



## **European Convention on Social and Medical Assistance**

Paris, 11.XII.1953

### **Annex I – Legislative measures regarding assistance referred to in Article 1 of the Convention**

*Updated on 19 December 2011 (Germany) – this page is updated following each communication*

#### **Belgium**

- Law of 27 June 1956 concerning the Special Assistance Fund.
- Law of 2 April 1965 concerning Public Assistance.
- Royal Decree No. 81 of 10 November 1967 establishing a Fund to provide for medical, social and educational services for the handicapped.
- Law of 8 July 1964 concerning urgent Medical Assistance.
- Law of 7 August 1974 establishing the right to a minimum level of means of subsistence.
- Law of 8 July 1976 relating to the organisation of Public Social Assistance Centres.

#### **Denmark**

- The Act on Active Social Policy (Act no. 455 of 10 June 1997 as later amended).
- The Act on Social Services (Act no. 454 of 10 June 1997 as later amended).

#### **France**

- Family and Social Assistance Code : (Decree No. 56-149 of 24 January 1956).
- Social Assistance to Children - Part II - Chapter II.
- Social and Medical Assistance - Part III (except Articles 162 and 171):
  - . Social Assistance to families and to the aged, infirm, blind or seriously disabled.
  - . Compensatory allowances for rent increases. Special accommodation measures.
  - . Medical Assistance to the sick, sufferers from tuberculosis, mental patients.

#### **Germany**

- a. The Federal Social Assistance Act as published on 23 March 1994 (Federal Law Gazette, I, pp. 646 and 2975), last amended by Article 12 of the Act of 13 September 2001 (Federal Law Gazette, I, pp. 2376 and 2975).
- b. Paragraphs 27, 32 to 35 and 41, each in conjunction with paragraph 39 of Volume Eight of the Social Code as published on 8 December 1998 (Federal Law Gazette, I, p. 3546).
- c. Paragraphs 3, 19 and 69 of the Act to prevent and combat infectious diseases contracted by humans (Infektionsschutzgesetz - IfSG, Article 1 of the Act to revise the legislation on epidemics of 20 July 2000, Federal Law Gazette, I, p. 1045).
- d. Book Two of the Social Code – Basic Income Support for Jobseekers – as published on 13 May 2011 (Federal Law Gazette I, p. 850).

- e. Book Twelve of the Social Code – Social Assistance – as published on 27 December 2003, most recently amended by Article 3.b of the Act of 20 June 2011 (Federal Law Gazette I, p. 2090).

## Greece

Greek legislation provides for public assistance for those in need. Social assistance is made available consisting of economic, medical-pharmaceutical and hospital related assistance, as well as other benefits. Ministerial decisions have been promulgated and enacted regarding health care to such a degree that there is no uninsured indigent social group in this country not covered by a social assistance regime including hospital, medical and pharmaceutical assistance.

According to Decree No. 57/1973 (Article 5, paragraph 2) aliens from States who have adopted the European Convention on Social and Medical Assistance, residents in Greece, are integrated within the social assistance programmes as equals of the Greek citizens.

Such programmes cover needy and emergency cases of individuals who are unable to face by their own or their family's means, a natural disaster or illness by the assignment of a lump sum.

The above social assistance is also provided for the over 65 years old unable to cover their living demands by their own or their family's means, although no emergency reason occurs.

This assistance is granted after claim at the Prefectural Welfare Authority of the place of residence, responsible to certify the economic weakness of the claimant. Ministerial Decision A3/7485/81 provides full health assistance to foreigners on transit and tourists of Greek origine not residing in Greece, on the condition that their stay will be no longer than three months; besides foreign students fellows of the Greek Government and the members of the families of the medical fellows enjoy full health assistance during their stay in this country.

### a. Assistance to children.

The following reform has been realised:

- i. Presidential Decree 856/81 (Official Gazette 218/81 Vol A). It has been reformed and completed by a joint Ministerial Decision signed by the Ministers of Finance and Health, Welfare and Social Security. Decision No 3634/82 re: Benefit for children without support uprating of the age limit to 16 years old, instead of 14.
- ii. Presidential Decree No. 147/89 (Official Gazette No. 70/Vol. A/89) re: uprating of the monthly benefit from 7,000 Drs. to 9,500 Drs. and expansion of the financial criteria.
- iii. Circular to the Ministry of Social Assistance No. 817/7338 of 10 January 1952 "Free admission to observation clinics for children suffering from glandular infections".
- iv. Ministerial Decision 8291/84 (Official Gazette No. 860/ Vol. B/84) re: Child Care Homes : approval of their operating regulations, according to Article 4.

Child Care Homes (ex. Orphanages) are open to physically and mentally normal children aged from 5 and a half to 16 years old needing institutional care, which is proved by a social investigation carried out for each claimant.

