

A Summary of the Research on the Vulnerable Groups' Basic Needs for Survival and the Protection of Their Rights

Abstract: With the reform and opening up of China as well as the development of its social economy, the issues of vulnerable groups have become increasingly prominent. As a distinct social class, vulnerable groups have come to the close attention of the government and the community. The current situation regarding the protection of their rights is far behind that of Western countries and China needs to improve the situation. In order to do this, we need to study the living conditions of vulnerable groups with China's current national conditions as the background.

Key words: Vulnerable groups, evaluation criteria, causes of formation, scope of target, basic rights, aid policy, government responsibility, summary

I. The Concept of Vulnerable Groups, Evaluation Criteria and Causes of their Formation

Although the existence of vulnerable groups has a history almost as old as human history and the protection of their rights also has a long history, the concept of vulnerable groups only emerged in modern times. Zhu Rongji mentioned the concept of vulnerable groups for the first time in the Government Work Report passed at the Fifth Session of The National People's Congress on 5 March, 2002. Currently, academia has no agreed interpretation of the concept of vulnerable groups. Vulnerable groups are relatively defined as the groups who find it hard to survive and who lack development opportunities due to being at a relative disadvantage in the economic, cultural, physical, intellectual, and other situations.

The key to the understanding of vulnerable groups lies in determining the evaluation criteria and based on this certain evaluation criteria determining the relevant groups. Currently, the evaluation criteria are limited to the economical aspects. In other words, it is assumed that living with hardship results from a low level of income which is below the average. However, it is too limited if we rely solely on the economic criteria to determine vulnerable groups. Therefore, in order to define vulnerable groups in a systematic and scientific way, we need to

include the following criteria:

1. Evaluation criterion: attitudes held by the general population towards a particular social group regarding its reputation and status. According to this criterion, vulnerable groups fall under the scope of negative social evaluation. People feel differences in social identity and sense of belonging due to the differences in social evaluations. Because of a lack of social recognition, vulnerable groups are not accepted by the society. In other words, they are deemed to be outsiders and are rejected by the society.

2. Criterion based on resource consumption such as economic resources and rights enjoyed. Vulnerable groups are those whose resource consumption is lower than the average. In the background of a market economy, the level of income often determines a person's position in society. However, we also need to consider the amount of rights enjoyed.

3. Criterion based on health condition: including both the physical and mental health. Physical health refers to the maturation and normal functioning of human organs, which means immaturity and abnormal functioning should belong to the scope of vulnerable groups. In addition, those who are of unsound mind and who cannot make logical decisions also belong to vulnerable groups.

Various factors contribute to the formation of vulnerable groups. The main source of the formation can be summarised as: first, physical and natural causes such as minors and the elderly, disabilities including congenital physical disability and those caused by acquired diseases, as well as orphans and widowed, old people who are living alone; and second, social or political or systematic causes, mainly including political and systematic bias, as well as unfair distribution of social benefits, resulting in the emergence of terms such as off-farm workers, landless peasants and so on.

II. The Range of Vulnerable Groups and Their Basic Rights

In reality, the typical vulnerable groups include city workers from rural areas, rural workers engaged in agriculture, the unemployed, the disabled, women, minors and the elderly. Among them, farmers account for the largest vulnerable group in China. They have consistently suffered from differentiated urban and rural policies on the political rights, educational rights, labour and employment, public services, and so on. These differentiated policies resulted in the

formation of the urban-rural binary system and also continuously resulted in farmers becoming part of vulnerable groups. Urban citizens can enjoy government-provided subsidies such as housing, education and medical care subsidies, as well as many benefits related to employment and arrangements for veterans while rural people are excluded from these benefits.

Off-farm workers constitute another large vulnerable group, raising widespread concern from government and the community. Despite the fact that off-farm workers make tremendous contributions to the city construction, their status in the city is extremely low. What these workers do are the dirtiest and the most physically demanding work. On top of this, they even have to put up with the city people's coldness and discrimination against them. Policies to protect rights of off-farm workers have only recently been introduced. Recent years have witnessed an emergence of a new vulnerable group. They are the victims of the urbanisation process: problematic policies in the process of urbanisation and the comparatively low land compensation have led to a large number of farmers being left with no land and consequently no assurance in life.

Minors and the elderly also account for an extremely vulnerable group, especially widowed, old people who live alone as well as street children. Minors are hard to resist temptation: they are prone to indulging in Internet cafes or even taking the path of crime. They urgently need help from the state and society. The elderly have difficulty living independently, often feeling loneliness. They also need urgent help.

