施流程，有时会以一种非常详细的方式。法国特有的社会行动和家庭法（共 1500 页）融合了所有适用规定。为确保使用者受到同等待遇，这些计划将在法国各地以同样的方式实施，即使它们全部是由地方政府管理并资助的。

国家政府随后将直接资助一些社会行动，例如（见前述章节对这些补贴的解释说明）：

- 就业团结收入（RSA）（由当地家庭基金会管理）
- 残疾成人救助金或成人身心障碍救助金（AAH）（由当地家庭基金会管理）
- “最低养老金”或“老人互助补贴（ASPA）”，由退休基金会向各自未获得养老金享有权的人支付，
- 由法国就业中心向不再享受失业金的失业人员支付的救助金（具体是指互助补贴和同等的退休金）；
- 给予无家可归之人的住房补贴；
- 国家医疗救助（AME），它涵盖非法移民的医疗费用（由健康保险机构管理）。

## 地区当局

权力下放已大大加强地方当局的作用。不同类型的地方当局，它们对社会活动的参与度也就不同。

### 地区

地区政府向社会工作者提供培训，并参与困难人员通过专业的培训课程重返社会的活动。

### 部门

根据分权法，部门已成为当地社会行动的枢纽。部门几乎在各个方面参与社会活动：

—儿童社会救助：保护处于危险之中的儿童、被领养的儿童，向儿童和困难家庭提供支持，安排儿童回家或寄养在别的家庭等。

—老人社会救助：发放个人自主救助金（APA），雇用看护并支付养老院住宿费等。

—残疾人社会救助：支付补偿性残疾救助金（PCH），雇用看护并支付住宿费等。

—融合：分配、提供就业团结收入（RSA），资助融合行动等。

### 市政府和各市之间

从历史观点来说，市政府和社区联盟一直都是社会行动的首要贡献者。它们在许多领域行使干预措施：

—建立集体保育机构（托儿所和幼儿园等），

—上门帮助老人料理家务，避免流离失所，

—为老人提供住宿（经营管理养老院和集体住宅等）。

市政府要么直接采取行动，要么通过特定的机构，即市（或社区）社会行动中心采取行动。

## 社会保障机构

这些机构主要通过保险采取行动（根据员工和受益人的缴费情况支付救助金）。此外，三个主要社会保障科室同样也展开了大规模的社会行动。

家庭科。该科室管理多种形式的社会行动：

—提供集体（投资和经营）和个人保育资金，

—支持开展课外活动并利用休闲时间（休闲中心），

—支持社会中心，

—家长和家庭调解，

—为低收入家庭提供个人救助，

—处理、支付的一些社会最低收入，比如就业团结收入和残疾成人救助金。

退休科。退休基金在防止自主权丧失方面起到了越来越大的作用：



—信息和宣传方案和预防研讨会，

—出钱请人料理家务，

—雇用看护

健康科。通过向国家自主团结基金会（CNSA）支付的救助金，疾病科出钱投资、经营社会和医疗社会服务机构以及老人和残疾人托管机构。该科室还为低收入人群出钱购买补充医疗保险。

## 医院

除了提供医疗服务，公立医院在促进医疗保健服务获得方面起到了一个重要的社会角色，尤其是每周 7 天每天 24 小时全天候的医疗保健服务。公立医院还聘请社会救助者，为出院后老人的生活提供解决方案（雇用看护或送到养老院）。

## **社会及医疗社会服务机构**

这些社会及医疗社会服务机构协助抚养儿童、老人、残疾儿童和成年人，以及在融入社会方面存在困难的人。

## 非政府组织

非政府组织（协会）在法国的社会部门中非常活跃，它们管理者大多数的社会行动服务机构（不以营利为目的的私营机构）。最大的协会旗下有几百个机构，为成千上万的人提供帮助，并且雇用数千人为其工作。

## **社会中心**

社会中心为当地机构，对各个年龄层开放。它们通常提供照料，展开带有社会目的的活动和服务。它们融入居民，开发区级或市级项目。

## **社会救助和支持形式**

多年来，法国已开发了一定数量的社会行动创新体系和政策。这些制度和政策包括四个主要方面：

- 儿童和家庭，
- 老人
- 残疾人
- 反排外

## 儿童和家庭

针对其动态的人口统计特征（繁殖力最高的欧洲国家之一），法国在该领域采用了原始公认的政策。这种方法主要依据的是当地家庭基金会（地方家庭基金）支付的家庭救助金、地方当局或协会组织向家庭提供的服务以及家庭的税收优惠。但是，针对家庭的社会行动也同样重要。