- v. Law 4227 of 17 March 1962 "Organisation of day-nurseries and admission of infants not supported by their families" (Official Gazette A No. 49 of 24 March 1962).

### b. Assistance to Adults

- i. Circular of the Ministry of Social Assistance No. 374/9505 of 30 July 1956 "Hospital care and medical and pharmaceutical assistance".

Such assistance is provided for needy cases and for entitled persons in other special categories.

- ii. Circular of the Ministry of Merchant Shipping No. 14931 of 7 March 1950 "Free travel". A number of free places are reserved for the needy on Greek coastal vessels.
- iii. Law 2603 of 1953 ratifying Decision No. 487 of 13 May 1952 of the Council of Ministers, concerning payment by the State of travelling expenses for needy prisoners returning home on release.
- iv. Free legal assistance under Articles 220 to 224 of the Code of Civil Procedure.

This assistance is granted to aliens on a basis of reciprocity.

- c. Assistance for the aged and the chronically ill.

- I. Legislative decree 162/1973.

Official Gazette No. 227 "Assistance provisions in favour of the aged and chronically ill" providing institutionalisation (in Public and Private Entity Establishments) and protection of the non-institutionalised, Day Centres for the aged (KAPI), home assistance and so on.

- II. Legislative Decree 1118/1972.

re: "Private enterprises providing medical assistance for the aged or the chronically ill, suffering from a deficiency of the mobility system and regulation of adequate matters".

## **Iceland**

Law No. 80, dated 5 June 1947, concerning social assistance.

## **Ireland**

- Blind Persons Act, 1920.
- Social Welfare (Supplementary Welfare Allowances Act), 1975.
- Mental Treatment Act, 1945.
- Health Act, 1953.
- Health and Mental Treatment Act, 1957.
- Health and Mental Treatment (Amendment) Act, 1958.
- Health Act, 1970.

## **Italy**

- a. Single text of the laws on public order of 18 June 1931, No. 773, Art. 142, et seq., governing the sojourn of aliens in Italy.
- b. Law of 17 July 1890, No. 6972 on public assistance and welfare institutions Art. 76-77 and Administrative Regulation of 5 February 1891, No. 99, Art. 112 and 116 relating to invalids and needy persons in general.
- c. Law of 14 February 1904, No. 36, Art. 6 and Regulations of 16 August 1909, No. 615, Art. 55, 56, 75, 76 and 77 relating to the insane.

- d. Law of 23 December 1978, No. 833, concerning the setting up of the National Health Service : Articles 6, 33, 34, 35.
- e. Legislative Decree of 30 December 1979, No. 663 (Article 5), converted into the Law of 29 February 1980, No. 33, Article 1.
- f. Law of 4 May 1990, No. 107 concerning the activities of transfusion relating to human blood and of the production of derived plasmas.
- g. Law of 26 May 1990, concerning toxic dependencies.
- h. Law of 5 June 1990, concerning AIDS.
- i. Ministerial Decree of 27 September 1990. Compulsory National Health Service Insurance for unemployed workers from the European Communities living in Italy.
- l. Presidential Decree No. 309 of 1 October 1990. A single body of laws on narcotics, prevention, treatment and rehabilitation of drug users.
- m. Law No. 104 of 5 February 1992 which provides the legal framework for assistance, social integration and rights of the disabled.
- n. Law No. 210 of 25 February 1992. Compensation for victims of irreversible complications owing to compulsory vaccination and to transfusion and administration of blood products.
- o. Law No. 67 of 18 March 1993 on "Urgent provisions for health matters and social assistance".
- p. Law No. 222 of 14 July 1993 on "Urgent provisions for treatment for individuals who are HIV positive or drug-dependent".
- q. Law No. 590 of 17 October 1994 on "Urgent provisions for the organisation of local health offices".

## **Luxembourg**

- Law of 28 May 1897, concerning emergency residence (*domicile de secours*).
- Law of 7 August 1923, rendering compulsory the training of the blind and the deaf and dumb.
- Law of 30 July 1960 concerning the setting-up of a National Solidarity Fund.
- Law of 14 March 1973 setting up institutes and services of differentiated education.
- Amended Law of 16 April 1979, creating a special allowance for the seriously handicapped.
- Amended Law of 26 July 1980, concerning the advancing and recovery of maintenance allowances by the National Solidarity Fund.
- Law of 26 July 1986,
  - a. establishing entitlement to a guaranteed minimum income
  - b. creating a social welfare service
  - c. amending the Law of 30 July 1960, concerning the setting up of a National Solidarity Fund.
- Law of 16 June 1989, amending the above-mentioned Law of 26 July 1986.
- Law of 2 May 1989, creating a care allowance and organising placement in a Care Centre.
- Grand-Ducal Regulation of 23 October 1989, concerning the membership and powers of the National, Medical, Psychological and Pedagogical Committee.
- Grand-Ducal Regulation of 19 June 1990 creating a service of educative assistance named Child Guidance Service.
- Grand-Ducal Regulation of 19 June 1990, organising the child guidance service.
- Law of 28 June 1994 amending and supplementing:

