



**Comparative Analysis
of the Role of Civil
Society in Providing
Social Welfare Services
in the Western Balkans**

Belgrade, November 2013.



CIP – Katalogizacija u publikaciji
Narodna biblioteka Srbije, Beograd
364(497-15)
061.2(497-15)

KOMPARATIVNA analiza uloge civilnog
društva u pružanju usluga socijalne zaštite
na Zapadnom Balkanu / [autor SeConS, grupa za
razvojnu inicijativu ; urednik Ivan Marin]. -
Beograd : Arbeiter-Samariter-Bund - Udruženje
samarićanskih radnika, 2013

Tiraž 300

Napomene i bibliografske reference uz tekst.

ISBN 978-86-917355-0-0
1. SeConS, Grupa za razvojnu inicijativu (Beograd)
a) Socijalna zaštita- Zapadni Balkan
b) Nevladine organizacije - Zapadni Balkan
COBISS.SR-ID 203260684

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Tiraž 300

Belgrade, November 2013.

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This project is funded by the European Union



CONTENTS

1	Introduction	7
2	Bosnia and Herzegovina	8
2.1	Bosnia and Herzegovina	9
2.1.1	Analysis of the legal framework	9
2.1.2	Analysis of the institutional framework	10
2.2	Republika Srpska	11
2.2.1	Analysis of the legal framework	11
2.2.2	Analysis of the institutional framework	15
2.3	Federation of bosnia and herzegovina	17
2.3.1	Analysis of the legal framework	17
2.3.2	Analysis of the institutional framework	22
2.4	Brčko District	24
2.4.1	Analysis of the legal framework	24
2.4.2	Analysis of the institutional framework	25
2.5	Associations of citizens in social protection	26
2.6	Summary and recommendations for advocacy work	32
3	Montenegro	35
3.1	Analysis of the legal framework	35
3.2	Analysis of the institutional framework	38
3.3	Associations of citizens in social protection	39
3.4	Summary and recommendations for advocacy work	49
4	Croatia	51
4.1	Analysis of the legal framework	51
4.2	Analysis of the institutional framework	55
4.3	Associations of citizens in social protection	57
4.4	Summary and recommendations for advocacy work	64

5	Kosovo	66
5.1	Analysis of the legal framework	66
5.2	Analysis of the institutional framework	68
5.3	Associations of citizens in social protection	71
5.4	Summary and recommendations for advocacy work	77
6	Srbija	79
6.1	Analysis of the legal framework	79
6.2	Analysis of the institutional framework	81
6.3	Associations of citizens in social protection	88
6.4	Summary and recommendations for advocacy work	95
7	Assessment of Influence and Best Practices	97
7.1	Introduction and Explanation	97
7.2	Local and National Foundations	98
7.3	Registers of Service Providers	100
7.4	Networks of Service Providers	100
7.5	Resource Centres	101
7.6	Cross-Sectoral Initiatives	102
8	Recommendations	103
8.1	General Conclusions and Recommendations	103
8.2	Specific Recommendations for Advocacy Work	104
8.3	Advocacy Matrices	108
9	Annex	111

ASB	Arbeiter-Samariter-Bund, Deutschland e.V.
BiH	Bosnia and Herzegovina
CSW	Centre for Social Work
SWC	Social Welfare Centre
DFID	Department for International Development (UK)
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
LGBT	Lesbian, Gay, Bisexual, Transgender
NGO	Non-governmental organisation
CSO	Civil Society Organisation
RS	Republika Srpska
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

1

INTRODUCTION

This study was created as part of the project Improving the Provision of Social Service Delivery in South East Europe through the Empowerment of National and Regional CSO Networks funded by the European Union (EU) and implemented by ASB (Arbeiter-Samariter-Bund, Deutschland e.V.) in cooperation with the Educational Centre in Leskovac, LIR – Civil Society in Banja Luka, the Centre for Legal Aid and Regional Development (CLARD) in Pristina, the SOS hotline for women and children victims of violence in Podgorica, the Organisation for Civil Initiatives in Osijek and the Solidar Network in Brussels.

The purpose of this study is to present the legal and institutional framework for the provision of social welfare services by non-governmental organisations (NGOs) and the role of the NGOs in providing social welfare services, point out issues and problems that should be topics of public debates, and formulate recommendations and examples of good practice that will be presented to the key players in each of the countries included in the analysis.

This study has been conducted by experts from the SeConS – Development Initiative Group in Belgrade and it is based on (1) available data and analysis, and (2) a series of semi-structured interviews with selected representatives of NGOs and government bodies. The Desk Analysis was completed in July and the field study was conducted during September 2013.

Invaluable assistance in the selection of collocutors and the organisation of the interviews was provided by local partners of ASB. Moreover, the local partners provided valuable information on the systems of social protection and gave helpful comments on the previous versions of this report, thus contributing considerably to its final form. The report consists of five chapters on the social protection systems in Bosnia and Herzegovina, Montenegro, Croatia, Kosovo¹ and Serbia respectively. The final chapter presents an analysis of examples of good practice.

¹ Kosovo as under United Nations Security Council Resolution 1244 adopted in 1999

Social protection and social welfare services in Bosnia and Herzegovina (BiH) are implemented in complex and differentiated systems that have been established in different ways in the different entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH). Republika Srpska has a centralized system, governed by the Law on Social Protection as a framework law in this field, which is equally applicable on all its territory. The provision of social welfare services is performed in social care institutions, which are established both on the level of Republika Srpska and the level of local self-government units. The majority of these services are provided in public institutions on a local level, while their financing is provided from both the entity budget and the local self-government unit budgets. The social welfare services and the various social programmes and measures implemented with the purpose of providing these services are largely funded by local self-government units.

In the Federation of Bosnia and Herzegovina, social policy, social protection and the provision of social welfare services are under the jurisdiction of the Federation of BiH, and at the same time under the jurisdiction of its 10 cantons. In addition to the Law on the Principles of Social Protection, the Protection of Civil Victims of War and the Protection of Families with Children of the FBiH, the cantons also have individual laws that govern this field. Social welfare institutions in the Federation of BiH are established at the level of cantons and municipalities, which provide resources for their funding. The provision of social protection and social welfare services, as well as the provision of funding for this purpose are distinguished by the complexity and inconsistency of the legal framework, and “overlapping” jurisdictions between the Federation of BiH and the cantons.

In FBiH, social protection is under the jurisdiction of the entities and cantons. This field is governed by a series of entity and cantonal laws. Moreover, the Brčko District also has its competences but does not feature any social welfare public institution.

Moreover, there is also the jurisdiction of the Brčko District for the definition and implementation of social protection and the provision of social services. However, the Brčko District does not feature any social welfare public institution so beneficiaries from this District exercise their rights to social welfare services with the political entities, Republika Srpska and the Federation of BiH.

Analysis for BiH will be presented, bearing in mind this complex political and administrative structure. Analysis of the legal and institutional framework will be performed on the levels of Bosnia and Herzegovina, the political entities, and the Brčko District. Analysis of the non-governmental sector actions and its participation in the social protection sector will be given in the integral chapter for the entire BiH, since there is no disaggregate data on the entities, cantons and Brčko District levels.

2.1 Bosnia and Herzegovina

2.1.1 ANALYSIS OF THE LEGAL FRAMEWORK

When the local normative legal framework is involved, the Constitution of Bosnia and Herzegovina guarantees the highest level of human rights and freedoms on an equal basis for everybody and without discrimination, while the entity-level constitutions specify the basic principles of exercising these rights under social protection.

The Constitution of Bosnia and Herzegovina, Article II - Human Rights and Fundamental Freedoms, guarantees that Bosnia and Herzegovina and both its Entities shall ensure the highest level of internationally recognised human rights and fundamental freedoms, and that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. The enjoyment of the rights and freedoms provided for in the Constitution of Bosnia and Herzegovina or in the international agreements listed in Annex I to this Constitution shall be secured for all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, etc.

Regulations governing social, children, and family protection, and the protection of civil victims of war and from family violence are relevant to analysis of the social protection field.

Social protection in Bosnia and Herzegovina is under the jurisdiction of the entities of Republika Srpska and the Federation of Bosnia and Herzegovina, along with the jurisdiction of the cantons and the Brčko

District. The social protection field in Bosnia and Herzegovina is above all governed by the organic laws regulating social protection, and in this regard, there are other relevant legal regulations governing the protection of children, of protection, of civil victims of war, and from domestic violence on the entity, cantonal and Brčko District levels, since there are certain rights under social protection originating from them and accordingly, the rights to social welfare services.

Laws in the entities regulate the issue of social protection in different ways. The system in the Federation of BiH is particularly complex with a significant overlap of jurisdictions between the ten cantons and the Federation of BiH or the incomplete regulation of certain rights in this field by the cantons. The entities have different systems of social protection, but what is common to them is that the direct exercising of social rights and rights to social welfare services mainly occurs on the lower governmental levels, in the Federation of BiH in the cantons and in the local communities, while in Republika Srpska these rights are exercised on the local level, in both cases through the Centres for Social Work (CSWs) and other institutions for the implementation of social protection and the provision of social welfare services.

2.1.2 ANALIZA INSTITUCIONALNOG OKVIRA

The entities have jurisdiction in the field of social, children, family and veteran protection, as well as in the issue of the return of displaced persons and refugees. The establishment and creation of the institutional mechanisms and institutions in the field of social protection and the provision of services in this field, as well as the provision of resources to fund social protection are under the jurisdiction of the entities, as well as of the lower governmental levels, cantons in the Federation of Bosnia and Herzegovina, the Brčko District and local communities. On the level of BiH, there are 117 Centres for Social Work that employ 1087 people, of whom 330 are administrative workers, 140 are others, 114 are jurists, 496 are social workers, counsellors, psychologists and special education teachers, and 7 are employees of the medical profession. The Centres are overloaded with a large number of beneficiaries and administrative work, they lack professionals and they are very often not well equipped technically².

The Ministry of Civil Affairs of BiH is responsible for harmonising the plans of the entities' governments, defining the framework strategy in the area of social protection, coordination with competent bodies in the entities on drafting bilateral agreements, monitoring and reporting on the implementation of international agreements on social rights and social protection, and for participation in state bilateral meetings with the purpose of establishing common principles, agreements and treaties on social protection and social insurance with the countries that are signatories to the agreements.

The Ministry of Human Rights and Refugees of BiH is responsible for issues concerning refugees and displaced persons, drafting, coordination and monitoring of the implementation of BiH policies related to this category of population, the harmonisation of plans adopted on other governmental levels, coordination with the entities' bodies and drafting framework strategies related to the implementation of the rights of vulnerable and marginalised groups, children, young people, Roma, disabled persons, civil victims of war, etc. The Ministry of Human Rights and Refugees of BiH is also responsible for monitoring and reporting on cases of discrimination and monitoring the implementation of gender equality. In relation to the above, the Ministry is competent to monitor the implementation of Annex VII, the compliance and implementation of human rights in BiH, as well as the implementation of international conventions and other international acts concerning human rights.

The institutional mechanisms competent in the field of social protection and the

² 2007 Report on Human Development: Social Inclusion in Bosnia and Herzegovina, Sarajevo: UNDP

realisation of social welfare services have a limited role, competencies and authority, which are reflected in the determination of the basic principles and coordination of activities, the harmonisation of plans adopted on different levels of government and the establishment of the framework strategy. The key institutions on the state level addressing issues in the field of social policy and social protection are the Ministry of Civil Affairs of BiH and the Ministry of Human Rights and Refugees of BiH.

2.2 Republika Srpska

2.2.1 ANALYSIS OF THE LEGAL FRAMEWORK

The Constitution of Republika Srpska, Article 43 stipulates the obligation of Republika Srpska to ensure assistance and social security for all citizens who are incapable of work and unprovided-for. The Constitution guarantees special protection to children, minors, mothers and families. The Constitution stipulates that the fundamental rights and freedoms shall be exercised directly under the Constitution and that the terms for exercising the rights shall be determined by law. In case of a discrepancy between the Constitutions of Bosnia and Herzegovina and Republika Srpska, the provisions more favourable for an individual shall apply.

On the Republika Srpska level, the most important laws that guarantee the rights to social protection and establish the mechanisms for the implementation of social protection and the social welfare services are:

- Law on Social Protection (RS Official Gazette No. 37/12);
- Law on Child Protection (RS Official Gazette No. 4/02, 17/08 and 1/09);
- Law on Family Relations (RS Official Gazette No. 54/02);
- Law on Protection from Domestic Violence (RS Official Gazette No. 102/12);
- Law on the Protection of Civil Victims of War – revised text (RS Official Gazette No. 24/10);
- Law on the Professional Rehabilitation, Training and Employment of Disabled Persons (RS Official Gazette No. 37/12)

The Law on Social Protection

stipulates that the rights to social protection, under the conditions provided by law, are implemented in the form of cash benefit, the provision of social welfare services, and other measures provided for an individual, a member of a family or a whole family, with the purpose of meeting the social needs and preventing the occurrence of social problems.

The Law on Social Protection of Republika Srpska defines some social protection services as rights. They include house assistance and home care, as well as day care. These rights may be provided by a social welfare institution, a civic association, a religious community, or another legal entity meeting the requirements for ensuring the exercising of this right.

The rights under social protection in Republika Srpska are as follows: cash benefit; carer's allowance; support for the equalisation of opportunities for children and youth with developmental disabilities; accommodation in an institution; accommodation in a foster care family; house assistance and home care; day care; one-off financial assistance and advice (Article 20).

In addition to the rights defined by law, local self-government authorities in Republika Srpska may define other so called extended rights and services, according to the needs of the population, and the conditions and criteria for exercising them. These rights include the right to personal assistance for disabled persons, supported housing, sheltered housing, help in the care of adult persons after they leave an institution or foster family, one-off in-kind aid, soup kitchen services, assistance in providing schooling for children from socially vulnerable families, assistance in the education of children with developmental disabilities, subsidising the utility expenses of poor families, beneficiary funeral expenses, SOS hot line services, and other rights and services according to the needs of the local self-government units.

Social protection beneficiaries are individuals, family members and families as a whole who exercise their rights and services in line with the above law. Above all, these are children without parental care, children disabled physically and mentally, persons whose development is impeded by family circumstances, children neglected in upbringing, and children who are victims of domestic violence and victims of human trafficking. Adults may be beneficiaries of social protection when they are: unprovided-for and incapable of work, elderly persons without family care, persons with disabilities, persons with socially deviant behaviour, and persons who need social protection due to special circumstances. According to the Law on Social Protection of Republika Srpska, adult beneficiaries of social protection are also victims of psychoactive substance abuse, victims of violence and victims of human trafficking.

Financing the rights under social protection and co-financing of the social welfare institutions is provided from the budget of Republika Srpska, whereas financing the majority of social welfare services and social programmes and measures is from the local self-government budgets. The following is provided from the Republika Srpska's budget: co-financing of the right to cash benefit and co-financing of the right to carer's allowance amounting to 50% of the legally prescribed amount; financing of the right for support for the equalisation of possibilities for children and young people with developmental disabilities; co-financing expenses for housing beneficiaries housed by the centres for social work in social welfare institutions established by the Government; financing emergency aid activities in cases of an

Most social welfare services are funded from municipal budgets. These services may also be provided by NGOs. However, the law does not provide special mechanisms under which NGOs would be involved in service provision.

extreme threat to the living conditions and living standards of many citizens caused by economic, social or humanitarian reasons; financing health insurance amounting to 50% of the right of the beneficiary to cash benefit and the right to carer's allowance, etc.