## **社保保障体系中的家庭科采取的社会行动**

该科室主要由致力于社会行动的国家家庭基金会（CNAF）出资设立，设立的目的在于为众多家庭谋取救助金。这种社会行动是在在向家庭提供全面服务的背景下实现的，包括支付现金救助补贴以及获得社会保障服务等，并涵盖多种类型的服务：

- 协助照料 0-3 岁的儿童：在该领域的各种服务包括集体救助（托儿所等）和个别救助（托儿助理等），
- 协助由市政府组织的课外活动，
- 对地方机构，如社区中心提供支持，
- 家长和家庭调解，
- 为低收入家庭提供各种帮助，比如帮助其度假。

### *儿童保护和向困难家庭提供的救助*

这一领域的社会行动主要由部门组织，涉及几项政策：

- 保护处在危险中的儿童：处理报告和为被虐待或忽视的儿童提供照顾，
- 领养，
- 儿童社会救助（ASE）：为无法供子女上学的家庭提供支持，在家庭内采取行动（“开发环境下的教育举措”），安排儿童回家或寄养在别的家庭等。

### 老人

法国退休制度是有效的。这意味着，平均而言，老年人目前享受着相当于在业人口收入的退休金。针对低收入家庭和个人的重大社会行动已经在法国开展以来，以及更普遍地，对老龄化和受抚养人口提供的救助。

### *预防老龄化和看护*

这个因素的重要性越来越大，特别包括：

- 推广“健康老龄化”：退休基金会组织的健康和预防信息和教育竞赛，
- 家庭看护：适应家庭、远程报警、送饭、合适的交通工具和帮忙料理家务等。

### *个人自主救助金（APA）*

个人自主救助金在 2002 年创建，是一项创新服务，旨在避免自主权的丧失。这笔救助金是专门为住在家中或在养老院的老人而设。救助金金额各异，取决于此人的收入和受抚养程度。部门在支付个人自主救助金同时还附带执行一项“帮扶计划”（能够摆脱依赖性的一组人力与/或物质服务）。

### *送入养老院*

部门下设的社会救助处可以为养老院中的低收入人群支付住宿和餐饮费。医疗费用由医疗保险支出，且个人自主救助金属于抚养费。

### 残疾人

2005 年颁布的法律，涵盖残疾的各个方面，极大地改变有利于残疾人的政策。在这一领域的社会行动有两个主要部分。



## 残疾补偿

该补偿当前以补偿性残疾救助金（补偿性残疾救助金）的形式提供。就像个人自主救助金，该救助金可以支付住在家中和护理机构的人。金额各异，取决于残疾的类型。补偿性残疾救助金由部门支付，用于资助一系列的服务（人力救助和物资救助等），以免丧失自主权。残疾人也可以受益于成年残疾人的救助金，按月支付，本质上为对丧失工作能力的补偿金，以及残疾儿童救助金，也就是儿童教育救助金（AEEH）。

## 家庭看护

能够为残疾人提供医疗救助的家庭在医疗投保范围内，而工作性质的救助服务机构由国家出资。在另一方面，由部门提供的社会救助涵盖在服务机构工作的残疾人的住宿费。

## 国家自住团结基金会（CNSA）

国家自主团结基金会成立于 2005 年，是最初致力于资助社会行动，为老人或残疾人谋利的机构。有了 2.2 亿欧元的预算，该基金会出资经营、投资医疗社会机构；帮助部门支付个人自主救助金和补偿性残疾救助金。其资金来源于医疗保险和税收分配所得。

## 反排外

-在反排外的斗争中，法国掌握了重要的专业知识，1998 年开创了最低保障收入（RMI），1999 年建立了最贫困人口的全民医疗保险体系（CMU）。在斯堪的纳维亚国家除外的情况下，法国是低贫困水平的欧盟国家之一。法国采取了一系列各种各样的举措来减少社会排外，具体包括：

-就业团结收入（RSA，它取代了 2008 年的最低保障收入）：低收入或无收入人群的差别收入。该救助还伴随着社会融入举措，与公共就业服务相协调。“就业团结收入”也在 2008 年的改革中创建，旨在改善低收入劳动者的境况。

- 全民医疗保险计划允许所有低收入人群在未投保基本医疗保险或补充医疗保障（补充医疗保险）的情况下享受基本的保护。对于不享有补充医疗保险的人群，应为其购买补充医疗保险（ASC）。