Based on the current basic national conditions of China, at least the following basic rights of vulnerable groups should be guaranteed: right to life, right to work, right to education, right to information, right to participation in political affairs and right to legal advice. Till now, many problems still exist in the protection of these basic rights of vulnerable groups.

Many city people attribute urban problems such as environmental problems to rural people in the city: they think that rural people make cities more dirty, messy and disorderly. Many cities even make policy decisions to restrict rural people from settling down. City people can enjoy a great number of preferential policies on graduate placements or civil service examination while those from rural areas are totally excluded from these preferential policies. Many employers do not sign labour contracts with rural people or buy any insurance for them,

nor do they pay rural people on time. Children of off-farm workers who have already reached school age play around construction sites instead of studying at school. It is worrying to know that problems such as unevenly distributed educational resources, teacher shortage in most of the rural primary and secondary schools, and lack of facilities have been threatening children's growth and development. Moreover, the basic rights of vulnerable groups have been being violated but they have no way to seek help. Their voice seems to be neglected whether it is in the area of legislation, administration or public opinion.

III. Aid Policy for Vulnerable Groups and Government Responsibility

The emergence of vulnerable groups results from various factors including those related to politics, economy, culture and society. Therefore, the relevant relief measures should involve efforts in areas such as politics, economy, culture and society. Currently, China has five principles regarding the assistance to vulnerable groups.

1. Legislative Protection

The first thing to do is to ensure legislative protection for vulnerable groups. Only in this way, can measures to protect rights of vulnerable groups have a legal basis and accordingly have enforcement powers. It is important to legally determine the scope of protection for vulnerable groups, protection mechanisms, and responsible parties. Without mandatory measures and regulations protected by law, the claim to protect vulnerable groups is no more than words.

2. Judicial Relief

Judicial relief is the last resort for protecting rights. It is a process of remediation and restoration after rights have been violated, during which violations are corrected and punished. Without judicial justice, it is impossible to protect any rights. The research on judicial relief for vulnerable groups started relatively late in China. The research results and their applications still need to be improved. The implementation of judicial relief is not standardised or regulated, and this needs to be improved on urgently.

3. Social Support

Government efforts alone are far from enough to protect rights of vulnerable groups. The phenomenon of vulnerable groups is a derivative of social development. Biased social

evaluation, discrimination and rejection from the general population all contribute to the existence of vulnerable groups. The community should make great efforts to improve the living conditions of vulnerable groups. We should develop community services, build social support networks, develop grassroots democracy, alleviate social problems and conflicts, and maintain social stability. To meet the new international and domestic environment, we should encourage the establishment of various forms of civil society and NGOs. We should also establish civil society organisations aimed at providing vulnerable groups services and support related to law, education, mental health, medical care and the media while fully encouraging voluntary support.

4. Self-help

Social support is important, but it should be dependent on the members of vulnerable groups themselves to fundamentally solve the problems of vulnerable groups. Justice never comes without efforts or struggles. Sole dependence on external support from the community and government can only solve short-term problems but not the fundamental problems. We need to improve the overall quality of vulnerable groups. As the saying goes, “A country’s long-term strategy should be based on education.” We need to develop education and consequently develop the overall quality of vulnerable groups.

5. Government Responsibility

Why do we stress government responsibility for the protection of vulnerable groups? Vulnerable groups are mainly resulted from a country’s social, political and institutional factors. The government should take the main responsibility for the protection of vulnerable groups. The government is also responsible for vulnerable groups caused by congenital defects and other irresistible forces. Main responsibilities of governments for the protection of vulnerable groups include the following:

(1) The government should strengthen and improve the political and legal protection for vulnerable groups. The formation of vulnerable groups mainly resulted from unjust policies. We need to improve the relevant political and legal systems in order to make vulnerable groups to enjoy equal opportunities and civil rights. China has been implementing differentiated urban and rural policies for a long time, which caused a serious and widening gap between the level of urban and rural developments. Developments of vulnerable groups are possible only if their

political and legal rights are fully protected.

(2) The government should build social assistance systems, ensuring a basic level of social security and protection for vulnerable groups. Because vulnerable groups are at a disadvantageous position in both employment and income, they usually cannot afford social security and high medical expenses and even cannot afford to send their children to school. This situation should be changed by the establishment of a relatively complete social assistance system, particularly by coordinating the relationship between social security, social support and social welfare. Generally, the core of a relatively complete social assistance system includes: pension, living allowance, disability living allowance, and a variety of temporary relief measures.

Problems related to vulnerable groups cannot be solved overnight, but we firmly believe that under the joint effort of the government and the community, basic rights of vulnerable groups can be ensured. A harmonious society is definitely to be achieved.

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