Budgets of the local self-government units provide resources for co-financing of the right to cash benefit and the right to a carer's allowance amounting to 50% of the amount prescribed by law. Local self-government units also provide 50% for financing health insurance for the beneficiaries of the right to cash benefit and carer's allowance. Budgets of local self-government units also provide resources for funding the right to accommodation in an institution, the right to accommodation in a foster family, the right to day care, the right to house assistance and home care, the right to one-off cash benefit, extended rights under social protection, financing accommodation expenses for the beneficiary in another family, the work of the centres for social work and other social welfare institutions established by the local self-government units and resources for incentive and development programmes aimed at improving the social protection of the population.

The Law on Social Protection of Republika Srpska (Article 8) stipulates that the "besides the social welfare institutions, activities in the area of social protection may also be carried out by citizen associations and other persons as provided by law." The law further stipulates that the individual services can be provided inter alia by associations of citizens (for example, Article 49 for house assistance and home care, Article 51 for day care, etc.).

The Law on Child Protection governs the system of the protection of children, which is based on the right and the duty of parents to take care of the upbringing and education of their children, and the right of children to living conditions that enable their proper mental and physical development and the obligation of the state to enable it.

The protection children includes the rights of parents and children, as well as organised activities that provide: assistance to families in the accomplishment of its reproductive, protective, educational and economic function; the preschool education of children; daily stay, education, preventive health protection, nutrition, holiday, recreation, cultural, sports and creative activities of children; adequate work with children without parental care; children with developmental disabilities, children staying in hospital for an extended period, and children from socially vulnerable families, as well as special protection for the third child in multi-child families, etc.

Rights based on the protection of children are as follows: compensation of salary during maternity leave and maternity allowance; assistance for equipment for a new-born child; children allowance; preschool education; the reimbursement of expenses for a child's stay in a preschool institution, holiday and recreation.

Local self-government units, if they provide funds, may specify other rights, a more extended scope of rights than that provided by law, and more favourable conditions for their exercising, as well as other forms of protection of children.

Funds for most of the above rights are provided from the budget of Republika Srpska, and the revenues for this purpose in the budget are provided through child protection contributions. The local self-government units implement the rights and provide resources for preschool education, holidays in children's resorts, the reimbursement of expenses for the stay of children in preschools and holiday resorts.

The Law on the Protection of Civil Victims of War stipulates the rights to protection for civil victims of war, and the ways and conditions under which those rights are exercised. Pursuant to this law, the following rights and benefits are provided: civilian disability allowance, i.e. family disability allowance; carer's allowance; allowance for a member of the family who is incapable of work; additional cash benefits; allowance to a single parent; health protection and professional rehabilitation. Given the legal provisions that itemise the rights of the civil victims of war, these persons, under the conditions prescribed by law, are entitled to various cash benefits and the right to professional rehabilitation, while exercising other rights under social protection and social welfare services according to the terms stipulated by the Law on Social Protection.

Funds for exercising the rights under the Law on the Protection of Civil Victims of War are provided from the budget of Republika Srpska.

2.2.2 ANALYSIS OF THE INSTITUTIONAL FRAMEWORK

Three ministries are competent for social protection in Republika Srpska: the Ministry of Health and Social Welfare, the Ministry of Labour and War Veterans and Disability Protection, and the Ministry of Families, Youth and Sports.

Compared to the Federation of BiH, Republika Srpska has a more efficient system of social protection and uniform protection on the entity level, governed by laws that fall under the competencies of three ministries. The social, family and childrens' protection, and the pro-

tection of disabled persons is mostly in the competence of the Ministry of Health and Social Welfare of Republika Srpska. Concerning the childrens' protection issues, a Childrens' Protection Fund has been established in Republika Srpska through which the transfer of public revenues to the beneficiaries of the rights under the Law on Child Protection is performed. The protection of the civil victims of war falls under the competency of the Ministry of Labour and War Veterans and Disability Protection. The protection of veterans and disabled persons in Republika Srpska is under the competence of the Ministry of Labour and War Veterans and Disability Protection of Republika Srpska, which establishes a single policy and legislation for this category and finances rights to special benefits that are exercised in line with the laws in this field. The promotion of family values and pro-natal policy is implemented through the Ministry of Families, Youth and Sports of Republika Srpska. The return of displaced persons and refugees is under the competence of the Ministry of Refugees and Displaced Persons of Republika Srpska. The above ministries are also responsible for monitoring the implementation of regulations in these fields, in line with the applicable laws and other regulations.

With the purpose of implementing public policies in the social protection field, social welfare institutions are established. Exercising rights and the provision of social welfare services fall under their competences. A social welfare institution may be established by the Government, a local self-government unit or a legal or natural person, in line with the law governing the public services system. Social welfare institutions are: the institute for welfare protection, the centre for social work, the institution for welfare protection for accommodation, the institution for welfare protection for daily care and services, house assistance and home care service centre, the gerontology centre, the centre for the social rehabilitation of disabled persons, the centre for the education of children and youth, the centre for children and youth with developmental disabilities, and the shelter and counselling centre.

According to the regulations of Republika Srpska, work in the area of social protection may also be carried out by NGOs. Rights implemented by the provision of services to beneficiaries can also be exercised in partnership between the public, private and nongovernmental sectors. There are 45 CSW, 20 social work services and 9 institutions in Republika Srpska.

In addition to the above institutions, the law stipulates that work related to social protection may also be carried out by citizen associations and other persons in line with the law. Rights implemented by the provision of services to beneficiaries can be exercised in partnership between the public, private and nongovernmental sectors. According to the Law on Social Protection of Republika Srpska, legal and natural persons that provide social welfare services are responsible for providing support to a beneficiary to activate their own potentials for the self-satisfaction of social needs, productive life in the community, overcoming dependency on social protection, and reducing the risk of social exclusion.

The activity of social protection and the provision of social welfare services are directly carried out by 45 centres for social work. Besides the centres for social work, in local self-government units that do not have centres for social work, social welfare services within the local administration have been established, and they perform the fundamental activities of social protection only concerning decisions on administrative cases in the first instance based on the Law on Social Protection, the Law on Family Relations and the Law on Child Protection. There are twenty such services. Moreover, there are nine institutions for the accommodation of social protection beneficiaries in Republika Srpska. Social protection activities, as already said, can be carried out by humanitarian organisations, associations of citizens, religious communities and organisations established by them, individual citizens and foreign natural and legal persons.

Pursuant to the Law on Child Protection, childrens' institutions in Republika Srpska are competent for the right to stay, preschool education and preventive health care of children of preschool age, an educational programme in the year prior to starting elementary school for three hours a day, the stay of children up to ten years of age in a preschool institution, and holiday and recreation for children of up to 15 years of age in childrens' resorts. Childrens' institutions are established by municipalities. The network of children institutions is determined by the respective municipality, based on criteria adopted by the Government of Republika Srpska. An institution for children may be established and start working if it has premises, equipment and professional and other employees provided.

According to the Law on Child Protection of Republika Srpska, the social welfare institutions in Republika Srpska for the accommodation of children are as follows: the home for children and youth, the home for children and youth with developmental disabilities, the home for physically disabled children and youth with preserved mental abilities, the home for the education of children and youth, shelters, centres for services and day care.

3 http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/OM/OD/socijalna_zastita/ustanove/ustanove/Pages/default.aspx

Other legal and natural persons can perform activities, i.e. work in the field of child protection under the terms and in the ways stipulated by law. Other legal and natural persons can perform activities, i.e. work in the area of child protection, depending on the type of work, if they have provided adequate premises and equipment, and if the persons performing such activities have appropriate education.

In addition to the above institutions, special measures for the provision of social welfare services are in place. One of these measures is stipulated by the Law on Protection from Domestic Violence, and relates to the accommodation of victims of domestic violence in a safe house. The safe house is a special measure for protection from domestic violence, which provides safe accommodation and assistance to victims of domestic violence, and can be implemented by a legal entity. According to the Law on Protection from Domestic Violence, a centre for social work or social welfare service can temporarily place a victim of domestic violence in a safe house, with their consent, with the purpose of providing physical protection and exercising the victim's rights and interests. A safe house must meet certain requirements with regard to space, equipment and personnel, and the Family Minister issues a rulebook on the standards for the implementation of the safe house. The safe house is entered into a register that is also issued by the line minister. Resources for temporary care and the placement of the victims of domestic violence in a safe house are provided from the budget of Republika Srpska amounting to 70%, and from the local self-government budgets amounting to 30% of the established price for the accommodation of the victim.

2.3 Federation of Bosnia and Herzegovina

2.3.1 ANALYSIS OF THE LEGAL FRAMEWORK

The Constitution of the Federation of BiH, Article 2, guarantees among other things the exercising of rights under social protection and the protection of the family and children. The allocation of jurisdictions between the governments of the entities and the cantons is also specific to the Federation of BiH. On the level of the Federation of Bosnia and Herzegovina, the most important legislation guaranteeing the right to social protection and stipulating the conditions, mechanisms and the manner of implementation of social welfare services is as follows:

- Law on the Principles of Social Protection, Protection of Civil Victims of War and Protection of the Family with Children (Official Gazette of the Federation of Bosnia and Herzegovina No. 36/99 and 54/04, 39/06 and 14/09);
- Family Law of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina No. 35/05, 41/05);

- Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina No. 28/13);
- Law on the Professional Rehabilitation, Training and Employment of Persons with Disability (Official Gazette of the Federation of Bosnia and Herzegovina No. 9-10/10).

In the Federation of Bosnia and Herzegovina, competencies for social policy and social protection, and thus the exercising of the rights and services under social protection, are divided between the Federation and the cantonal authorities.

The competences for regulation and the funding of certain rights are divided, but there are also rights that are a common obligation. The rights under social protection are provided for through federal and cantonal laws on social protection, the

Competences for social policy and social protection in FBiH are divided between the entities and cantons. The rights in this area are provided for through federal and cantonal laws on social protection, the protection of civil victims of war and the protection of families with children. The federal law establishes the framework based on which the cantons adopt their laws harmonised with the federal, with the cantons having powers to expand the scope of the entitlements though are not allowed to go below the minimum entitlements prescribed by the federal law.

protection of civil victims of war and the protection of families with children. The federal law establishes the framework based on which cantons adopt their laws harmonised with the federal, with the cantons having powers to expand the scope of the rights but not to go below the minimum rights prescribed by the federal law. Competent cantonal bodies regulate in more detail the activity of social protection, the protection of civil victims of war and the protection of families with children, in line with the Constitution and federal law. However, not all cantons have adopted adequate laws, or have adopted laws that include only one segment of rights, and only the rights from the social protection area, while other rights like the rights of families with children and the rights of civil victims of war are not included in the cantonal laws⁴.

The Law on the Principles of Social Protection, the Protection of Civil Victims of War and the Protection of Families with Children of the Federation of BiH regulates social protection, the protection of civil victims of war and the protection of children. This single law also regulates the establishment and financing of social welfare institutions.

Rights to social protection defined by the Law on the Principles of Social Protection, the Protection of Civil Victims of War and the Protection of Families with Children of the Federation of BiH are as follows: cash and other material assistance; training for

⁴ Such is the situation in the Herzegovina-Neretva Canton, the Posavina Canton and the Herzeg-Bosnia Canton 10. In the above cantons, given the noted situation of incomplete legal regulation and the existence of adequate law of the Federation of BiH, the federal law applies so that the Law on Social Protection of the Herzegovina-Neretva Canton explicitly regulates that the issues of social protection not regulated by the cantonal law on social protection are governed by the federal law.

life and work; accommodation with another family; accommodation in social welfare institutions; services of social and other professional work, house assistance and home care services. Regulations of the cantons can stipulate other rights to social protection in line with the social protection development programme and its possibilities.

Beneficiaries of social protection are persons in social need such as: children without parental care; children neglected in upbringing; children whose development is impeded by family circumstances; persons with disabilities and persons with physical or mental developmental disabilities; substantially unprovided persons and persons incapable of work; elderly persons with no family care; persons with negative social behaviour; persons and families in a state of social need, who need an adequate form of social protection due to special circumstances. The regulations of cantons may expand the number of social protection beneficiaries in line with the programmes for the development of social protection and specific circumstances in the canton.

The rights of civil victims of war in the Federation of Bosnia and Herzegovina according to the law are as follows: personal disability allowance; carer's allowance; orthopaedic aid; family disability allowance; assistance in health treatment expenses and the provision of orthopaedic aids; training for work (professional rehabilitation, retraining and additional training); priority for employment; priority in housing provision; psychological help and legal assistance (the first five rights are regulated by the federal law, and the last three by cantonal laws). Regulations of the cantons can stipulate other rights to social protection in line with the social protection development programme and its possibilities. The canton regulations stipulate the amounts of cash and other benefits, the terms and procedures for acquiring the rights and their exercising, unless stipulated by the federal law.

FBiH regulations stipulate that social protection activities can also be carried out by NGOs and religious communities. However, as in Republika Srpska, federal legislation does not offer incentive mechanisms for the pluralisation of service providers.

Funds for social protection, the protection of civil victims of war and the protection of families with children are provided in line with the regulations of the Federation and the cantons from: the municipality budget, the canton budget, investments by the founders of institutions, personal participation of beneficiaries, legacies, gifts and bequests, as well as from other sources.

This law stipulates that "activities of social protection, the protection of civil victims of war and the protection of families with children can be also carried out by humanitarian organisations, associations of citizens, religious communities and organisations established by them, individual citizens and foreign natural or legal persons." (Article 4). A special section of the law (Articles 51 to 53) addresses the organisation and work of associations of disabled persons, although competencies in this domain are divided between the cantons.

Constitutions of the Cantons The cantons have competencies set by the Constitution of the Federation of BiH and the cantons' constitutions. One of the exclusive competencies of the cantons is the implementation of social policy and the establishment of social welfare services. Social policy is under joint competence with the Federation of BiH, since the Federation is competent to establish this policy, and a canton to implement it. A canton may transfer or delegate a part of their competencies to municipalities, in line with the Constitution of the Federation of BiH.

Rights to social protection are regulated differently under the cantonal regulations in this field. The Herzegovina-Neretva Canton, West Herzegovina Canton, Tuzla Canton, Bosnian-Podrinja Canton and the Central-Bosnian Canton stipulate with their laws the same rights as the Law on the Principles of Social Protection, the Protection of Civil Victims of War, and the Protection of Families with Children of the Federation of BiH. The Zenica-Doboj Canton, in addition to the rights set by the federal law, recognises the right to custody and supervision. The Canton of Sarajevo additionally stipulates a carer's allowance. The Una-Sana Canton additionally stipulates subsidising rent, heating, electricity bills and funeral expenses for the most vulnerable categories of population. The Posavina Canton and Canton No. 10, in addition to the rights set by the federal law, acknowledge the right to counselling and assistance in overcoming special difficulties; assistance for sustenance and one-off assistance; allowances for help and care and a personal disability allowance; training for independent living and work; care outside the family and other assistance, while the law of Canton No. 10 also stipulates the right to housing assistance and home care.

The cantonal laws also provide for the rights of families with children and of civil victims of war. These rights have been prescribed in seven cantonal laws. Three cantons: Herzegovina-Neretva, Posavina and Canton No. 10 have not regulated the protection of families with children and the protection of civil victims of war, and the federal law applies to their territory. However, there are problems in the said cantons with regard to the direct exercising and financing of these rights. The rights of families with children under the Law on the Principles of Social Protection, the Protection of Civil Victims of War and the Protection of Families with Children of the Federation of BiH, which are provided for in the cantonal laws as well, except as already noted, in the Herzegovina-Neretva and Posavina Cantons and Canton No.10, are as follows: childrens' allowance; compensation instead of salary to an employed mother during pregnancy, childbirth and care for the child; allowance during pregnancy and childbirth to a mother or to another person who is not employed; assistance in the diet for children up to six months and additional diet for breastfeeding mothers; school fees and scholarships for pupils and students, etc.