- 住宿权（住房权）于 2007 年设定，允许住房不足的人群联系一所独立的机构，迫使国家提供住宿，但应通过财政审批。

## 数值统计数据

表 1

计划/百万欧元	2009 年	2010 年	2011 年	2012 年	2013 年
公共机构	55 317	56 798	58 076	60 406	63 090
中央政府	25 317	25 264	25 781	26 811	27 728
其他集权机构	5 150	4 986	4 804	4 917	5 324

市政	5 645	5 808	6 053	6 362	6 719
部门	18 186	19 647	20 331	21 068	22 011
地区	1 020	1 093	1 106	1 248	1 308
非营利组织	19 278	20 041	21 036	21 705	22 368
公立医院（只发挥社会救助功能）	56 807	57 826	59 128	60 638	62 401

		2009年	2010年	2011年	2012年	2013年(p)
老人		1298660	1330890	1364660	1388890	1418880
救助家里的老人		731600	749760	767270	778030	794240
	家政助理	20730	19380	18390	18130	17760
	个人自主救助金	675190	687440	698590	704660	715180
	60岁或以上第三人的补偿性救助金（PTCA）	18210	17540	18380	18210	18350
	60岁或以上的残疾补偿收益（PCH）	17480	25390	31920	37030	42960
救助住在养老院的老人		567060	581140	597380	610860	624640
	社会适应救助（ASH）	116060	116150	116260	115110	114960
	私人看护	1670	1800	1840	1740	1800
	个人自主救助金	446820	460320	475640	489700	503560
	60岁或以上第三人的补偿性救助金	2060	2150	2350	2390	2200
	60岁或以上的残疾补偿收益	460	720	1290	1920	2130

个人自主救助金总计		1122000	1147760	1174230	1194360	1218730
60岁或以上第三人的补偿性救助金总计		20270	19680	20730	20600	20550
60岁或以上的残疾补偿收益总计		17940	26120	33210	38950	45090

救助残疾人		310040	331910	355590	369480	380340
救助在家里的残疾人		168920	186170	202550	206530	213990
	家政服务 and 照料	18570	19490	21110	20250	20270
	60岁以下第三人的补偿性救助金	59560	53680	49960	45460	42450
	60岁以下残疾补偿收益	90790	112990	131480	140810	151270
残疾人支持机构		141130	145750	153040	162950	166350
	社会适应救助	96250	98950	103330	107810	110670
	私人看护	5180	5310	5260	5310	5450
	日间照管	16210	16190	16840	17020	17350
	60岁以下第三人的补偿性救助金	15810	14220	12460	11890	10040
	60岁以下残疾补偿收益	7670	11070	15140	20930	22830
60岁以下第三人的补		75370	67900	62420	57350	52490

偿性救助金总计						
60岁以下残疾补偿收益总计		98460	124060	146630	161750	174100

儿童社会救助		289440	290700	297250	303380	306670
需社会救助的儿童		144450	145980	148440	150350	153100
	安置在社会 保育机构的 儿童	126460	129100	132280	134780	137870
	法官直接投 资	17990	16880	16160	15570	15230
教育活动（开放环境 下的教育行动和在家 教育活动）		144990	144730	148810	153040	153580
	在家教育活 动（AED）	44470	44140	45010	47450	47940
	开放环境下 的教育行动 （AEMO）	100520	100580	103800	105590	105640
给老人、残疾人和儿童的社会总救助		1898140	1953510	2017500	2061750	2105890

担保救助金		1364400	1435840	1474510	1555380	1661800
	最低担保收入 （RMI）	2470	20	-	-	-
	就业团结收入 （RSA）基数	1313920	1373750	1411280	1497500	1611400
	社会融入合同	48010	62070	63240	57880	50400

总计	3262540	3389350	3492010	3617130	3767690
----	---------	---------	---------	---------	---------

表 3 社会最小值范围：1 月 1 日每月最高金额（欧元，按现行汇率）

	2010 年	2011 年	2012 年	2013 年	2014 年	2015 年
就业团结收入基数 (1)						
基本金额						
无子女的单身人士	46009	46699	47493	48324	49931	51388
带着 1 名子女的单身人士	69014	70049	7124	72486	74897	77082
带着 2 名子女的单身人士	82817	84058	85487	86983	89876	92499
无子女夫妇	69014	70049	7124	72486	74897	77082
带着 1 名子女的夫妇	82817	84058	85487	86983	89876	92499
带着 2 名子女的夫妇	96620	98068	99735	101484	104855	107915
每增加一名子女（从第三个起算）	18404	18680	18997	19330	19972	20555
总计						
孕妇	59081	59967	60987	62054	64117	65988
与子女分离	78775	79956	81316	82738	85489	87984
每增加一名子女	19694	19989	20329	20685	21372	21996
最低担保收入						
无子女的单身人士	46009					
带 1 名子女的单身人士	69014					
带 2 名子女的单身人士	82817					
无子女夫妇	69014					
带 1 名子女的夫妇	82817					
带 2 名子女的夫妇	96620					
每增加一名子女（从第三个起算）	18404					
离异父母救助金						