- a. the amended Law of 10 August 1912 on the organisation of the primary education,
  - b. the amended Law of 14 March 1973 setting up institutes and services of differentiated education, in favour of the participation of children affected by a disability for ordinary education and of their scholar integration.
- Grand-Ducal Regulation of 9 January 1998 concerning:
  - a. the membership and powers of national and regional or local medical, psychological and pedagogical committees,
  - b. the procedure of school orientation of children affected by a disability as well as the modalities of their schooling.
- Grand-Ducal Order of 9 January 1998 setting-up a re-educational ambulatory service.
- Grand-Ducal Regulation of 9 January 1998 organising the re-educational ambulatory service.

#### **Malta**

- Social Security Act 1987 as last amended by Act II of 1999, dated 23 February 1999.
- European Social Charter Order, 1999 (Legal Notice 204/1999).

#### **Netherlands**

- Act of 12 April 1995 containing new regulations pertaining to the provision of social assistance by the authorities, known as the new National Assistance Act ("*Staatsblad*", Bulletin of Acts, Orders and Decrees, 1995, No. 199), entered into force 1 January 1996, together with additions and amendments enacted by the following legislation :
 

Act of 10 July 1995, Stb. 355; Act of 14 December 1995, Stb. 676; Act of 21 December 1995, Stb. 690, 691 and 696; Act of 8 February 1996, Stb. 134; Act of 25 April 1996, Stb. 248; Act of 29 November 1996, Stb. 619; Act of 6 February 1997, Stb. 63; Act of 26 February 1997, Stb. 96; Act of 10 April 1997, Stb. 162; Act of 24 April 1997, Stb. 178, in connection with the Act of 24 December 1997, Stb. 794; Act of 24 April 1997, Stb. 197; Act of 2 May 1997, Stb. 193; Act of 11 September 1997, Stb. 465; Act of 24 October 1997, Stb. 515; Act of 6 November 1997, Stb. 510; Act of 4 December 1997, Stb. 760; Act of 17 December 1997, Stb. 660 et 728; Act of 24 December 1997, Stb. 789 and 791; Act of 26 March 1998, Stb. 203; Act of 2 April 1998, Stb. 205; Act of 9 April 1998, Stb. 278; Act of 22 April 1998, Stb. 289; Act of 23 April 1998, Stb. 290; Act of 11 June 1998, Stb. 412; Act of 1st July 1998, Stb. 451 and Act of 24 November 1998, Stb. 742.
- The following General Administrative Orders (Royal Decrees) enacted on the basis of the National Assistance Act:
  - . Government Assistance Scheme for Self-employed Persons of 12 April 1995 (Stb. 203) as amended by Decree of 24 February 1996, Stb. 153;
  - . Mortgage Guarantee Decree of 12 April 1995 (Stb. 204) as amended by Decree of 2 October 1995, Stb. 496.
- Various ministerial orders (and amendments thereto) pertaining to the implementation of the provisions of the above General Administrative Orders and/or to specifying them in greater detail.

#### **Norway**

- Act of 5 June 1964 concerning social care.