The Law on the Principles of Social Protection, the Protection of Civil Victims of War and the Protection of Families with Children of the Federation of BiH defines the beneficiaries of social protection who as such also have the status of beneficiaries on the level of the cantons, and they are, as already said: children without parental

care, children neglected in upbringing and children whose development is impeded by family circumstances; persons with disabilities and persons with physical or mental developmental disabilities; financially unprovided persons and persons incapable of work; elderly persons without family care; persons with negative social behaviour; persons and families in a state of social need who need a certain form of social protection due to special circumstances.

The laws of the Herzegovina-Neretva Canton, West Herzegovina Canton, Central Bosnian Canton and Bosnia-Podrinja Canton in the Federation of BiH specify the same beneficiaries of social protection as the federal law. The Tuzla Canton's law that governs social protection also includes persons subjected to domestic abuse and violence as beneficiaries of social protection. The Una-Sana Canton specifies dysfunctional family and persons and families without sufficient income to meet their basic needs as beneficiaries of social protection. The Canton of Sarajevo additionally specifies persons and families whose income is not sufficient to meet their basic needs and persons subjected to domestic abuse and violence as beneficiaries of social protection. The Zenica-Doboj Canton also includes persons addicted to psychoactive substances among the beneficiaries of social protection. The Herzeg-Bosnian Canton 10 has defined the beneficiaries of social protection slightly differently compared to the federal law and laws of other cantons, so according to the law that governs the field of social protection in this canton, the beneficiaries are as follows: children without parental care, children neglected in upbringing, children whose development is impeded by the family circumstances (the same as the law of the Federation of BiH); physically or mentally handicapped or mentally ill children, and children against whom a family protection measure or penalty/legal protection measure is applied or should be applied; physically or mentally handicapped or ill adult person or elderly, incapable person or other person who is not able to meet his/her basic needs due to a permanent change of the medical status; another person who is in trouble because of broken family relations, dependence on alcohol, drugs or other intoxicants or due to another form of socially unacceptable behaviour and other causes.

The cantonal laws contain identical provisions about financing the rights under social protection as the Federal law, therefore the Law on Social Protection, the Protection of the Civil Victims of War and the Protection of Families with Children of the Canton of Sarajevo can be used as an illustration of the distribution of competencies for financing these rights for the purpose of this analysis. According to this law, a permanent cash benefit; carer's allowance; house assistance and home care services; one-time assistance, exceptional assistance and other material assistance; training for living and work; accommodation with another family; accommodation in a social protection institution; personal invalid allowance; family invalid allowance for civil war victims; assistance to cover the costs of medical treatment and purchase orthopaedic aid and other aid; child allowance; cash benefit for unemployed mothers during pregnancy, parturition and child care; one-time as-

sistance for equipment for a new-born child; assistance for food for a child up to an age of six months and additional food for breast-feeding mothers; accommodation of children in a preschool institution with food provided; scholarship and tuition for students; financing social protection institutions established by the Canton and invalid's associations, etc.

The municipal budget covers: recurrent costs and wages of employees of social institutions established by municipality; municipal invalids' associations in accordance with its capacity; other rights under social protection, determined by the municipal regulations.

2.3.2 ANALYSIS OF THE INSTITUTIONAL FRAMEWORK

In the Federation of Bosnia and Herzegovina, the social policy and social protection competencies are divided between the federal level of government and the cantonal level, while the cantons may divide the competencies as joint competences of the cantons and municipalities or as cantonal competences or municipal competences alone. Social, family and child protection and the protection of disabled persons are

More than 30 institutions are assigned with the implementation and monitoring of social protection in the Federation of BiH.

mostly under the competence of the Ministry of Labour and Social Policy of the Federation of BiH. The protection of civil victims of war is also under the competence of the Federal Ministry of Labour and Social Policy. The protection of veterans and disabled veterans in the Federation of BiH is implemented through the competent Ministry for Issues of the Veterans and Disabled Veterans of the Defensive-Liberation War, competent for issues concerning disabled veterans and the families of killed combatants, which establishes a single policy and legislation for this category and finances special allowances that are implemented under the laws in this field. The return of displaced persons and refugees is under the competence of the federal Ministry for Displaced Persons and Refugees. The federal Ministry of Labour and Social Policy supervises the implementation of laws that regulate social policy, social protection and the system of social protection services, and monitors compliance with and implementation of the federal law on the cantonal level. The activity of social protection, social protection for civil victims of war and the protection of families with children in the Federation of Bosnia and Herzegovina is implemented through the federal Ministry of Labour and Social Policy and ten cantonal ministries competent for social protection and the protection of families and children. Supervision of the implementation of the federal laws and the federal regulations adopted for their implementation, as well as supervision of the professional work of the institutions established by the Federation, is carried out by the federal Ministry competent for social protection and the protection of families.

Direct exercising of the rights arising from social protection and social welfare services is undertaken in the social welfare institutions, which provide services that fully or partially meet the social and other needs of the social protection beneficiaries.

Institutions are established to take care of certain categories of beneficiaries of social protection and perform professional and other social protection work. Institutions are established on the cantonal level and the local community level (municipal level).

According to the federal law, unless stipulated otherwise by cantonal regulations, institutions are established as: centres for social work; institutions for children (for children without parental care, children neglected in upbringing, children with physical and mental disabilities, as well as day care centres); institutions for adults and elderly people; institution for social and health care of disabled and other persons and institutions for the day care of social protection beneficiaries. The establishment and operation of the above institutions are regulated by the cantonal regulations. Institutions of importance for the Federation, whose establishment and operation are regulated by federal regulations, are an exception.

The activity of social protection and the provision of social welfare services is directly carried out through the operation of 79 local services (57 centres for social work and 22 services competent for social protection and the protection of families and children), two cantonal centres for social work (Sarajevo and Tuzla), 26 institutions for providing care for social protection beneficiaries, and 11 day centres for providing care for disabled persons⁵. This activity can also be carried out by humanitarian organisations, citizens' associations, religious communities and organisations established by them, individual citizens and foreign natural or legal persons.

As an illustration, and for the purpose of this analysis, an outline of the institutions of social protection in the Tuzla Canton and the Canton of Sarajevo follows. In the Tuzla Canton, the social protection and the social welfare services, according to cantonal law, are carried out by: the Centre for Social Work, the Institute for the Study of Phenomena and Problems in the Area of Social Protection, the Protection of Civil Victims of War and the Protection of Families with Children, homes for the protection of persons in a state of social need, day care centres, house assistance and home care services, counselling centres for persons in a state of social need, shelter for persons in a state of social need, homes and other forms of accommodation for children and youth.

In the Canton of Sarajevo, the social institutions according to this canton law are as follows: the Cantonal Centre for Social Work; the Home for Social and Health Care of People with Disabilities and Other People (within which a rehabilitation centre, a centre for working-and-production activities, a day care centre and safe houses can be established as organisational units); the Gerontology Centre (within which a day care centre, house assistance and home care service, a shelter for adults and elderly people, a shelter for vagrants and beggars can be established as organisational units); a home for children without parental care and a family counselling centre.

⁵ Research into the state in the field of disability in BiH: Zbornik radova Grupa autora godina 2008, str. (Collection of Papers, Group of authors, 2008, p. 51, available at <http://www.ho-partner.rs.sr/download/ISTRAZIVANJA%20STANJA%20U%20OBLASTI%20INVALIDNOSTI%20U%20BiH.pdf>, accessed October 2013.

2.4 Brčko District

2.4.1 ANALYSIS OF THE LEGAL FRAMEWORK

The Statute of the Brčko District, Article 8, regulates the competences of the District authorities in the area of social protection. Besides the Statute, the conditions for the fulfilment of the instituted rights are prescribed by laws adopted by the Brčko District under the conditions and in the manner stipulated by the Statute.

The most important laws of the Brčko District that guarantee the right to social protection and establish the conditions, mechanisms and manner of accomplishing the social services include:

- Brčko District Law on Social Protection BiH (Official Gazette of BiH Brčko District, no. 1/03, 4/04, 19/07 and 2/08);
- Law on Child Protection of Brčko District BiH (Official Gazette of BiH Brčko District, no. 51/11 – revised text);
- Family Law (Official Gazette of BiH Brčko District, no. 23/07).

The competence for social protection in the Brčko District rests in the Government of the Brčko District.

The Law on Social Protection in the Brčko District BiH regulates the social protection in the territory of the Brčko District. The following rights under social protection can be exercised under the terms prescribed by law: social and other professional work services; financial and other material assistance; training of minors with special needs and adult disabled persons for living and work; accommodation in a social welfare institution or another family and house assistance and home care service.

The beneficiaries of social protection rights are as follows: citizens who are not capable of work, who do not have money for sustenance and relatives who would be bound by law and would be able to provide sustenance; and citizens and families who cannot provide sufficient funds to meet their life needs through their work and on the basis of their work, as well as on the basis of their property rights because of special circumstances. According to the applicable Law on Social Protection, the beneficiaries of the social protection are persons who are in a state of social need. Among minors, those are children without parental care, children hindered in physical and mental development, children neglected in upbringing, children whose development has been obstructed by family circumstances, and misused children. The major beneficiaries among adults are materially non-sustained persons, persons incapable of work, elderly people without family care, disabled people, people with negative social behaviour, other persons in a position of social need who need social protection because of special circumstances, misused persons, and single

parents. The Brčko District Mayor may extend the circle of beneficiaries of social protection in line with the plans for the development of social protection.

Funds for exercising the rights are provided in the District budget, and income is generated through contributions, taxes, donations and other methods in line with the provisions of the Law on Social Protection of the Brčko District.

The Law on Social Protection in the Brčko District BiH does not explicitly spell out citizens' associations as service providers (much more attention is dedicated to the criteria and conditions under which natural persons may provide these services). On the other hand, the possibility of some services being provided by other legal entities is specified. For example, Article 62 stipulates that house assistance and home care shall be provided by a social welfare institution, and this may be done by a legal or natural person that has entered into agreement with the Mayor.

Brčko District regulations do not explicitly spell out NGOs as the social welfare service providers. The Law on Child Protection of Brčko District stipulates the following rights: compensation of salary during maternity leave or extended maternity leave and the absence from work of an employed parent or custodian for nursing the child; maternal allowance; assistance for equipment for a new-born child; child allowance, and special psycho-social treatment for couples who want children and pregnant women.

Beneficiaries of these rights are parents and children under the conditions stipulated by law.

Funds for exercising the above rights are provided from the District budget, contributions, taxes, donations and other ways in line with the law.

2.4.2 ANALYSIS OF THE INSTITUTIONAL FRAMEWORK

Social protection and social welfare services in the Brčko District are implemented through the Subdivision for Social Protection, which acts within the Health Department of the Brčko District covering the whole territory of the Brčko District. The law has stipulated that the social welfare services are provided by the centre for social work and social service institutions, which can be established as public, private or joint ventures. The institutions established by the decision of the District Assembly are as follows: the Centre for Social Work; institutions for children (children without parental care; children neglected in upbringing, children with a physical and mental developmental disability); the institution for adults and elderly people; the institution for social and health care of disabled and other persons; institutions for the day care of social protection beneficiaries.

Independent performance of social protection as a professional activity includes counselling work and the provision of assistance and care. These services, under the conditions stipulated by law, may also be provided by a natural person. Surveillance of the enforcement of the law is performed by the Health Department of the Brčko District.

The Brčko District does not have any public institution for the accommodation of beneficiaries, and for this area it uses the services of institutions that operate in the territory of Republika Srpska and the Federation of Bosnia and Herzegovina.

Though the Law on Social Protection of the Brčko District provides for the possibility of establishing social welfare institutions for the provision of social protection services, the Brčko District does not have any public institution for the accommodation of beneficiaries and for this, it uses the services of institutions that operate in the territory of Republika Srpska and the Federation of Bosnia and Herzegovina. However, three homes for elderly and incapable persons operate in the Brčko District as private social welfare institutions. Financing for these private institutions is provided through the Subdivision for Social Protection.

2.5 Associations of Citizens in Social Protection

According to the 2007 UNDP Human Development Report: Social Inclusion in Bosnia and Herzegovina, the social protection system is largely traditional, based on public institutions and financial assistance according to rights defined by law.⁶ Services are largely insufficient, especially in terms of new models that include a beneficiary-oriented approach. The system of social protection is focused on the basic forms of assistance with financial assistance and social services in the public sector prevailing. This system is distinguished by its lack of prevention, includes complex administrative procedures in its approach and everyday work, as well as a lack of participation of the beneficiaries in making decisions and receiving services.

According to the laws that regulate social policy, social protection and the implementation of social welfare services in Republika Srpska, the Federation of Bosnia and Herzegovina, its cantons and the Brčko District, there are no obstacles for NGOs to be engaged in providing social welfare services, especially those services that relate to the accommodation of beneficiaries, counselling centres, rehabilitation centres, day care centres, house assistance and home care centres, shelters and other similar services. On the other hand, the legislation does not provide special mechanisms for the inclusion of NGOs in the provision of services.

According to the legal regulations of Republika Srpska, the obligation for financing social protection institutions rests on the Republic when institutions that it establishes are involved, and on the local self-government units when institutions that

⁶ 2007 Report on Human Development: Social Inclusion in Bosnia and Herzegovina, p. 124.

they establish are involved. Such provisions are not included in the legislation of the Federation of BiH, including the cantons, and it can be concluded that financing social welfare institutions that are not included in the system of public institutions, i.e. that were not founded by the Government or the local community, has not been generally and systematically solved. Therefore, these institutions may be founded, but at the same time they undertake the obligation of providing funds themselves, which they generally do through donations or funds from the beneficiaries who pay for the services, which does not occur very often and is usually limited to services of the accommodation of elderly persons⁷.

The Structure of the Non-governmental Sector

There is no precise data in Bosnia and Herzegovina on the number and the structure of non-governmental organisations due to incomplete overlapping registers. According to a 2004 study, there were 9,095 associations of citizens in BiH. Further verification of data gathered during the study showed that almost half of the registered organisations were no longer active, and it was estimated that the number of active non-governmental organisations in BiH amounted to 4,629⁸.

As a result of major international investments in BiH after the war, this sector was very large. The number of full-time staff employed in the NGO sector at one point was 26,668, or 2.3% of the active workforce. In spite of this, the non-governmental sector was dominated by small associations (with a maximum of 10 employees or 100 active members/volunteers), which accounted for 85.4% of associations in Bosnia and Herzegovina. Larger associations (14.6%) were those with more than 10 employees or 100 members or volunteers⁹. Only one in six registered associations had at least one employee. The study showed that there was differentiation in the non-governmental sector and that a group of organisations gradually distinguished itself (according to examiners' estimates, between 50 and 60) with the fully developed technical, professional and managerial capacities necessary for the preparation of projects that would be granted funds. Almost one third of the associations that applied for projects in 2008 were not approved funds, although the majority of those projects were submitted to local donors¹⁰. More than half of the citizens' associations (58%) had an annual budget less than EUR 15,000, 14% had budgets between EUR 15,000 and EUR 50,000, one fifth had a budget up to EUR 250,000, and almost one tenth had a budget above this amount¹¹.