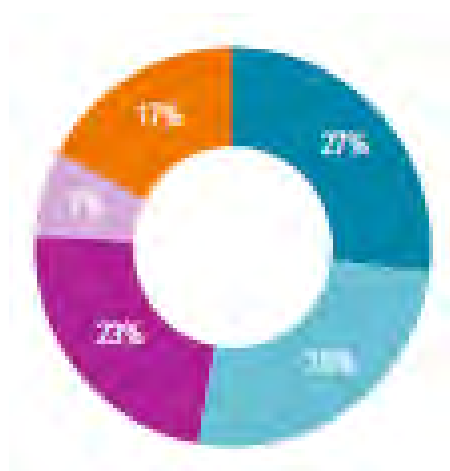
孕妇	59081					
与子女分离	78775					
每增加一名子女	19694					
可扣除最低保障收入、补充医疗保险和就业团结收入的救助金套餐						
单身人士	5521	5604	5699	5799	5992	6167
2 个人	11042	11208	11398	11598	11984	12333
3 个及以上	13665	1387	14105	14352	14830	15262
互助补贴（全额）						
标准费率*	46051	46750	47541	48362	49001	49427
增加费率*	66126	67130	68323	69411	70323	70932
等同退休救助金/过渡团结救助金(2) *						
	99432	100923	102626	104420	105789	106732
临时等待救助金（3） *						
担保分配						
	32455	32941	33489	34067	34523	34827
残疾成年人救助金（4）						
单身人士	68163	71195	74362	77659	79018	80045
对残疾成年人的收入补助	17931	17931	17931	17931	17931	17931
独立生活残疾人增加人数	10477	10477	10477	10477	10477	10477
老人互助补贴（5）						
增加的高龄救助金						
单身人士或接受救助金夫妇的一方	67713	70895	74227	77717	78726	80000
AVTS 金额	26514	26514	27070	27639	27998	28166
额外退休救助金	44381	44381	47157	50077	50728	51834
接受救助金的夫妇	114714	115746	1 18177	120659	122227	124200

AVTS 金额	51995	52927	54140	55278	55996	56332
额外退休救助金	62719	62819	64036	65381	66231	67868
增加的伤残救助金						
单身人士或接受救助金夫妇的一方	37669	38007	38805	39621	40135	40376
接受救助金的夫妇	62159	62718	64035	65380	66230	66627
丧偶救助金						
金额	56513	57021	58218	59441	60212	60212
*: 按月中期计算（一年 12 个月共 365 天）						
年份	2010 年	2011 年	2012 年	2013 年	2014 年	2015 年
1 月 1 日最低工资总额（欧元）	886	900	922	943	953	961

## 优势和劣势

根据 2011 年对行业专业人士的调查发现的优势和劣势：  
<https://www.kpmg.com/FR/fr/IssuesAndInsights/ArticlesPublications/Documents/ESS-secteur-social-regards-croises-2013.pdf>

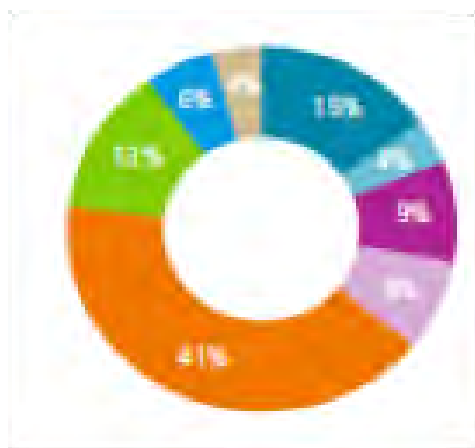
### 1.1. 从业者优势



- 政治项目和积极的性格（27%的受访者）；
- 灵活性及他们对所有公众的适应性（26%）；
- 创新和实验能力（23%）；

- 他们接近愿景要求（17%）；
- 在较小程度上还体现为他们工作人员的忠诚度（7%）。

## 行业劣势



针对该行业的薄弱环节，41%的受访者第一次提到财务资源限制。参与此次调查的从业人员中分别有 15%和的 13%的人关心治理和相关运营者的规模问题。具体来说，其他参与者提出诸如经济平衡控制（9%）、机构组织负责人（8%）、人事管理（6%）、集体协议（4%）和测评（4%）的问题。