## Portugal

- Constitution of the Portuguese Republic, Article 63 (social security).
- Law No 28/84, of 14 August 1984, establishing bases for the social security system provided for by the Constitution and the welfare assistance to be provided by social security institutions, together with private non-profit making initiatives with aims similar to those of state institutions.
- Order in Council No 2/86, of 2 January 1986, defining principles to which establishments, public or private, meant for young persons in transit or definitively deprived of family ground have to conform to.
- Order in Council No 68/86, of 27 March 1986, setting the legal scheme of the housing allowance.
- Order in Council No 19/88, of 21 January 1988 (amended by Order in Council no. 202/89, of 22 June 1989), approving the law on hospital management.
- Regulation No 3/88, of 22 January 1988, (amended by Regulations No 7/89, of 4 March 1989, and 14/90, of 6 June 1990) introducing amendments with regard to the overall functioning of hospitals and their services.
- Order in Council No 245/90, of 27 July 1990, establishing the rules governing local social security services.
- Law No 48/90, of 24 August 1990 (Health Act).
- Order in Council No 322/91, of 26 August 1991, approving the Statute of the "*Santa Casa da Misericórdia de Lisboa*" (non-governmental organisation).
- Order in Council No 391/91, of 10 October 1991, establishing the legal scheme of the family reception of old persons and disabled adults.
- Order in Council No 118/92, of 25 June 1992, establishing regulations for the joint funding of medicines by the State.
- Order in Council No 190/92, of 3 September 1992, establishing the legal scheme of the family reception of children and young persons.
- Order in Council No 10/93, of 15 January 1993, establishing the new organisation of the Ministry of Health.
- Order in Council No 11/93, of 15 January 1993, approving the Statute of the National Health Service.
- Order in Council No 217/93, of 16 June 1993, approving the organisational diagram of the General Directorate of Social Welfare.
- Order in Council No 260/93, of 23 July 1993, reorganising regional social security centres.
- Order in Council No 198/95, of 29 July 1995, creating the identity card of the beneficiaries of the National Health Service.
- Law No 19-A/96, of 29 June 1996, setting the guaranteed minimum income within the non-contributory scheme of social security as well as the creation of a social integration program.
- Order in Council No 122/97, of 20 May 1997, establishing the new organisational diagram of the General Directorate of Health
- Order in Council No 196/97, of 31 July 1997, setting regulations for the Law No 19-A/96, of 29 June 1996 (guaranteed minimum income).
- Order-in-Council no. 115/98, of 4 May 1998, approving the Organic Law of the Ministry of Labour and Solidarity.
- Law no. 107/99, of 3 August 1999, establishing the public network of supporting homes for women victims of violence.

## Spain

- Framework law of 22 November 1944 relating to National Health.
- Law No. 37 of 21 July 1961 relating to hospital co-ordination.
- General Law of 30 May 1974 on Social Security.
- Decree No. 2176 of 25 August 1978 relating to the activities of the National Plan for the prevention of mental deficiencies.
- Royal Decree-Law No. 276 of 16 November 1978 relating to the institutional management of Social Security, health and employment.
- Royal Decree No. 1949 of 31 July 1980 relating to the transfer of Government services to the Generalitat of Catalonia in the field of health and social services and assistance.

- Royal Decree No. 2768 of 26 September 1980 relating to the transfer of Government services to the Autonomous Community of the Basque country in the fields of health and social services and assistance.
- Royal Decree No. 620 of 5 February 1981 relating to the unified regime of public assistance to defectives.
- Royal Decree No. 2620 of 24 July 1981, Regulations governing the grant of aid from the National Fund for Social Assistance to the aged, sick and infirm.
- Royal Decree No. 2347 of 2 October 1981, Regulations of the Secretariat General for Social Assistance.
- Royal Decree No. 2346 of 8 October 1981 relating to the structure and functions of the National Institute for Social Assistance.
- Royal Decree No. 251 of 15 January 1982 relating to the transfer of powers, functions and departments of the National Administration to pre-autonomous entities in the field of social services and assistance.
- Resolutions of 30 January 1982 of the Directorate General for Social Action laying down rules governing the grant of social assistance :
  - . to drug addicts and alcoholics;
  - . for the maintenance of assistance centres and departments for the marginalised and the aged; for the support of the activities of associations and federations;
  - . for the maintenance of young-childhood assistance centres;
  - . individually and sporadically to persons in need;
  - . to lepers;
  - . for the purchase, construction, extension, reform and equipment of centres for the aged and marginalised.
- Order of 16 February 1982 for the setting up of centralised management centres under the National Institute for Social Assistance.
- Order of 5 March 1982 in furtherance of Decree No. 620.

#### **Sweden**

- Social Services Act of 19 June 1980, No. 620.
- Health and Medical Services Act (SFS 1982 : 763).

#### **Turkey**

- Law concerning Public Hygiene, No. 1593, Articles 72/2, 99, 105 and 117.
- Law No. 7402 relating to the campaign against malaria, Article 3/B.
- Law No. 6972, Regulations governing hospital institutions, Articles 57/C and 79.
- Regulations governing Parents-Teachers Associations.
- Law No. 1739 on National Education as amended by the Law No. 43061 of 16 August 1997.

#### **United Kingdom of Great Britain and Northern Ireland**

Great Britain : The Social Security Act 1986 and regulations made thereunder so far as the Act and regulations relate to Income Support and Family Credit; and the Social Security Act 1986 and regulations made and directions given thereunder so far as the Act regulations and directions relate to payments payable out of the Social Fund referred to in the directions as Crisis Loans.

Northern Ireland : The Social Security (Northern Ireland) Order 1986 and regulations made thereunder so far as the Order and regulations relate to Income Support and Family Credit; and the Social Security (Northern Ireland) Order 1986 and regulations made and directions given thereunder so far as the Order regulations and directions relate to payments payable out of the Social Fund referred to in the directions as Crisis Loans.

Laws and regulations concerning Great Britain, Northern Ireland and the Isle of Man establishing National health services.