7 There are four institutions in Bosnia and Herzegovina for the accommodation of elderly and incapable persons founded by civil society organizations and one private home for old people. http://fmrsp.gov.ba/s/index.php?option=com_content&task=view&id=37&Itemid=51

8 Civilno društvo: Prilozi izradi Strategije za razvoj stimulativnog okruženja za razvoj civilnog društva u Bosni i Hercegovini, (Civil society: Contributions to drafting the Strategy for the development of a stimulative environment for the development of civil society in Bosnia and Herzegovina), Sarajevo, HTSPE Ltd and Kronauer Consulting, 2009, p. 71

9 Ibid, p. 82

10 Ibid, pp. 98, 102

11 Ibid, p. 117

The non-governmental organisations in the region were often said to be “donor driven,” i.e. that they were governed in their work by the interests of the international donors, not the interests of the citizens they represented. A number of non-governmental organisations had a weak citizen base and very limited membership. Those criticisms were particularly emphasised in BiH, so that a study by IBHI and FSU states that “given the influential role of the international community and donors in the development of this sector, NGOs are often seen as an extension of international organisations rather than an exes of a civil society.”¹²

Sources of Financing

The largest number of citizens’ associations in BiH, almost half, are financed through local and regional self-government resources. Two thirds of associations whose basic source of financing is the local/regional governments include local sports, cultural and artistic associations, associations originating from the war, and associations engaged in humanitarian and social issues and social and economic development. Then, the membership (37%) and international donor organisations (36%) follow as a form of financing¹³.

Analyses of the distribution of state funds to non-governmental organisations show that in 2007, out of approximately KM 110 million, KM 64 million or 58% was distributed from the municipal budgets, 21% from the entities’ budgets, 19% from cantonal and 2% from the state budget. Most of the funds were given to sports associations (41%), veterans’ associations (15%), while associations engaged in social protection only received 9% of the funds¹⁴. Most of those funds were distributed without public tenders. This study points to two significant conclusions: In BiH, a small part of the state funds intended for the non-governmental sector is used for the provision of social welfare services, and the funds are often distributed using vague and non-transparent criteria¹⁵. The same situation is recorded by subsequent analyses, except that in the Federation of BiH for social protection and the protection of disabled veterans, the state allocates one third,

12 Žarko Papić et al., *Mit ili stvarnost civilnog društva: Uloga civilnog društva u jačanju socijalne uključenosti i smanjenju siromaštva*, (Myth or reality: the Role of civil society in strengthening social inclusion and decrease of poverty), Sarajevo: IBHI and FSU, 2011, p. 60

13 *Civilno društvo: Prilozi izradi Strategije za razvoj stimulativnog okruženja za razvoj civilnog društva u Bosni i Hercegovini*, (Civil society: Contributions to drafting the Strategy for the development of a stimulative environment for the development of civil society in Bosnia and Herzegovina), Sarajevo, HTSPE Ltd and Kronauer Consulting, 2009, p. 115

14 Goran Žeravčević, *Analysis of Institutional Cooperation between Governmental and Non-governmental Sectors in BiH*, Sarajevo: Kronauer Consulting, 2008, p. 41 and on

15 The lack of transparency is obvious from the Internet presentations of the line ministries of the entities. The site of the Ministry of Health and Social Protection of Republika Srpska does not present any data on NGO support, while the site of the Ministry of Labour and Social Policy of FBiH has tenders and decisions on the allocation of funds from the Lottery of FBiH (for activities of organisations engaged in meeting the needs of disabled persons in terms of improving their living conditions and their organisations, accommodation and shelter for victims of torture and violence, activities in the development of civil society in the field of social protection and the work of soup kitchens), but there is no information on the actual distribution of the funds. Data on the work of the cantonal ministries is very scarce as a rule, and many of them do not have their own web sites.

and in Republika Srpska one fifth of the funds¹⁶. Analysis conducted by CPCD for TACSO shows that most of the funds are distributed on the municipal and cantonal levels, which is a reason for the existence of significant regional inequality. At the same time, this analysis confirms earlier findings that most of the funds are allocated to the sports associations and associations of disabled veterans¹⁷.

According to data from the Ministry of Finance and Treasury of BiH, during 2012, international donors invested EUR 2.9 million in the area of social protection¹⁸. The available data on these investments is no more transparent than that referring to the domestic sources of financing¹⁹.

Finally, there are domestic foundations in BiH that support NGOs engaged in social protection. Among them, of special importance is the Foundation for Social Inclusion, which supported 58 projects in total with KM 2 million (EUR 1 million) from 2010 to 2013, with KM 1.2 million (EUR 0.6 million) public institution resources to be added.

The data presented so far indicates that the state is the main source of funding for NGOs that provide social welfare services or deal with issues in this field in general. However, the state and international sources are non-transparent, there are no clear overviews showing where and for what purposes the money was invested, and because of that, the contribution of the NGO sector in this field is not sufficiently visible. Regardless of the benefits that some NGOs may have from the domestic sources of financing, the entire sector suffers evident loss due to this non-transparency (of both domestic and international sources of financing).

Even though there is some data on the distribution of funds to citizen associations, including those engaged in social protection, it is difficult to create a precise image of the scope and structure of the given resources due to the complex political and administrative structure of Bosnia and Herzegovina. Moreover, a special problem in the analysis of the role of the NGO sector is the fact that there is no systemised list of associations and services (database).

16 FSU in BiH and CPCD, Pismo glava: Izdvajanja vladinog sektora za nevladin sektor u Bosni i Hercegovini za 2012. godinu, (Heads or tails: Allocations of the governmental sector for the non-governmental sector in Bosnia and Herzegovina for 2012), Sarajevo: FSU in BiH and CPCD, February 2013, p. 8

17 CPCD, Finansijska podrška javnih institucija nevladinim organizacijama u Bosni i Hercegovini u 2011. godini (Financial support from public institutions to non-governmental organisations in Bosnia and Herzegovina in 2011), Sarajevo: CPCD and TACSO, 2013.

18 Ministry of Finance and Treasury of BiH, Pregled aktivnosti donatora 2011-2012 (Review of the activities of donors 2011-2012), Sarajevo, p. 82, available at http://www.mft.gov.ba/bos/images/stories/medjunarodna%20saradnja/koordinacija_medjunarodne_pomoci/DMR_2011_2012_BOS.PDF, accessed October 2013.

19 cf. IBHI and FSU, Donatori u BiH - Podrška razvoju NVO sektora: (Ne) naučene lekcije (Donors in BiH – Support to the development of the NGO sector: Lessons (not) learned) Sarajevo: Initiative for Better and More Human Inclusion (IBHI) and Foundation for Social Inclusion in BiH (FSU in BiH), Sarajevo, 2013.

Cooperation with the State

The views of representatives of non-governmental organisations on cooperation with the state show a high degree of dissatisfaction: 60% think that the state underestimates the non-governmental sector and is not interested in it, one third think that the state sees the sector as a rival, 40% think that the state only finances non-governmental organisations as a result of external pressures, while only 11% of the interviewed NGOs state that the government recognises the non-governmental sector as a partner. Associations that have recognised the government as a partner have mainly cooperated with it (11.2%), among which associations like sports, cultural and artistic and hobbyist associations, as well as those addressing the issues of young people and civil initiatives, which include associations of pensioners, firemen's associations and veterans' associations. Cooperation with the state is realised through the exchange of experience and information (43%), joint work on projects (50%), consultancy work for the benefit of the state (12%) or the provision of services on the account of the state (11%), and national donations (44%)²⁰.

Only 11% of NGOs say that the state recognises the NGO sector as a partner.

Our qualitative study also records examples of good cooperation between the state, public institutions and the NGO sector. However, the position of NGOs in the local system of social protection largely depends on the attitude of the CSW and the department within a local self-government unit competent for social protection. "The NGO sector has not acquired adequate respect and confidence from state institutions, save for some of them that have had such luck, mainly owing to their cooperation with the CSW, which is recognised as a partner, and it depends considerably on the mood of the CSW, if I speak generally and not only about [the name of the city]" (Interview, BiH, September 2013).

On the level of activities and procedures, various practices are noted. Some centres do not refer beneficiaries to NGOs, while some do. It was even noted in some interviews that CSW refers the beneficiaries to an NGO when there are legal obstacles for them to exercise some right, and it is evident that they do need assistance.

Non-governmental Organisations in Social Protection

Analyses of the role of the non-governmental sector in the provision of social services mainly focus on the statement that there are significant capacities in this part of the sector, but they are not recognised by the state. Although the number of such associations is relatively small, they have managed to profile their resources and the services they provide. These associations provide services of prevention, support and protection for children, victims of human trafficking, old people, as well as psycho-social assistance, free legal counselling, etc. However, as the authors of a study of the civil sector in BiH say, neither Bosnia and Herzegovina as a state nor its entities have recognised the importance of these associations,

²⁰ Idid, p. 124

which primarily work for the general public benefit and welfare. In the legal sense, nothing has been done to encourage their work, and there are no measures that make them privileged in any way relative to associations working only for the interest of their own members²¹.

The position of NGOs in the local system of social protection largely depends on the CSW and the local self-government unit dealing with social protection issues. Respondents in our study clearly confirm that the NGO sector plays a significant role in providing social welfare services. According to one of the respondents – “institutions

cannot do much, they are bound by a certain law while the NGO sector can, with financial assistance, first provide services that neither the Centre nor other institutions can provide; look at the schools, they do not have time to deal with children, the Centre does not have time to deal with children either, there are very few preventive programmes” (Interview, BiH, September 2013). The most frequent statement about NGOs is that they are more flexible when working with their beneficiaries, they are adjusted to the circumstances and newly created needs more easily, while at the same time they are more sensitive to changes in the political and fiscal sphere.

A series of studies, including ours, point to the negative perception of the NGO sector as being primarily directed towards acquiring financial resources and insufficiently staffed. On the other hand, there has been a significant increase in the number of non-governmental organisations in Bosnia and Herzegovina. This tendency to fast development

amid an economic crisis has its bad side. One respondent in the study explained that in the following way: “associations can be founded very easily, three persons are enough and my opinion is that in some places different associations flourish literally because there is no work, and people join together to provide means for themselves, so there are many who work just to take as much money as possible, without taking care of the quality of service. In addition, the professionalism and the quality of the people that work here is disputable, when we speak about social protection. There is a small number of experts and they are focused on acquiring money, all this is accepted somewhat easily” (Interview, BiH, September 2013).

Under these circumstances, our respondents think, obstacles to the work of NGOs and the cooperation with the state occur. In addition to the lack of funds, which is pointed out as a key problem in almost all interviews and in all countries, the respondents also state the lack of confidence in the NGO sector and its capacity²². This problem is especially worsened by the fact that not even one country has established a system for licensing the service providers, which would largely remove the suspicion of the capacity of the NGO sector to provide social welfare services.

21 Idid, p. 141
22 It is interesting to note that the respondents from the public sector frequently have a completely different perception. They say that the advantage of the NGO sector is the fact that they can rely on different sources of financing, unlike a CSW, for example, which may only rely on the government or a local budget.

According to analyses conducted in Serbia, for example, the NGO sector has a number of advantages when certain local services are involved, like house assistance or day care for children with disabilities. These advantages can be seen in the capability of providing identical services as in the public sector with less resource. In other fields, NGOs demonstrate some of their distinguished strengths: the capability of identifying new beneficiaries and new beneficiary groups, the introduction of new services and new methods of work, a willingness to meet the needs of the beneficiary and perform activities with beneficiaries who have difficulties in accessing the public sector, etc²³

Anyhow, there are examples of “good practices”, like taking care of the victims of domestic violence in safe houses in Republika Srpska, the funds for which, according to the Law on Protection from Domestic Violence, are provided as 70% of the means required for the care from the Republic budget, and 30% from the budgets of the local self-government units. However, problems in financing from the local levels occur here since all the local self-government units do not comply with this obligation. Besides, safe houses are not recognised in the Law on Social Protection of Republika Srpska, and they are defined as a special supportive measure for the victims of domestic violence, as defined by the Law on Protection from Domestic Violence.

Other examples referring to various activities that partially or fully meet the needs of the beneficiaries in terms of the provision of a certain social welfare service are mainly implemented through: counselling centres, psycho-social treatments of different socially vulnerable groups or persons with socially unacceptable behaviour, various forms of work with children including SOS hotlines providing help for abused children, SOS hotlines for female victims of domestic violence, the rehabilitation of disabled persons, working therapies for victims of war, etc. However, the implementation of these forms of activities and services is not supported systematically and financially. They are mainly implemented through support for various projects and programmes and financed by donations. They are of limited time and as such, they are generally not sustainable.

2.6 Summary and Recommendations for Advocacy Work

Legal and institutional framework. The institutional framework for the provision of social welfare services in Bosnia and Herzegovina is distinguished by the political structure of this country. The state level is characterised by limited competences and institutional capacities, while the majority of institutions are located on the entity level in Republika Srpska, or on the entity and cantonal levels in the Federation of Bosnia and Herzegovina, and on the level of the Brčko District. In short, this structure consists of centres for social work, institutions for the accommodation of beneficiaries and other governmental and private institutions.

Social welfare services. Direct implementation of the rights under social protection

²³ SeConS, Uporedno istraživanje lokalnih pružalaca usluga socijalne zaštite u Srbiji: konkurentnost i inovativnost NVO sektora (Comparative research into local service providers of social protection in Serbia: competitiveness and innovation of the NGO sector), Beograd: SeConS, 2013.

and social services is predominantly carried out on lower levels of authority, in the cantons and local communities in the Federation of BiH, and on the local level in Republika Srpska. In both cases, the most important players are the centres for social work and other institutions for the implementation of social protection and the provision of social welfare services. Services in the field of social protection are provided by public institutions and by associations of citizens as well. The public social protection system is composed of a network of centres for social work and institutions for the accommodation of beneficiaries. The centres are overloaded with a large number of beneficiaries and administrative work, they lack professionals and very often they are not well equipped technically. Non-governmental organisations do not have any legal obstacles to provide services, though the relevant laws do not pay special attention to the regulation of their participation in the social services sector.

NGOs in social protection. The regulations of BiH do not put obstacles in the way of the inclusion of NGOs in the area of the provision of social welfare services. On the other hand, neither are there any special incentive mechanisms for the pluralisation of service providers (except tenders announced by state bodies and local self-government bodies). There is no systematic review of the capacities and activities of the NGO sector in the area of social protection. The inclusion of NGOs in the process of the provision of services is not accompanied by the introduction of a quality system (the system for licensing service providers), which could legitimise the NGO sector in the context of the prevailing criticism (that it is incompetent, focused only on profit, that it is not a stable partner, etc.). Based on the existing data, it is not possible to infer what the actual role of the NGO sector is.

Financing NGOs. NGOs that address the issues of social protection are mainly financed from domestic sources: entity, cantonal and municipal budgets, although there is still a notable presence of international donors in this field. The largest part of the state resources is spent on financing sports associations and veterans' associations. As for the field of social protection, there are no clear overviews of what is funded and in what way. Due to this, the contribution of NGOs engaged in the provision of social welfare services remains invisible. Regardless of the benefit from domestic sources of financing that some NGOs may have, the entire sector suffers evident loss due to this non-transparency (of both domestic and international sources of financing).

Advocacy for the NGO sector. Even though many NGOs are engaged in the issue of the inclusion of the NGO sector in the work with beneficiaries and the cooperation of the state with the NGO service providers (CPCD, IBHI, FSU and others), it seems that the activities are not unified and that there is no clear advocacy strategy that would be accompanied by concrete proposals for the regulation of the work of NGOs in social protection (e.g. register, system of licensing and professionalisation, etc.). Moreover, even though a number of analyses have been made, it is clear that some are lacking. Among them, the lack of two groups of analyses is particularly noticeable: (1) the scope of NGO service providers in this activity is not accompanied with analyses, and (2) the competitiveness of

2

BOSNIA AND HERZEGOVINA

the NGO sector in the provision of services (analysis of innovation, the inclusion of beneficiaries, efficiency, etc.)