## 罗马尼亚

### 1. 社会救助体系

#### 社会救助体系

现行法律规定的罗马尼亚国家社会救助体系包括一系列的制度、措施和行动。中央和地方政府机关和民间团体代表国家进行干预，以防止，限制或消除可能导致个人、家庭、群体被边缘化或受社会排斥的临时或永久的影响。

全国社会救助体系包括社会救助金和社会服务。

#### 法律框架

目前，罗马尼亚社会救助措施受 2011/292 号“社会救助法”的监管，也就是过去 15 年来第三次改版的法律框架，其中涉及罗马尼亚在经济、社会、文化和体制方面的变化，首次通过加强国家社会救助体系的措施，提供建立社会救助措施实施的一般原则和规则、体系制定和运作标准的统一协调的法律和体制框架，以确保制定和执行在社会救助领域的公共政策。

社会救助体系包括社会救济救助金和受特殊法律监管的社会服务。

#### 1.3 社会救助的宗旨与主要原则：

- 为授予社会救助措施建立统一协调的法律和体制框架，
- 担保向所有罗马尼亚公民和在罗马尼亚居住的外籍人士授予社会救助权，
- 防止，限制或消除导致边缘化和个人、家庭、群体或社区社会排斥的临时或永久情况的影响，
- 提供一揽子相关的社会救助救助金和社会服务以及配套措施；
- 使被社会排斥的人融入社区；
- 按需要建立社会服务网络，
- 加强社会凝聚力，
- 提高罗马尼亚人口的生活质量。

#### 1.4. 中央、地区和地方各级公共机构的任务分工

劳动力、家庭、社会保障和老年部是中央公共管理中的一个专门的公共机构，隶属政府。其负责按照欧洲和国际标准制定劳动力、家庭和社会保障等领域的国家政策，协调罗马尼亚政府战略和政策在这一领域的应用，并起到协调、监督、检查和控制的作用。

劳动力、家庭、社会保障和老年部负责：

- ✓ 起草、实施必要的法律框架，确保社会和就业政策之间积极和动态的互动，以便：
- ✓ 改善全体公民的生活质量，
- ✓ 确保社会凝聚力，
- ✓ 确保男女之间的平等机会，

- ✓ 通过对所有公民都平等对待，所有公民都能享受的社会救助体系以解决贫困问题，减少贫困率和社会排斥的风险。

在劳动力、家庭、社会保障和老年部的监督或授权下行事的机构：

A. 受劳动力、家庭、社会保障和老年部监督：

1. 劳动监察
2. 国家支付和社会监察厅负责社会救助救助金的管理和控制；监测和检验社会服务和社会救助救助金立法的执行情况；控制公共机构在该领域或私人社会服务提供者那里开展的活动；
3. 国家儿童保护和收养厅，负责起草在儿童保护和收养领域的社会政策（战略、计划、立法和报告）；监测和评价其执行情况和影响，
4. 国家残疾人服务厅，负责起草残疾人保护方面的社会政策（战略、计划、立法和报告）；监测和评价其执行情况和影响，
5. 男女平等部门，负责起草男女权利和机会平等方面的社会政策（战略、计划、立法和报告）；监测和评价其执行情况和影响，

B. 经劳动力、家庭、社会保障和老年部授权：

1. 国家公共养老金院，
2. 国家就业局。

从地方层面来说，布加勒斯特有 41 个县和 1 市政结构/机构，如下所示：

- b. 41 县支付和社会监察厅 + 1 市政机构，负责社会救助救助金缴纳立法的实施；监测和检验社会服务和社会救助救助金方面的立法的执行情况；控制该机构的活动。
- c. 41 社会救助和儿童保护总部+布加勒斯特六个区各自的部门，负责根据儿童、家庭、老年人、残疾人和其他困难人士的保护，以及弱势群体社会服务管理有关的国家战略和计划，制定和实施县级战略和行动计划。

除此之外，还有当地政府部门提供公共社会救助服务，负责对当地人口展开社会救助调查，以确定当地最贫穷或最弱势群体作为社会救助措施的潜在受益人（社会救助救助金或服务），并建立社会救助救助金权。

在地方上，社会服务是分散提供的。社会服务提供商可以是公共的（当地公共管理机构内部的社会救助服务），也可以是私营的（特别规定的非政府组织、宗教组织和经济经营者），由劳动力、家庭、社会保障和老年部根据地方立法作出认可。