In Bosnia and Herzegovina, there is no clear overview of the budgetary allocation for social services.

Recommendations for advocacy work:

Establishing mechanisms for monitoring the activities of the NGO sector in the social protection field in the form of (1) register, or (2) database. The register of local social services kept by the Republic Institute for Social Welfare in Serbia can serve as a model register (voluntary registration by NGOs, annual updating, use of the register as a mean of advocacy by the NGO and as a means for planning by the state bodies). Research conducted in Montenegro (Institute Alternative and UNDP) can be used as a model for the database. Databases are completed using surveys and updated as required (probably once every year or two). Their purpose is the same as that of the register; they are more expensive to implement but more reliable. In both cases, this mechanism may include data on the level of allocation for the social welfare services. This mechanism serves for planning public policies and as a base for advocacy activities for a greater role of the NGO sector in social protection.

The development of a system for quality control of social protection services in the public and NGO sectors. A single quality control system will help improve the quality of all social protection services and thus make the contribution of the non-governmental sector visible. There are unique solutions adopted in the region (Croatia, Serbia, Montenegro) under the influence of British models, which were transferred by DFID consultants. This system is relatively complicated, but helps in “creating order” in the system of service providers.

Advocacy for strengthening the capacities of line ministries for monitoring the condition and planning of public policies. An alternative strategy may be the strengthening of the capacities in the NGO sector for monitoring and analysis in social protection and advocacy for the state to support these NGOs (as kind of outsourcing). Probably IBHI has gone farthest in this direction, but their capacities in social protection need further development. Therefore IBHI is proposed as one of the partners in the further advocacy process.

Strengthening the advocacy base of the NGO sector through the development of the research and analytical sector. There are a number of different analyses of the NGO sector in Bosnia and Herzegovina. The most founded ones in methodological terms are certainly those that address the structure and sources of financing. Regretfully, they say little about the strengths of the sector in the field of social protection. The advantages of the sector may be brought into the daylight by more focused and methodologically solidly founded examinations, like the one conducted recently in Serbia (analysis of the competitiveness of the NGO sector in the field of local social services) or in Montenegro (review of services and coverage of all the beneficiaries with services).

3

MONTENEGRO

3.1 Analysis of the Legal Framework

The Constitution of Montenegro, Article 1, defines Montenegro as civil, democratic, ecological and the state of social justice. Mothers and children enjoy special constitutional protection (Articles 73 and 74) and the state undertakes to create conditions that encourage childbirth and protect children from exploitation and abuse. Aside from these rights and the rights and obligations arising from work and employment status though, the Constitution does not address the issue of social welfare.

The system of social protection is defined by the following laws:

- Law on Social and Child Protection, Official Gazette of Montenegro No. 27/2013
- Law on the Professional Rehabilitation and Employment of Disabled Persons, Official Gazette of Montenegro No. 39/2011
- Family Law of Montenegro, Official Gazette of Montenegro No. 1/2007
- Law on Protection from Domestic Violence, Official Gazette of Montenegro No. 46/2010
- Law on the Prohibition of Discrimination, Official Gazette of Montenegro No. 46/2010

Freedom of association is guaranteed in Montenegro. Article 53 of the Constitution of Montenegro guarantees the freedom of political, trade union and other association and action, and the state undertakes to support political and other associations, when there is a public interest to do so. Activities of non-governmental organisations are governed by the following laws:

- The Law on Non-governmental Organisations, Official Gazette of Montenegro No. 39/2011
- The Law on Volunteering Work, Official Gazette of Montenegro No. 14/2012

Social protection rights are rights to basic financial support and social and child protection services (Law on Social and Child protection, Article 11). The basic financial support under social protection is: financial support; personal disability allowance; care and support allowance; health protection; funeral costs and one-off financial assistance. The basic financial support under child protection is: benefit for a new-born child; child allowance; the costs of nutrition in pre-school institutions; assistance in the upbringing and education of children and young people with special educational needs; reimbursement of salary compensation and salary compensation for maternity or parental leave; compensation based on childbirth and the reimbursement of salary compensation and salary compensation for half-time work. The state can also provide other financial benefits within child protection, pursuant to its financial capacities (Article 40).

3

MONTENEGRO

Social welfare services are defined in a similar way to Serbian law. They include assessment and planning; support for living in a family; counselling/therapy and social-educational services; accommodation; urgent interventions and other services (Article 60). Support services for living in a family comprise the following activities: daily stay, help in the house, living with support, daily centre, personal assistance, interpretation and translation into sign language and other support services in the community. Counselling/therapy and social-educational services include: counselling, therapy, mediation, SOS telephone and other services with the objective of overcoming crisis situations and improving family relations. Accommodation is a service that comprises the stay of beneficiaries: in family placement as fostering, family placement, in an institution, in a daily centre – refuge and other types of accommodation. Services of urgent intervention are provided for the purpose of ensuring safety in situations that endanger the life, health and development of beneficiaries and they shall be provided 24 hours a day (Articles 61 to 71).

Social welfare services in the community can be provided by public institutions as well as NGOs or public-private partnerships.

Providers of social welfare services are institutions for social and child protection, which can be public or private. Article 13 of the Law on Social and Child Protection spells out that “certain affairs of social and child protection can also be performed by other form of organisation, in accordance with this Law.” This Law gives other possibilities for engaging other providers of services. Article 72 provides that services such as support for living in a family, counselling-therapy services and placement in an institution or shelter may be procured through a public procurement procedure, a public call for applications for funds, or public-private partnership if there is a need for them and if they can be provided more efficiently by other service providers. Article 119 further provides that “activity in the area of social and child protection – that is, individual services – may also be provided, in accordance with this Law, by an organisation, entrepreneur, business company and physical person in accordance with the law.”

All providers of social welfare services are obliged to provide a license issued by the “competent state administration body.” The business license is issued to a service provider who is registered in the Registry and meets the standards for the provision of the service the license is sought for, which refers to: location and premises, equipment, number and type of professional personnel, evaluation, planning and activities for the provision of a specific service of the social and child protection (Article 131). In addition to the organisation, all professional workers with the service provider must also have an operating license (Article 136).

The Montenegrin Law on Social Protection introduces a licensing system for service providers (organisations and individuals, or professional workers). Although it is prescribed by law, the licensing system has not yet been established.

Financing for social welfare services is provided from the state budget and the local self-government budgets, as well as from donations, revenue from games of chance and other sources (like the income of the service providers and the co-payment of beneficiaries in the cost of the service). Pursuant to Article 154 of the Law on Social and Child Protection, the basic financial support and services of social and child protection shall be provided from the state budget.

Under the Montenegrin regulations, the local self-government “may” provide services and financial benefits in line with its possibilities. However, it is not clear what happens if the local self-government is not able to provide funds for the services and benefits or for a sufficient scope of services and benefits. Some services may be provided from the state budget but the mechanisms have yet to be established.

The local self-government has certain authorisations in the area of social protection. Article 39 of the Law on Social and Child Protection spells out that a municipality may “in accordance with its financial capacity, provide financial benefits in the area of social protection, such as: one-off assistance; subsidies for the payment of utilities provided by public companies established by the municipality and other financial benefits in the area of social protection.” Municipalities may “provide funds for financial support in the social and child protection stipulated in this Law as well as for social and child protection services such as: help at home, day care, the people’s kitchen, relaxation and recreation for children, housing with support, accommodation in a shelter, housing for socially vulnerable persons, in accordance with the law, and other services in accordance with its financial capacity” (Article 154). Similar provisions are also contained in the 2012 Law on Local Self - government, which spells out (Article 32) that municipalities, in accordance with their possibilities, participate in the improvement of social and child protection and support the work of non-governmental organisations that, among other things, address issues relevant to social protection.

Additional possibilities for financing new social welfare services and the development of existing ones are defined in Article 156 of the Law on Social and Child Protection: for the purpose of developing and financing social and child protection services, funds shall be provided from the state budget, municipal budgets, donations, games of chance and other sources in accordance with the law. In this way, the following services may be financed: 1) social and child welfare services there is a need for in the municipality, and 2) innovative services and services of social and child protection of particular importance to the state.

3.2 Analysis of the Institutional Framework

The Ministry of Labour and Social Welfare is responsible for managing the social protection system. It consists of a Social Welfare and Child Care Directorate, within which there are two departments: the Directorate for Social and Child Protection and Surveillance, and the Directorate for the Protection of Risk Groups. This Ministry has relatively few employees and owing to its organisational structure, the characteristics of the human resources and the existing mechanisms of financing, it has a minor influence on the development of the local social welfare services.

The network of service providers in Montenegro consists of 10 centres for social work with 11 regional units and 17 different social welfare institutions (institutions for accommodation, day care centres, resource centres, etc.). Centres for social work in large cities have more professional workers than those in towns and regional units (for example, the regional unit in Žabljak has only one professional employee, while CSW Rožaje has only six)²⁴

Although being well distributed territorially, centres for social work lack personnel potential. The number of professional workers is insufficient, and there is an over-employment of administrative and technical personnel.

The results of a UNICEF study on the capacities of CSW have shown that the network of centres for social work in Montenegro does not provide equal access to services for all citizens on an adequate level. The territorial distribution of the centres is generally good, except in the central part of the country, but some of them are not appropriately equipped from the spatial and technical point of view. The structure of the personnel often does not comply with the description of the work and the assignments that are entrusted to the centres by the law. There is an insufficient number of professional workers who are trained and engaged in direct work with the beneficiaries, while there is over-employment of the administrative and technical personnel²⁵. According to 2011 data, the centres for social work in Montenegro had 290 employees, 56% of them being professional workers and 44% administrative and technical staff²⁶.

Besides the CSW network, a series of social welfare institutions operate in Montenegro, including day care centres for children with developmental disabilities in the Bijelo Polje, Nikšić, Pljevlja, Herceg Novi, Plav, Ulcinj and Berane Municipalities, which are of special importance for local social protection

²⁴ Gojko Bežovan et al., Izazovi razvoja kombinovane socijalne politike u Crnoj Gori (Challenges of the Development of a Combined Social Policy in Montenegro), Podgorica, Alternativa Institute, 2012, p. 36

²⁵ Nevenka Žegarac, Izveštaj o kapacitetima centara za socijalni rad u Crnoj Gori: Izazovi i mogućnosti reorganizacije, standardizacije i unapređenja stručne prakse (Report on the Capacities of the Centres for Social Work in Montenegro: Challenges and Possibilities of Re-organisation, Standardisation and Improvement of the Professional Practice), Podgorica: UNICEF, October 2011, p. 9

²⁶ Nevenka Žegarac, Izveštaj o kapacitetima centara za socijalni rad u Crnoj Gori: Izazovi i mogućnosti reorganizacije, standardizacije i unapređenja stručne prakse (Report on the Capacities of the Centres for Social Work in Montenegro: Challenges and Possibilities of the Re-organisation, Standardisation and Improvement of Professional Practice), Podgorica: UNICEF, October 2011, p. 16

In addition to the network of social work centres, the following institutions for the accommodation of beneficiaries operate in Montenegro: the Ljubović Centre for Children and Youth (institutional protection of children in conflict with the law), homes for the elderly in Bijelo Polje and Risan, a Resource Centre for Hearing and Speech, Kotor (a centre for the accommodation and education of children with hearing and speaking disorders and children with learning disabilities, with 159 beneficiaries), the Podgorica Resource Centre for Children and Youth (a centre for the accommodation and education of children with developmental disabilities), the “Komanski Most” Institution (an institution for children and youth with intellectual disability), the Resource Centre for Children and Intellectually Disabled Persons and Persons with Autism (a centre for education and vocational training 1st June, Podgorica), the Lovćen Bečići Recreation centre from Cetinje, the Mladost Bijela Children’s Home (accommodation for children without parental care with 160 beneficiaries), the Bijelo Polje Centre for Children and Family Support (urgent accommodation) and the Public Institution for the Accommodation, Rehabilitation and Re-socialisation of Users of Psychoactive Substances in Podgorica. It should be noted that there are public institutions in Montenegro working as day care centres for children with developmental disabilities in Bijelo Polje, Nikšić, Pljevlja, Herceg Novi, Plav, Ulcinj and Berane²⁷.

Local self-governments have units that address the issues of social policy and social protection. However, there are relatively few employees in them – two persons on average. Most of the local self-governments in Montenegro have local social plans (almost 92%)²⁸. Resources at their disposal are on different levels but, as a rule, local self-governments finance programmes such as one-off financial assistance, social projects by NGOs (help in the house, day care centres, etc.), housing expenses, financing the transportation of pupils and granting scholarships, financing the work of kindergartens, assistance for schools, and alike²⁹. Local self-governments finance programmes of the NGOs that mainly address the issues of disabled persons, children with disabilities, minorities, children and youth. Unfortunately, there is no data on the structure of the allocation. In practice, most requests received by the local self-governments are requests for one-off financial assistance and a large portion of the municipal budgets allocated for social protection is spent on precisely this benefit.

3.3 Associations of Citizens in Social Protection

Structure of the Non-governmental Sector

In Montenegro, according to the data from the NGOs Registry, there were 2,716 active NGOs registered at the beginning of September 2013, and they have

²⁷ Data downloaded from <http://www.mrs.gov.me> and the addresses of the above institutions.

²⁸ Gojko Bežovan et al., *Izazovi razvoja kombinovane socijalne politike u Crnoj Gori* (Challenges of the Development of Combined Social Policy in Montenegro), Podgorica, Alternativa Institute, 2012, p. 21. The term “social programme” in this study implies programme and projects in the area of social policy planned, financed and implemented by the local self-government.

²⁹ Gojko Bežovan et al., *Izazovi razvoja kombinovane socijalne politike u Crnoj Gori* (Challenges of the Development of Combined Social Policy in Montenegro), Podgorica, Alternativa Institute, 2012, pp. 21 and on

either harmonised their acts with the Law on NGOs or have been entered in the Registry in line with it. The majority of these organisations are non-governmental associations (2,534), and 182 are foundations. In geographical terms, most non-governmental organisations have headquarters in the central region of the country. The greatest number of NGOs, or 1,069 have headquarters in Podgorica, while 257 NGOs are located in Nikšić.

According to analyses by the Zid Association for Democratic Prosperity (ADP), 1,914 persons were employed in the NGO sector in 2011³⁰. The activities of the civil society are mainly focused on the central region of the country. Among the NGOs that have submitted a tax return, 57% operate in the central region, of which 42% have their headquarters in Podgorica. Even if a high population density in the capital is taken into account, along with its institutional importance, it is evident that the civil society is over-represented in the centre³¹. In most cases, the Montenegrin NGOs are small, badly equipped, municipal organisations dedicated to solving problems directly in the local community. Over 70% NGOs have annual revenues less than EUR 10,000, whereas only 13% of them have revenues over EUR 50,000³².

Some municipalities in Montenegro do not have a developed NGO sector addressing the issues of social protection at all – according to research by Bežovan and associates, such is the situation in the Plužine and Šavnik municipalities. This research also points to the weak organisational capacities of organisations engaged in social issues. On average, they have 1.6 employees³³.

Non-governmental organisations are also financed from a centralised lottery fund and the local self-government funds. The total allocations for NGOs in 2011 amounted to about EUR 1.5 million, three times less than 2010.

Interviews conducted for the purpose of this study showed strong dissatisfaction among NGO activists with the potential for civic activism characteristic of Montenegro, especially in smaller communities. According to one of the respondents – “citizens prefer to solve their personal problems rather than fight for common ones,” and show little wish, for example, to demonstrate in defence of their rights since they are afraid the government may revoke their existing rights and privileges.

Sources of financing

Non-governmental organisations dealing with issues of social protection, which have participated in the study *Izazovi razvoja kombinovane socijalne politike u Crnoj Gori* (Challenges of the Development of Combined Social Policy in Montenegro) are mainly funded from the central fund for the development of NGOs and from foreign

30 Nacrt Strategije razvoja nevladinih organizacija u Crnoj Gori 2014-2016 (Draft Strategy for the Development of Non-Governmental Organisations in Montenegro 2014-2016), Podgorica, 2013, p. 6

31 TACSO, Izvještaj o analizi potreba (Report on the Analysis of Needs), Podgorica: TACSO, 2013, p. 21

32 Ibid, p.22

33 Gojko Bežovan et al., *Izazovi razvoja kombinovane socijalne politike u Crnoj Gori* (Challenges of the Development of Combined Social Policy in Montenegro), Podgorica, Alternativa Institute, 2012, p. 70

donations. Financing from the membership fee or from sales of products and services is very underdeveloped.

Centralised resources for financing NGOs imply that the line ministries no longer have "their own" funds. Thus, the authorities allocated EUR 175,000 in 2012, and only EUR 38,000 in the first six months of 2013. In contrast, the amount funds in the "central" fund for NGOs was EUR 1.8 million in 2010 or EUR 1.2 million in 2011³⁴. The total allocation for NGOs decreased from EUR 4.7 million in 2010, to EUR 1.5 million in 2011³⁵.

The centralised state fund for the support of NGOs is of huge significance to the development of local social welfare services. However, activities of that fund are insufficiently coordinated with those of the line Ministry.

Interviews conducted have shown the great dissatisfaction of NGOs with the centralisation of funds of the ministries and their merging with the fund that has resources from games of

chance at its disposal. The centralisation of funds was in favour of organisations dealing with persons with disability, which are given the largest portion of the budget (40% in 2012), while organisations involved in other areas of social protection apply for 12% of this fund³⁶. In addition to the decreasing tendency of the total resources for allocation, this factor acts as a disincentive to the development of small services and organisations.

TABLE 3.1 THE ALLOCATION OF FUNDS FROM GAMES OF CHANCE FOR NGOS (2012)

Area	Share in the total fund of the call
Contribution in the fight against drugs and all forms of addiction	12%
The non-institutional education of children and youth	10%
Culture and technical culture	12%
Development of sport	14%
Meeting the needs of disabled persons	40%
Social protection and humanitarian activities	12%
TOTAL	100%

34 Nacrt Strategije razvoja nevladinih organizacija u Crnoj Gori 2014-2016 (Draft Strategy for the Development of Non-Governmental Organisations in Montenegro 2014-2016), Podgorica, 2013, p. 14

35 CRNVO, Finansiranje nevladinih organizacija iz javnih fondova (Financing of Non-Governmental Organisations from Public Funds), p. 2

36 Calculations of the author, based on the Decision on the Allocation of Part of the Revenues from Games of Chance for 2012 available on the site of the Ministry of Finance (www.mf.gov.me).

The interview showed the dissatisfaction of the users of those funds with the work of the Commission and the way of spending the money. Sources for dissatisfaction are as follows:

1. Lack of transparency in the work of the Commission and the significant influence of “large” NGOs who deal with the development of the NGO sector and democratisation,
2. The allocation of funds to “quasi-NGO” organisations (e.g. organisations established by employees in public institutions or government bodies).

In addition to these direct sources of dissatisfaction related to the work of the Commission, our field research noted another three groups of critical comments:

1. The current framework for financing of services in Montenegro leads to a situation where NGOs and public/governmental institutions are becoming competitors in a race for funding for services (the central fund also gives funds to public institutions, and similar competition exists in case of EU funds).
2. NGOs dealing with the provision of services are dissatisfied with the fact that no differentiation is made between services and projects, and accordingly the terms and conditions for obtaining funds are not differentiated either.
3. NGOs are dissatisfied with the insistence on sustainability, given the fact that aside for the state funds, NGOs cannot rely on other means (especially amid international donors withdrawing from the country in general, and from the area of service provision in particular).

In addition to the central fund, local self-governments also support the work of NGOs financially. Unfortunately, on the basis of the available data, it is not possible to establish what percentage of those funds are allocated for services and programmes in the area of social protection³⁷.

³⁷ cf: data of the Centre for Development of the Non-Governmental Sector available on http://www.crnvo.me/attachments/article/7410/TABELA_SA_PODACIMA_OPSTINA_O_RASPODIJELJENIM_SREDSTVIMA.doc

TABLE 3.2 THE ALLOCATION OF FUNDS FOR NGOS
FROM MUNICIPAL BUDGETS IN EUR IN 2011

Municipality	Funds allocated for NGOs in 2011	Funds distributed to NGOs in 2011
Andrijevisa	8,500	8,500
Bar	70,000	n/a
Budva	65,000	33,000
Bijelo Polje	40,000	n/a
Berane	30,000	23,500
Cetinje	19,600	11,500
Danilovgrad	28,000	n/a
Podgorica	45,000	32,000
Herceg Novi	60,000	60,500
Kolašin	5,000	10,000
Kotor	20,000	20,000
Mojkovac	10,000	10,000
Nikšić	60,000	47,000
Plav	6,000	1,000
Pljevlja	30,000	n/a
Plužine	14,000	14,000
Rožaje	20,000	20,000
Tivat	55,000	36,000
Ulcinj	30,000	30,000
Šavnik	1,000	n/a
Žabljak	5,000	0
TOTAL	622,100	357,000

Source: www.crnvo.me

According to CRNVO data, the total amount of allocated funds for the work of NGOs on a municipal level was almost EUR 0.6 million in 2011, while something more than a half of that amount was allocated. Bearing in mind that data for some large municipalities is missing in the table, it is reasonable to assume that the amount distributed was nearly half a million.

Cooperation with the State

Cooperation with the local authorities refers to financing programmes and consultations. The 2012 Law on Local Self-Government defines that the local self-government bodies cooperate with non-governmental organisations, among other things in the consultation of the non-governmental sector on the programmes of development of the local self-government and the drafts of the general acts adopted by the assembly, in enabling participation in the work of working groups for the development of normative acts or the development of projects and programmes, organising joint public debates, roundtables, seminars and alike, as well as financing projects and providing conditions for the work of non-governmental organisations (certainly, according to their capacities).

Study data showed that the local self-governments have a certain level of cooperation with the non-governmental organisations. They finance NGOs' projects or jointly implement activities and social services. However, this cooperation faces various obstacles, among which the following are the most significant: limited financial means, lack of professional staff in the local self-government bodies and the NGOs themselves, inactivity and rivalry of NGOs, the overdependence of NGO projects on local budgets, and the lack of analytical data (database) on potential beneficiaries and their needs. Non-governmental organisations also have a certain level of cooperation with the centres for social work and institutions for social protection. The main form of cooperation with CSWs is the exchange of information, and the implementation of common projects. The biggest obstacles to cooperation are the disinterest of NGOs in cooperation, few NGOs engaged in social issues, a lack of professional staff and an overloading of CSWs with administrative jobs, the lack of capacity of NGOs, and alike. Cooperation between NGOs and institutions is most commonly implemented through joint projects. The obstacles for better cooperation between NGOs and social welfare institutions include insufficient human and financial capacities of NGOs, unregulated licensing system, non-standardised programmes, problems with the financial sustainability of projects (services are only provided while the project is under way), and alike.³⁸

Non-governmental Organizations in Social Protection

There are several sources of data in Montenegro with regard to the local social welfare services. A study conducted by the Alternativa Institute, Mapping the Social Welfare Services in Montenegro (Mapiranje usluga socijalne zaštite u Crnoj Gori), shows that there are 275 local services. This study uses the following data sources: (1) a survey of 174 respondents (CSWs, NGOs, local self-governments, etc.) on the services provided in the course of 2012, adding data on (2) projects supported by the Commission for the Allocation of Funds from Part of

³⁸ Gojko Bežovan et al., Izazovi razvoja kombinovane socijalne politike u Crnoj Gori (Challenges of the Development of Combined Social Policy in Montenegro), Podgorica, Alternativa Institute, 2012, pp. 24, 40, 62

the Revenues from Games of Chance for 2011-2012 and (3) projects supported by the Fund for Active Citizenship³⁹. Most of the services were social-educational and counselling-therapeutic (159), followed by the support for living in a family (108 services)⁴⁰. Montenegro is characterised by the equal regional distribution of services. Observed by regions, the percentage of regional services corresponds to the percentage of the given region in the total population.

These services are provided by 173 service providers, most of which, 140 or 81%, are non-governmental organisations. They provide 70 services of support for living in a family, 151 social-educational and counselling-therapeutic services and 7 shelter providing services. In addition, 17 municipal organisations of the Red Cross provide 29 services, while 14 public institutions provide 16 services⁴¹.

NGOs provide the most local social welfare services in Montenegro. Those services are focused on different target groups and are equally distributed in terms of regional location.

TABLE 3.3 LOCAL SOCIAL WELFARE SERVICES IN MONTENEGRO

Service	NGO	Public inst.	Local self government	Red Cross	Total
Support for living in a family					
Daily care/centre	9	7			16
Supported living	2	1			3
Help in the house	19			22	41
Personal assistance	16			4	20
Development of the volunteering service	10				10
Assistance	11			2	13
Sign language interpretation and translation	2				2
Daily meal	1		2		3
Sub-total	70	8	2	28	108
Social and educational, and counselling and therapeutic services					
Counselling	13	1		1	15
Assistance in learning and mediation	2				2
Creative workshops	9				9

39 Dragana Radović, Mapiranje usluga socijalne zaštite u Crnoj Gori (Mapping the Social Welfare Services in Montenegro), Podgorica: Alternativa Institute, 2013, p. 9

40 Ibid, p.18

41 Ibid, p. 254

Therapy	3				3
Education	21	3			24
SOS hotline	10				10
Counselling and therapy	46	2			48
Mediation	2				2
Counselling and education	15				15
Counselling, education and therapy	5				5
Counselling, therapy and mediation	3				3
Counselling, education and mediation	7				7
Counselling and mediation	1				1
Counselling and SOS hotline	4				4
Counselling, education and creative workshops	1				1
Counselling, education, therapy and mediation	5	1			6
Education, therapy and mediation	1				1
Counselling, creative workshops and therapy	1				1
Counselling and creative workshops	1				1
Counselling, therapy, SOS hotline and mediation	1				1
Sub-total	151	7		1	159
Total	221	15	2	29	267

Source: Dragana Radović, Mapiranje usluga socijalne zaštite u Crnoj Gori (Mapping the Social Welfare Services in Montenegro), Podgorica: Alternativa Institute, 2013, pp. 25-27

As is evident from the above data, social-educational and counselling-therapeutic services are prevalent in Montenegro. They make up 60% of all services, while the services of support for living in a family make up 40%. Most social-educational and counselling-therapeutic services (95%) are provided by the NGO sector, while its share in the provision of the supporting services is lower (65%). In this group, the Red Cross has a significant role with a quarter of all services, while the public institutions and local self-governments provide 9% of the services.

TABLE 3.4 LOCAL SOCIAL WELFARE SERVICES IN MONTENEGRO
ACCORDING TO THE TARGET GROUP

Target group	Number of services	Percentage of services for a given target group out of the total number of services	Number of beneficiaries	Number of NGOs providing the services	Percentage of NGOs in the services for a given target group
Children	75	27%	13,542	68	90%
Disabled persons	62	23%	3,703	62	100%
Elderly people	49	18%	2,359		
Victims of violence	21	8%		18	86%
Young people	21	8%	819	19	90%
Family	18	7%	649	17	94%
Users of psychoactive substances	8	3%		5	63%
Roma and Egyptians	9	3%	2239	9	100%
LGBT	5	2%	899	5	100%

Source: Dragana Radović, Mapiranje usluga socijalne zaštite u Crnoj Gori (Mapping the Social Welfare Services in Montenegro), Podgorica: Alternativa Institute, 2013, pp. 25-27

This study shows that the said 275 services have 26,861 beneficiaries, 12,224 of whom are children of the preschool and school age, and as many as 29% of them are from the Berane Municipality (the share of the Berane Municipality is raised by 7,407 beneficiary children)⁴². If we exclude this data, and the share of the Roma and Egyptians, which is above average, the distribution of the beneficiaries according to target groups should probably get close to the distribution identified by other analyses: a domination of elderly people, disabled persons and children with developmental disabilities⁴³.

42 Dragana Radović, Mapiranje usluga socijalne zaštite u Crnoj Gori (Mapping the Social Welfare Services in Montenegro), Podgorica: Alternativa Institute, 2013, p. 45

43 Analysis of local social services in Montenegro has been conducted within the project “Social Welfare and Child Care System Reform: Enhancing Social Inclusion” implemented by UNDP and UNICEF in cooperation with the Ministry of Labour and Social Welfare. The research identified 131 local social welfare services. This figure is lower since the study did not combine the sources of data, unlike the analysis conducted by the Alternativa Institute. According to data obtained in this analysis, most of the identified local social welfare services addressed elderly people (21.9%), children with developmental disabilities (20.3%) and disabled persons (17.2%). Another group included services to addicts and victims of domestic violence (17.2% in total). This study showed a very small share of services for children, youth and women (all in total, only every tenth service). A large share of the Roma and Egyptians in the total number of beneficiaries was also recorded here. The total number of beneficiaries of local social welfare services registered in this study was 7,132. Out of this, 80% or 5,715 beneficiaries accounted for the non-governmental organisations. Public institutions provided services for 692 beneficiaries or 9.7%, the Red Cross for 685, or 9.6%, and the municipalities for only 40 beneficiaries. Danilo Vuković, Pregled lokalnih usluga socijalne zaštite u Crnoj Gori u 2012. godini (Review of Local Social Welfare Services in Montenegro in 2012), Podgorica: UNDP, December 2012.

3

MONTENEGRO

Earlier studies showed that the public institutions are more oriented towards traditional recipients of social welfare services, like children and elderly people. Non-governmental organisations are mostly engaged in work with disabled persons and children with developmental disabilities. These two groups account for almost 40% of all the services of the non-governmental sector⁴⁴. This UNDP study shows that 526 employees and 656 volunteers were engaged for the implementation of the registered services. Of that number, 355 persons were employed in the non-governmental sector, which also engaged 448 volunteers. Public institutions had 130 employees and 108 volunteers, and the Red Cross 34 employees and 90 volunteers.

A large number of non-governmental organisations deal with disabled persons and persons with developmental disabilities. This tendency has also been observed in other countries in the region

NGOs are not ready for the licensing process. There are no clear mechanisms of support for service providers in the upcoming licensing process.

and it basically relates to two factors: First, non-governmental organisations that address this beneficiary group are powerful, have a relatively long tradition and strong base in their beneficiaries (they are often organisations whose members are persons or families with disabled persons or persons with developmental disabilities). Second, the last two decades have been distinguished by strong international support for the programmes of this kind. All in all, it means that these organisations are a stable resource that the state may rely on in the planning of the future social protection. Finally, it is worth noting that there is also a number of NGOs dealing with domestic violence and addicts.