## 最新改革

规范社会救助体系的首个国家法律是法律第 705 号 2001 年全国社会救助体系法，后续被 2006 年颁布的建立了该体系制度结构的第 47 号法律取代。

在 2005 到 2010 年间，罗马尼亚社会救助金体系衍生发展出 14 种救助金，但没有统一的战略，未与社会服务和就业措施协调和关联，特别是缺少一个以结果为导向的方法。





随后，2011 年又颁布了第 292 号社会救助法，即现行法律，从而解决了上述问题。

这一新法律的目的是：

- ✓ 建立社会救助措施颁布的一个统一协调的法律和体制框架，
- ✓ 表明目前人口趋势下的必然性，家庭结构的变化，劳动力市场的负面动态和公共开支的减少，以及在救助金体系中缺乏专门的人才。
- ✓ 担保向所有罗马尼亚公民和在罗马尼亚居住的外籍人士授予社会救助权。

新社会救助法对社会服务进行了新的分类和定义，以便有需要的各类人群获得服务，包括老年人，并同时规定系统的可持续性。

政府在这方面的战略（2011 年），以明确的结果为基础，出于社会救助政策的公平性和效率考虑，进一步说明体系改革的理由。

政府改革社会救助体系的目标在于：

- ✓ 通过延伸给最需要的人提供协助的原则，增加系统的公平性；
- ✓ 降低了系统的财政成本；
- ✓ 通过向投资子女教育的家庭或就职、在职的成人提供激励措施，增加系统的前瞻性；
- ✓ 简化系统的管理；
- ✓ 确立明确的目标；监测绩效管理改进结果。

罗马尼亚优先向最弱势群体实施措施。在此过程中，相应采用了以下法规：

- ✓ 2010 年颁布的第 276 号最低保障收入法修订案；
- ✓ 2010 年颁布的第 277 号家庭救助金法；
- ✓ 2014-2020 年间儿童保护战略；
- ✓ 2015 年至 2020 年期间的社会融入和减贫战略。
- ✓ 2015 年至 2020 年期间的积极老龄化推动战略和老年人保护战略。

在过去，为了改善包括老年人在内的弱势群体的生活质量，罗马尼亚经常专注于重组改善体系，并实现体系现代化。

### 社会救助和支持机构

根据 2011 年颁布的第 292 号法律，在社会救助方面的行动由中央和地方政府管理机构 and 私营社会服务提供商展开。在行动时，他们与社会团体、基金会、协会、雇主以及法人和自然人进行合作。

社会服务组织形式各有不同：

- 在社区内
- 在家里（家居照顾服务）
- 在日间护理中心，公立或私营住宿机构

- 社会食堂

社会服务由以下各方提供：

- ✓ 临时护理中心
- ✓ 居住中心/招待所
- ✓ 家庭护理中心/类似于养老院
- ✓ 庇护所、多功能中心
- ✓ 家庭护理服务
- ✓ 日间中心（高级会所和咨询中心）
- ✓ 老年痴呆症患者记忆恢复中心
- ✓ 暂休中心
- ✓ 姑息治疗中心
- ✓ 社会医疗单位
- ✓ 在服务提供者的房子内
- ✓ 在社区内
- ✓ 其他

## 融资体系

国家预算、县议会预算和地方预算均涉及全国社会救助体系，具体如下：

国家预算用于资助低收入家庭的主要社会救助救助金和家庭政策。

县议会预算用于资助由县议会、布加勒斯特议会或区议会决定的社会救助救助金和社会服务。

地方预算用于资助地方授予的社会救助和赔偿；地方当局根据其财政能力承担的社会救助金，以及向社区成员提供的社会服务。

此外，劳动力、家庭、社会保障和老年部在有竞争性的过程中每年资助非政府组织（社会服务供应商）的一个补助项目，通过国家利益方案以及资助社会服务基础设施的恢复来维系社会服务的发展。

## 社会救助和支持形式

社会救助包括社会救助救助金（各类现金救助补贴）和社会服务（不同形式的非资金支持）。

### 1.1. 给予社会救助的标准

社会救助对象为生活贫困，面临贫困和社会排斥风险，或处于危险或困境中的个人和家庭；产生边缘化或社会排斥的社会风险或困难群体；和需要提高意识，预防和消除困境或风险情况的社区。