Although these services are equally distributed throughout the whole territory of Montenegro, as we already mentioned it does not mean that the distribution of all the types of organisations that implement them is equal. Non-governmental organisations are most developed in the central region where 93% of all services are implemented by NGOs (opposite to 80.5% on the state level). Their share is much smaller in the southern and northern regions. A finding that in the northern region, public institutions provide one fourth of the services, which is much more than one-tenth on the state level, is also consistent with this⁴⁵.

All the respondents agreed that the Montenegrin NGOs were not able to meet the requirements of the future process of licensing without additional support. The opinion that there was no institution that could fully offer support in the licensing process was unanimous. Moreover, even the state institutions (e.g. centres for social work) would be unable to meet all the requirements that are reasonably anticipated to be part of the licensing system⁴⁶.

⁴⁴ Ibid, p. 6

⁴⁵ Ibid, p. 12

⁴⁶ According to the available data, the future Institute for Social Welfare should provide that support.

3.4 Summary and Recommendations for Advocacy Work

Social protection system. The network of social welfare institutions consists of the centres for social work and institutions for accommodating beneficiaries. Centres for social work face various problems in their work: inadequate employee structure (an insufficient number of professional workers), overloading with administrative work, and alike.

Local self-governments most often have plans for the area of social policy and social protection, and spend part of their budgets on the social protection work. Unfortunately, there are no systemised data thereof. However, most of that money is spent as one-off financial support. The system for financing services is not standardised and is frequently non-transparent.

Legal and financial framework. Montenegro has an adequate legal framework for the inclusion of NGOs in the process of providing social welfare services. Their work can be financed from the central and the local budgets. The new Law on Social Protection establishes an ambitious licensing system and it is not clear to what extent the NGOs are capable of meeting the requirements of such a system.

NGOs in social protection. A total of 275 local social welfare services are registered in Montenegro. Most of the identified local social welfare services address children, elderly people, children with developmental disabilities and disabled persons. Most non-governmental organisations deal with children, disabled persons and persons with developmental disabilities, as well as with victims of violence, young people and alike. The focus of the public sector is on the children, elderly people and children with developmental disabilities. The main difference lies in the openness of the NGO sector towards “non-traditional” beneficiary groups.

NGOs provide a number of social welfare services (although there are practically no NGOs in the underdeveloped municipalities in the north region). According to the available data, almost 80% of all local social welfare services are provided by NGOs. There are indications that the NGO sector is facing problems with a lack of qualifications, instable financing, mutual rivalry, etc.

Recommendations for advocacy work:

1. The role of the NGOs should be promoted on the basis of the available research and data. Available data on the role of the NGO sector in the provision of services for the advocacy work should be used, with the purpose of maintaining or increasing the level of allocations for this branch of the NGO sector. The central fund directs more funds for projects that deal with disabled persons than for other forms of social protection. Closing the difference in the available funds for NGOs dealing with other target groups could be one of the objectives of advocacy work.

2. Advocacy work for multi-year funding. Montenegro has a clear framework for the financing of NGOs on both the local and the state level. While the financial resources of local self-governments are not stable and face constant pressures from the needs of the local population (mainly for one-off financial support), the central fund has some kind of predictability in the functioning (in spite of the constant decrease in the funds at its disposal). Therefore, one of the channels for advocacy work can be the financing of multi-year services, instead of short-term projects.

3. Advocacy work for the coordination of the line Ministry and the central fund. Investment from the central fund is not in the service of the management of the social welfare system, which is under the responsibility of the Ministry of Labour and Social Welfare. Therefore, one of the channels for advocacy work may be the closer binding of the line Ministry policy and the work of the Commission for the Allocation of Funds from Part of the Revenues from Games of Chance through (1) strengthening the policy function of the line Ministry and (2) creating a mechanism for professional support to service providers. These other mechanisms can be a part of the line Ministry (through the anticipated establishment of the Social Welfare Institution), but can also be found in the NGO sector.

4

CROATIA

4.1 Analysis of the Legal Framework

The Constitution of the Republic of Croatia defines Croatia as a social state (Article 1), and freedom, equal rights, gender equality, social justice and respect for human rights as the highest values of the constitutional order (Article 3). Several articles in the Constitution confirm the various social rights and obligations of the state for the wellbeing and equality of citizens. In Article 57, the state undertakes to ensure the right to assistance for the weak, helpless and other persons who are uncared for due to unemployment or incapacity to work to meet their basic needs. The state pays special attention to the protection of disabled persons and their inclusion into social life. Article 62 provides that the state protects maternity, children and young people, and Article 63 that physically and mentally handicapped and socially neglected children have the right to special care, education and welfare. The Constitution also guarantees the freedom of association for the purposes of protecting their interests or the promotion of their social, economic, political, national, cultural and other convictions and objectives (Article 43).

At the level of the Republic of Croatia, the most important laws that guarantee the right to social protection and stipulate the conditions, mechanisms and manner of exercising the right to social protection and social welfare services are as follows:

- Social Welfare Act, Official Gazette No. 33/12, 46/13
- Family Act, Official Gazette No. 116/03
- Act on Maternity and Paternal Aids, Official Gazette, No. 110/08
- Act on Children's Allowance, Official Gazette, No. 112/12

The work of the civil society organisations is defined by the following acts:

- Association Act, Official Gazette No. 88/01
- Volunteering Act, Official Gazette No. 58/07

The Social Welfare Act stipulates the rights in the social welfare and social services system. According to this Act, social protection includes prevention, the promotion of changes and assistance in meeting the basic means of life and support for individuals, families and groups. The purpose of these interventions is the improvement of the quality of life and enabling beneficiaries to independently meet their fundamental life needs, as well as their active inclusion in society (Article 3).

4 CROATIA

The rights in the system of social welfare (under Article 30 of the Social Welfare Act) are as follows: assistance for maintenance, housing assistance, one-time assistance, educational support, personal disability allowance, assistance and care allowance, the status of a parent caregiver or of a caregiver, unemployment benefit, inclusive allowance as well as a number of different social services. The decision on these rights is issued by a Centre for Social Welfare (CSW) or a competent body of the local self-government unit, county or city.

Social protection beneficiaries are individuals, family members and families as an entity exercising their rights and services in line with the above law. The Social Welfare Act distinguishes the following categories of beneficiaries in particular: single persons, members of a family or families without sufficient income for meeting the basic needs of life; children without parental care, young adults, child victims of domestic violence, bullying or any other violence, victims of human trafficking, children with developmental disabilities, children or young adults with behavioural difficulties, a child without escort found outside the place of the residence without the supervision of a parent or another adult person, as well as a child who is a foreign citizen found on the territory of the Republic of Croatia without the supervision of a parent or another responsible adult person; a pregnant woman or a parent with a child up to one year of age without parental support and corresponding living conditions; a family needing professional assistance or another form of assistance due to disturbed relations or other adverse circumstances, and persons in marriage or common-law marriage with children; adult persons with a disability or persons with long-lasting or permanent changes of health status due to which they are not able to meet their basic needs of life, victims of domestic violence or other forms of violence and victims of human trafficking; persons who cannot provide for themselves independently because of their age or feebleness; persons dependent on alcohol or drugs, gambling or other forms of addiction; persons with socially unacceptable conduct, persons who are serving imprisonment sentences or have been released from serving such sentences, as well as homeless persons and other persons who meet the requirements prescribed in the Social Welfare Act.

The Government of the Republic of Croatia has recently adopted a draft of a new social welfare act. It introduces novelties already seen in Montenegro and Serbia: a new typology of services, the procurement of services through public calls, a system of licensing service providers, etc. Article 27 of the Draft Social Welfare Act provides for the right to social

The new Social Welfare Act that should be adopted in late 2013 or early 2014 stipulates that NGOs may provide services if they have a license for that, introduces a system of service ordering and service provider licensing.

services as one of the rights defined by this Act. According to this draft law, social services are the first service (information, recognition and an initial assessment of needs), counselling and assistance, assistance at home, psycho-social support, early intervention, assistance in inclusion into upbringing and education pro-

grammes (integration), stay, accommodation and organised housing (Article 90). The act also stipulates that services in the community may also be provided by non-governmental organisations. All service providers must undergo the licensing process managed by the line Ministry.

Local self-governments retain an important role in this act as well. Article 121 spells out that “a local and a regional self-government unit and the City of Zagreb may provide funds for the implementation of cash benefits and social services for residents in their areas that are greater in scope than stipulated by this Act, in the manner prescribed by their general act, if they have funds reserved in their budgets for that purpose.” Article 122 defines a process of service ordering as agreed according to the “needs in the network and based on the results of a procedure conducted following a public call, enabling the participation of all service providers having a decision on the fulfilment of the requirements for the start of the work (license).”

Financing of the rights in the area of social welfare is currently performed in line with the Social Welfare Act and other relevant legal documents. The rights in the area of social welfare are financed from the following sources:

- Budget of the Republic of Croatia,
- Budgets of the regional self-government units and the City of Zagreb,
- Budgets of the local self-government units,
- Income realised by the co-payment of beneficiaries of the service costs,
- Own income, and
- Donations, assistance and other specific-purpose income.

The following rights and services are financed from the budget of the Republic of Croatia: the right to cash benefits (except for the right to assistance in housing cost), the right to social services, financing the work of SWCs, family centres, homes whose founder is the Republic of Croatia, and expenditures for the construction, enlargement and reconstruction of premises, the purchase of business premises, expenditures for investment maintenance, urgent interventions, equipping premises, and investment in the information technology in social welfare institutions founded by the Republic of Croatia.

Local and regional self-government units and the City of Zagreb finance a number of additional right and services. First of all, the local and regional self-government units and the City of Zagreb provide funds for social welfare activities in line with the plan and the network of services in their areas, provide funds for heating and housing costs, as well as funds necessary for the operation of the social welfare institutions

Local self-governments play an important role in financing, planning and implementing social welfare services.

4 CROATIA

founded by them, and for investment in and current maintenance of the premises, equipment and transportation vehicles of these institutions. Large cities and cities that are the seats of counties are obliged to provide funds in their budgets for the work of soup kitchens and shelters for the homeless.

As with many other legal systems in the region, the Croatian sectoral law also stipulates that the local and regional self-government units and the City of Zagreb may provide funds for the implementation of cash benefits and social services for residents in their areas that are in greater scope than stipulated by the Social Welfare Act, if they have funds in their budgets. Large and rich cities (like Zagreb, Rijeka or Split) manage to maintain “local welfare systems,” which contain more developed services defined on the basis of the needs of the population and the strategic planning, which is not the case with small communities⁴⁷.

Large and rich cities have more developed local social welfare systems.

The roles of the self-governmental units are also defined in the Constitution of the Republic of Croatia. Thus, Article 134 stipulates that the local self-government units administer affairs of local jurisdiction by which the needs of citizens are directly met, and in particular affairs related to child care, social welfare, primary health care, education and primary school education. Regional units (counties) also administer affairs related to education and health, as well as planning and the development of the network of educational, health, social and cultural institutions.

Providers of social welfare services are social welfare institutions, associations of citizens, religious communities, foster families and other legal and natural persons (Articles 5 and 114 of the Social Welfare Act). However, the part of the Social Welfare Act that refers to individual social work services (Article 82 on) only sporadically mentions the associations of citizens as potential service providers. Thus, for example, Article 84 stipulates that “counselling and assistance are provided by professional workers in the social welfare centres, family centres and other social service providers in the community.” Similar formulations also exist concerning counselling services that are “provided by professional workers of family centres, social welfare centres, homes of social welfare and other legal and natural persons performing social welfare activities, in cooperation with other providers of services in the community and other persons who may influence the family” (Article 85), mediation (Article 86); assistance and care at home that is “provided by a centre for assistance and care, a home for social care, association, religious community or other legal and natural persons that are dealing with the activity of social welfare, in line with the terms and conditions stipulated by this Law” (Article 89); professional family assistance (Article 90); early intervention (Article 91), etc.

⁴⁷ Predrag Bejaković, „The National Model of the Welfare State Tradition and Changes: 1991-2010. The Case of the Republic of Croatia“ in Marija Stambolieva et al. Welfare States in Transition 20 Years after the Yugoslav Welfare Model, Sofia, FES, 2011, p. 81

The terms under which associations of citizens provide social welfare services are defined in Articles 158 and 159 of the Social Welfare Act. Religious communities and association of citizens may provide social welfare services and services of accommodation services and stay for up to 20 beneficiaries without establishing

NGOs may provide various social welfare services and obtain financial support from local, regional or state authorities for this.

a home, and can manage therapeutic communities for addicts. In order to provide these services, they are obliged to seek a decision from the

competent authority before the start of the work, which verifies that the conditions with regard to the premises, equipment and professional and other employees, stipulated by the rulebook issued by the minister competent for social welfare issues, are met. In addition to legal entities, natural persons can also independently carry out the work of a family home, counselling centre and the jobs of house assistance and home care as a professional activity within and without the network of social services under conditions stipulated by the Social Welfare Act.

The Act defines a system of monitoring the work of the social welfare centres, family centres, religious communities, associations of citizens and other providers of social welfare services (Article 206 and on).

4.2 Analysis of the Institutional Framework

The network of service providers consists of 80 centres for social welfare and 27 affiliations, as well as 275 state and non-state homes and other legal entities. At the end of 2009, CSWs and homes employed almost 12,000 employees. Of them, 2,041 worked in the CSW, 1,404, or 58% being professional workers. Homes hired 9,835 employees, 5,614 (57%) of whom were professional workers.⁴⁸ A total of 275 state and non-state homes and other legal entities were functional at the end of 2009 in Croatia, and they provided services to almost 28,000 beneficiaries. Over half of the homes are for elderly and incapable persons⁴⁹.

Most beneficiaries of social welfare in Croatia are in institutional accommodation. According to available analyses, the Croatian social welfare system largely relies on institutional accommodation⁵⁰. Alternative services in the community are underdeveloped, and where they exist, the greatest credit is given to the non-governmental sector⁵¹. Consequently, deinstitutionalisation is one of the key words in the social welfare system reform that has been underway for almost a decade.

48 Data from 2009, stated according to the: Strategija razvoja sustava socijalne skrbi u Republici Hrvatskoj 2011 – 2016 (Strategy of Social Welfare Development in the Republic of Croatia 2011 – 2016), Zagreb, Government of the Republic of Croatia, 2011, p. 14 and on.

49 Zajednički memorandum o socijalnom uključivanju Republike Hrvatske (Joint Memorandum on the Social Inclusion of the Republic of Croatia), Zagreb, 2007, p. 32

50 Predrag Bejaković, „Croatia: Paradise Lost“ in Predrag Bejaković, Marc Meinardus (eds.) Equity vs. Efficiency Possibilities to Lessen the Trade-Off in Social, Employment and Education Policy in South-East Europe, Sofia: FES, 2011, p. 87

51 Zajednički memorandum o socijalnom uključivanju Republike Hrvatske (Joint Memorandum on the Social Inclusion of the Republic of Croatia), Zagreb, 2007, p. 32

4 CROATIA

The next significant segment of the social welfare system relates to seventeen centres for assistance and care. They are established by local self-government units, religious communities, associations of citizens, and others, and provide food, housework, cleaning and the meeting of other needs. Finally, there are 18 Family Centres in Croatia engaged in family relations and the situation of children.

Financing SWCs under the Social Welfare Act is undertaken from the state budget and the budgets of regional self-governments. The state budget finances expenditures for employees, material expenses (transportation fees and obligatory professional training for employees) and expenditures for the procurement of equipment (tangible and intangible assets, buildings, plants and equipment, vehicles, information equipment, etc.).