社会服务的受益人可能是儿童、老年人、残疾人、依赖毒品、酒精或其他有毒物质的人、被拘留过的人、单亲家庭，受家庭暴力的人、人口贩运受害者，艾滋病感染者、低收入或无收入者、移民和难民，无家可归的人、慢性病患者，以及有社会需要的其他人。

## 现金救助补贴

社会救助救助金是一种额外收入或用于替代个人/家庭工作收入，以保证满足最低生活标准，进一步促进社会融入并改善某类人士的生活质量。

社会救助金针对的是低收入家庭和家庭政策。对于不同的人群，救助金发放也不一样，比如残疾人。

社会救济救助金用途分类如下：

- a) 为预防和打击贫困和社会排斥；
- b) 为儿童和家庭提供支持；
- c) 协助有特殊需要的人；
- d) 对于特殊情况。

最重要的社会救助计划为：

国家儿童救助金 - 按月发放，金额固定，不论家庭收入如何。它遵循无歧视原则，面向所有未满 18 岁的孩子。年满 18 岁的年轻人若入学修读教育课程或职业教育课程，则有权领取国家儿童救助金，直到他们毕业。

家庭救助金 - 以支付调查能力为基础，向有孩子的每个家庭发放，但家庭中每位成员的月净收入应低于 530 列伊。

儿童抚养救助金和奖励：发放给在孩子出生前 12 个月内有工作净收入的父母。家长有两种选择，一是享受产假，二是领取抚养补偿：

方案一：享受产假和抚养补偿，直到孩子满一岁；父母每月领取抚养补偿和月担保奖励，直到孩子满 2 岁，每月最多领取 3400 列伊，

方案二：享受产假和抚养补偿，直到孩子满两岁：

- 月抚养补偿，按孩子出生前 12 个月平均净工资的 85% 发放，最低 600 列伊，最高 1200 列伊。

- 在这种方案中，不授予月担保奖励。

最低担保收入- 确定为符合条件家庭或单身人士的每月净收入与法律规定的月最低担保收入水平之间的差额。

其他计划：

向低收入或中等收入家庭提供暖气救助金计划，旨在承担一部分的过冬采暖费。

## 社会服务

根据 2011 年颁布的第 292 号社会救助法和 2003 年颁布的第 68 号政府条例以及后续的修订案，在成本和对受益人的影响相似的情况下，社会服务应优先于社会救助救助金。

社会服务是指旨在满足社会和特殊的个人、家庭或团体需要，以克服困难并预防和打击社会排斥风险的活动。社会服务围绕的是公众的利益。根据活动承办方和各类受益人的特殊需要，社会服务应以不同的形式/结构组织。

社会服务是主动提供的，需结合受益人的社会经济地位、健康、教育和所处的社会环境，综合考虑个性化的需求。

根据个人需要，社会服务可能有更广泛的目标受众，群体或社区。

为确保社会行动的一致性、连贯性和有效性，社会服务应与就业、医疗、教育服务和其他社会公益服务（如适用）一并组织并提供。

社会服务基于以下标准分类：

a) 服务目标（救助和支持类服务，旨在满足个人基本需求、个人护理服务、恢复/康复、就业/重返社会等需求）；

b) 受助者类型（为儿童与/或家庭、残疾人、老年人、家庭暴力的受害者、无家可归的人、成瘾障碍症患者，即酒精、毒品和有毒物质以及网络和赌博等、人口贩运活动的被害人、服刑人员、被判接受教育或非监禁刑的人、精神疾病患者，被孤立的人和长时间失业人员提供社会服务，并家庭受益人提供社会支持服务）；

c) 救助制度，提供住宿或不提供住宿（短期和长期住宿服务：家庭护理中心、庇护所、夜间收容所等或服务；不提供住宿的服务：日间护理中心与/或家庭护理单位、社会食堂、移动餐车服务等，社会救护车）；

d) 救助地点（在受益人住所、日托中心、居住中心、服务提供者的住所和社区）；

e) 社会服务提供者的法律地位（可以是公共或私立机构）；

f) 服务提供体系（在正常和特殊体制下提供：按照授权、合同和常用文件提供服务；在特殊资格条件下提供的服务，旨在消除官僚服务；向匿名人提供的一系列社会服务，比如吸毒者、酗酒成瘾者、妓女，家庭暴力受害者等。可以在没有和受益人签订合同的情况下提供社会服务。在特殊体制下提供的服务受特殊法律的监管，目的在于促进社会融入和提高生活质量）。

### 计算方法和救助的受益人-确定目标群体

社会救助应带来社会融入，使受益人融入社会，发挥他们更大的活动积极性和独立性。

社会救助救助金是一种额外收入或用于替代个人/家庭工作收入，以保证满足最低生活标准，进一步促进社会融入并改善由法律明文规定社会权利的某类人士的生活质量。

社会救助救助金，根据资格条件，分类如下：

a) 根据对单身人士或家庭生活水平的核实结果，选择性发放的社会救助救助金；

b) 全民社会救助救助金，无需对单身人士或家庭生活水平进行核实；

c) 向某些类别的受益人发放的社会救助救助金，无需对单身人士或家庭生活水平进行核实。

(2) 按上文规定，在对单身人士或家庭生活水平进行核实时应考虑以下内容：

a) 对货币收入进行评估，货币收入由国内外所赚取的全部款项构成，包括国家社会保险权、失业保险、合法的赡养费、薪金、救助金、永久性救助金和其他法律要求；

b) 对资产和因利用/使用拥有的或使用中的动产和不动产而获得的收入进行评估。

根据上文 a) 和 c)（如适用）规定的社会救助金用途和性质，只能在对货币收入进行评估，或对现金收入、资产和因利用/使用拥有的或使用中的动产和不动产而获得的收入进行累积评估后才能发放社会救助救助金。

根据特殊法律的规定，拒绝就业、不参加培训课程/资格认证课程/再训练和法律规定的其他就业措施可能会导致社会救助救助金金额的减少，或在此阶段，暂停、禁止发放新的社会救助救助金。

级别和社会救助金金额是通过采用社会融入指数，参照基准社会指标设定的。基准社会指标（ISR）是指以本国货币-“列伊”-表示的单元，与国家预算中的社会救助救助金有关，目的在于保护社会救助体系中的个人，以及促进社会救助受益人就业。2002年颁发的第76号失业保险体系和就业激励法及其后续的修订案对基准社会指标进行了规定。社会融入指数（ISI）是适用于基准社会指标的乘法因数，取决于家庭类型和社会救助救助金的用途。单身人士或家庭（如适用）领取的社会救助金不得超出基准社会指标参考值的系数。该系数由政府根据家庭类型以及家庭或其成员和单身人士各自所享有的社会救助金种类每年制定一次。

根据个人需要，社会服务可能有更广泛的目标受众、群体或社区。

在法律规定的条件下受益于社会服务的困难人士和家庭；受益于社会服务的困难群体和社区；经县/地方议会审批，用于预防和打击边缘化和社会排斥风险的社区行动计划。

考虑到个人需求、家庭、社会经济和个人生活环境，任何受抚养人士有权享有个人护理。个人护理服务的接受者是老年人、残疾人和慢性病患者。

## 优势

罗马尼亚社会救助体系有一些非常好的特点。政府正在利用该体系增强自身的实力。好的特点之一体现为社会救助救助金和服务涵盖大多数的弱势群体，比如能源贫瘠、贫困儿童、特殊需求和紧急情况等。此外，该体系结构和组织良好，在中央、县和地方各级都有相应的机制。

支付处理系统（SAFIR）、管理信息系统和财务管理系统安排地都非常好，比如它实时提供关于社会救助措施的受益人和互连各种数据库中数据的可能性数据，比如人口证据和登记以及个人收入证明等。



最低保障收入（最低担保收入）是该地区，乃至全世界最好的计划之一。该计划着重于准确地识别目标人群。在此基础上，罗马尼亚将其稀缺的预算经费发放给真正需要的人。该计划能很好地适应国情，并且能够大规模地拓展。

监督和控制机构和机制（包括旨在减少错误和欺诈的机构和机制）也保持在稳定的状态。

### 关键问题

影响体系的问题包括：

- 人口增长给体系增加压力；
- 人力资源不足（特别是在地方层面）；
- 没有足够的基础设施和后勤支持；
- 预算限制。



**Social Protection Reform Project**  
**中国-欧盟社会保障改革项目**

中国北京市朝阳区朝阳门外大街 17 号光耀公寓 1008 室

Guangyao Mansion, 17 Chaoyangmen Outer Street, Office 10-08, Chaoyang District, Beijing 100020, China

Tel: (86-10) 65802888\*1008

Project website: <http://www.euchinasprp.eu/>

本项目得到欧盟的资助。其内容由中国—欧盟社会保障改革项目负责，不代表欧盟和中华人民共和国民政部的立场。

This publication has been produced with the assistance of the European Union. The contents of this publication is the sole responsibility of EU-China Social Protection Reform Project and can in no way be taken to reflect the views of the European Union and the Ministry of Civil Affairs, P.R.China.