The budgets of the regional self-governments and the City of Zagreb provide funds for the following material and financial expenses of SWCs: compensation of employee costs (business trips, field work, family separation allowance, professional training), expenses for materials and energy, expenses for services (telephone, postal costs and transportation costs, current maintenance and investments, utility services, rents and leases other than the lease of vehicles, healthcare services, intellectual and other services), other not mentioned operational expenses (gifts and hospitality, membership fees, compensations and alike), as well as financial expenditures (banking and payment transaction services and alike).

The current system of financing the operation of SWCs is often seen as inefficient. The system of constant budgetary financing does not encourage SWCs and other service providers to seek cheap and innovative alternatives for existing services (which, analyses show, very often rely on the institutional accommodation services). Institutional accommodation is prevailing, services for prevention, rehabilitation and integration exist mainly in the large cities, and day care and accommodation services (excluding these services for elderly people) are very underdeveloped⁵².

An important role in the area of social welfare is assigned to the counties with their Administrative Departments for Health and Welfare. Studies have shown that the professional capacities of these Departments are different, but generally limited⁵³. In addition, the counties differ in the level of allocation for social welfare, and studies have shown that they mostly finance programmes for the elderly like psycho-social support, assistance and care at home and food delivery services.

52 The World Bank, Project appraisal document on a proposed loan in the amount of Euro 31 million (us \$ 40.0 million equivalent) to the Republic of Croatia for a Social welfare development project, May 5, 2005, p. 27; Predrag Bejaković, „The National Model of the Welfare State Tradition and Changes: 1991-2010. The Case of the Republic of Croatia“ in Marija Stambolieva et al. Welfare States in Transition 20 Years after the Yugoslav Welfare Model, Sofia, FES, 2011, p. 80

53 Gojko Bežovan, „Civilno društvo i javna uprava kao dionici razvoja kombinirane socijalne politike u Hrvatskoj“ (Civil Society and Public Administration as Copartners in the Development of a Combined Social Policy in Croatia), Hrvatska javna uprava, yr.. 9. (2009.), No. 2, p. 368

These are followed by programmes intended for disabled persons, vulnerable groups, and lastly, the financing of programmes of associations of citizens. The situation is similar with cities. They generally have limited professional and financial capacities, and most of the money is allocated for programmes for elderly people, programmes of prevention, programmes for children and various educational programs. Among the associations financed by the cities, associations of disabled persons, retired persons, war veterans and associations dealing with child issues prevail⁵⁴.

4.3 Associations of Citizens for Social Protection

Studies have shown that there is a significant number of associations in Croatia addressing different issues and target groups, which are included in the broader areas of social protection and social policy, including humanitarian activities, support for children and young people, family support, volunteer work, work with vulnerable groups, etc. The most successful organisations are those that gather different vulnerable groups, like disabled persons, unemployed, etc. Local and state authorities, public media and the economy have more respect for these organisations and their initiatives. The contribution of associations that help in the empowerment of women, provide services for female victims of violence, and associations empowering marginal groups is recognisable. Studies have also shown that some of the professional personnel in the social welfare institutions and state authorities have reservations regarding the competencies of the activists and employees in such organisations of civil society, which is often an obstacle for cooperation on a local level.

The National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016 stresses the need for associations of citizens to actively join the field of provision of social welfare services:

Given the changes in the approach to social service provision in the Republic of Croatia, where Croatia opted for the decentralisation and deinstitutionalisation of services for which the state lacks sufficient resources, or where there is regional inequality in social service provision in local communities, CSO role is increasingly becoming more important. Therefore, it is necessary to strengthen the CSO capacity for providing social services. Social services provided by CSO need to be aligned with the increasing complexity of the users' needs, by establishing a balanced network of institutional and non-institutional forms of social care (community based social services), developing services that encourage the employment of marginalised groups, that is, groups at risk of social exclusion, the development of social planning on the local levels, developing quality standards for social services and pointing out the need for social service integration⁵⁷

⁵⁴ Ibid, p. 368-370

⁵⁵ Gojko Bežovan, "Civilno društvo i javna uprava kao dionici razvoja kombinirane socijalne politike u Hrvatskoj" (Civil Society and Public Administration as Copartners in the Development of a Combined Social Policy in Croatia), Hrvatska javna uprava, yr. 9. (2009.), No. 2, p. 364.

⁵⁶ Ibid, p. 364

⁵⁷ National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016, Zagreb, 2012, p. 42

4 CROATIA

According to the mapping of social welfare services conducted by the UNDP Office in 2007 in Croatia, EUR 30 million is allocated annually for these services⁵⁸. One third of these funds are allocated by cities

and counties, approximately 36% by the ministries and the Government, and the remaining part is from international donors. It is very likely that in the meantime, since Croatia accessed the EU in 2013, the share of financing from international sources has been reduced. In this context, we do not have any data available on the use of EU funds.

The community social welfare services are mainly funded through short-lived projects. Those services are provided by NGOs, local and regional self-governments, homes and Red Cross branches.

This EUR 30 million is intended for funding different projects. Most projects are financed by counties and cities, with an average value of approximately EUR 7,000 (1,470 projects in total). Ministries have financed 809 projects with an average value of almost EUR 14,000. Finally, international donors have financed 111 projects with an average value of approximately EUR 66,000. The National Foundation for Civil Society Development has financed 131 projects with an average value of EUR 17,000⁵⁹. Most of the money has been allocated for services provided to disabled persons (26%), elderly persons (24%) and children and young people (10%).

Most of the funds have been allocated for the following services: assistance at home for elderly persons (13%), other services for persons with physical disabilities (9%), assistance at home and daily accommodation for elderly persons (78%), direct support to poor and socially vulnerable people (6%), the prevention of addiction (5%), personal assistance (4%), and shelters for victims of violence (3%)⁶⁰.

Associations of citizens have been allocated 58% of all funds for the provision of 2,146 services. Next are homes, which have provided 146 services and received 17% of the funds, then municipalities, cities and counties, which provided 92 services for 14% of the funds, and the Red Cross, which has received 8% of the funds and provided 74 services⁶¹. The most active are associations of citizens dealing with disabled persons, elderly people and children.

Earlier analyses have shown that services for elderly people in the community are relatively well developed, and services of assistance in everyday life for various categories of disabled persons are still insufficiently developed. Demand for services is higher than their availability.

58 Nataša Škrbić and Lidija Japćec, Mapiranje alternativnih socijalnih usluga/programa po županijama (Mapping of Alternative Social Services/Programmes by Counties), Zagreb: UNDP, 2008

59 Ibid, p. 7

60 Ibid, p. 15

61 Ibid, p. 29

Most of the projects for children and young people can be estimated as means for dealing with general and primary prevention, and to a significantly lower extent with selective prevention (e.g. psycho-social assistance and counselling centres for young people at risk). Among the most frequently provided services is assistance at home, while the majority of funds for disabled persons have been dedicated to projects of information providing and advocating of interests, much less than for alternative forms of protection that would support the process of decentralisation⁶². Most of these services are provided through short-term annual projects. This report also notices a lack of information and databases that would act as social welfare planners – a lack that has evidently not been relieved even after five years⁶³. Finally, the UNDP study identifies another important feature of the social welfare system: Demand for services is higher than their availability.

Non-governmental organisations cooperate with SWCs and other public and governmental stakeholders. SWCs in large cities cooperate with larger number of associations. However, there are many obstacles to cooperation, and Gojko Bežovan's study lists the following: overburdened SWCs win regular assignments, associations do not have sufficient professional knowledge and skills, associations are not acquainted with the work and authorizations of SWCs, lack of funds, inactivity of associations, volatility of their engagements, poor mutual coordination and the existence of programs on paper only⁶⁴. Other studies also note difficulties in cooperation between non-governmental organisations and SWCs, but also difficulties in cooperation with local self-governments with regard to the protection of disabled persons⁶⁵. The UNDP Report states that the "cooperation of non-governmental organisations and state institutions for social welfare is still left largely to personal initiatives and relationships between public and private initiatives⁶⁶".

Our field data indicates that the respondents from the local self-government body share a belief in a number of advantages of the NGO sector: "In principle, the public sector is limited by new employment, here human resources are lacking [...], and in spite of that NGOs are better specialised and more flexible, i.e. they can resolve problems better and faster in coordination with the city government, which defines plans and the end beneficiary. NGOs are a link between the city and the beneficiary [...], they are more flexible because they are a smaller system, which can coordinate between the field work and our goals much faster using their mobile teams (Interview, Osijek, September 2013).

62 Ibid, p. 38

63 Ibid, p. 40

64 Gojko Bežovan, "Civilno društvo i javna uprava kao dionici razvoja kombinirane socijalne politike u Hrvatskoj" (Civil Society and Public Administration as Copartners in the Development of a Combined Social Policy in Croatia), Hrvatska javna uprava, yr. 9. (2009.), No. 2, p. 373-383

65 Marija Sivrić and Zdravka Leutar, "Socijalni rad sa osobama sa invaliditetom u neprofitnom sektoru" (Social Work with Disabled Persons in the Non-profit Sector), Ljetopis socijalnog rada 2010., 17 (2), p. 253 onwards

66 Natasa Škrbic and Lidija Japic, Mapiranje alternativnih socijalnih usluga/programa po županijama (Mapping Alternative Social Services/Programmes by Counties), Zagreb: UNDP, 2008, p. 40

4 CROATIA

Structure of the Non-governmental Sector

A study of the National Foundation for Civil Society Development⁶⁷ from 2011 reveals some of the most distinguished features of the non-governmental sector in Croatia. The structure of the surveyed organisations is dominated by small organisations without permanently employed personnel (50%), one fifth of organisations each have up to 2, or 3 to 10 employees respectively, and only 4.8% organisations have over 10 employees. The low rate of professionalisation of Croatian associations of citizens is verified by other research findings⁶⁸.

The Croatian NGO sector is dominated by small-sized organisations with few employees and budgets below EUR 13,000.

Almost a half of the organisations (48.6%) have an annual turnover lower than EUR 13,400 (HRK 100,000), and 30.9% have a turnover between EUR 13,400 and EUR 67,000 (i.e. between HRK 100,000 and 500,000). This means that even according to these financial criteria, Croatia is dominated by small- and middle-sized organisations.

Sources of Financing

Projects are the prevailing source of financing. The least reliant on projects are sports associations, which instead depend largely on membership fees. After financing through projects, the next way of financing by frequency is the membership fee, institutional support and volunteering work. The least prevalent forms of financing are the provision of contract-based services (holding seminars, social welfare services, and alike) and gifts. Larger associations of citizens with a larger number of employees are relying on projects ever more and ever more often than others.

Domestic sources of financing (mainly local and regional self-governments, state bodies and domestic donors) are the main sources of financing for 71% of associations, foreign donors for 7%, while 22% of associations are self-financed. All available research show that there is an increasing number of associations financed from domestic sources of financing, whether from state bodies or from the economy. One interesting trend recorded in Croatia is the development of philanthropy on local levels. One example of such initiatives is the “Slagalica” foundation in Osijek. The interviews recorded that the “policy of that Foundation

The main sources of financing for NGOs are state bodies, domestic donors, local and regional authorities.

67 Procjena stanja razvoja organizacija civilnoga društva u Republici Hrvatskoj: Izvještaj istraživanja u 2011. godini (Assessment of the State with the Development of Civil Society Organisations in the Republic of Croatia: Report from 2011 Research), Zagreb, National Foundation for Civil Society Development, 2011. All further data on the structure of the non-governmental sector in Croatia is given based on data from this publication, unless otherwise explicitly stated.

68 Gojko Bežovan, “Civilno društvo i javna uprava kao dionici razvoja kombinirane socijalne politike u Hrvatskoj” (Civil Society and Public Administration as Copartners in the Development of a Combined Social Policy in Croatia), Hrvatska javna uprava, yr. 9. (2009.), No. 2, p. 375

in the last three years has been transformed towards the social welfare field. [...] It is the only institutional form that has certain funds, which it collects in different ways, including a partnership with the National Foundation, which the associations can provide through public calls for different kind of projects“ (interview, Osijek, September 2013).

Our study records that funds are the most important obstacle that NGOs encounter. Local governments we interviewed faced an interesting dilemma, which we have also seen in other countries: whether they should finance many associations with small amounts and loose the capacity to finance the larger ones for some serious projects, or focus on fewer NGOs whose programmes they would fund with larger amounts.

Cooperation with the State

Croatian non-governmental organisations have an ambivalent attitude in terms of relations with the state. A third of the associations interviewed were of the opinion that the state was not interested in the non-profit sector and downplayed its importance, while about one fifth of them believed that the state supported the non-governmental, non-profit sector, but only due to external pressures. Only every tenth organisation states that the state recognises NGOs as partners. The results of the study indicated that the associations had somewhat better relations or a somewhat better perception of the cooperation with local self-governments, and thus half of the interviewed associations (48.8%) estimated this cooperation as positive, almost one-third (30.1%) expressed a neutral attitude, while one-fifth (22.2%) were not satisfied with the cooperation.

Cooperation between the state and the non-governmental organisations was mainly reduced to financing projects, i.e. the role of the state as a donor (81%). Somewhat less than half of the associations cooperated with the state through the joint implementation of projects (43.5%), while one-third exchanged experience and information (34.8%)⁶⁹.

Non-governmental Organisations in Social Protection

Citizens' associations participate in the provision of services, but they are also a part of broader consultation processes in the creation of public policies, funding plans, EU policies, etc. More specifically, in the field of social welfare, citizens' associations provide various services for children, young people, families, drug addicts, elderly people, women and child victims of violence, and others. According to existing data, these services are mainly financed from the state budget, through the Ministry of Social Policy and Youth.

⁶⁹ Procjena stanja razvoja organizacija civilnoga društva u Republici Hrvatskoj: Izvještaj istraživanja u 2011. godini (Assessment of the State of Development of Civil Society Organisations in the Republic of Croatia: Report from 2011 Research), Zagreb, National Foundation for Civil Society Development, 2011.

4 CROATIA

Available studies and analyses indicate a growing role of the non-governmental sector in the process of service provision. Funds that exist both on the European and national levels have a contribution in this regard (some of them will be analysed later on) and they are explicitly focused on the enhancement of the non-governmental role in the provision of social welfare services.

According to the available data, services provided by NGOs are currently mostly financed from the budget of the line ministry and local and regional authorities.

TABLE 4.1 DATA ON APPROVED PROJECTS OF CITIZENS’ ASSOCIATIONS BY THE MINISTRY OF SOCIAL POLICY AND YOUTH

Period	Area	Number of financed associations	Average budget HKN	Average budget EUR	Total budget HKN	Total budget EUR
Third year of financing, 2010-2013 period	Protection of disabled persons	35	258,921	34,695	9,062,229	1,214,339
Third year of financing, 2010-2013 period	Social and humanitarian activity	13	190,900	25,581	2,481,698	332,548
Second year of three-year financing 2011-2014	Protection of disabled persons	52	206,904	27,725	10,759,000	332,546
Second year of three-year financing 2011-2014	Social and humanitarian activity	19	178,009	23,853	3,382,167	453,211
		119	208,684	27,964	25,685,094	3,441,803
TOTAL		119	208,684	27,964	25,685,094	3,441,803

Source: Ministry of Social Policy and Youth, www.msppm.hr

TABLE 4.2 OVERVIEW OF AVAILABLE FUNDS FOR ASSOCIATIONS WITH THE MINISTRY OF SOCIAL POLICY AND YOUTH FOR 2012

Target group and priorities	Total amount HKN	Total amount EUR	Implementation period
Protection of the rights of children and the prevention of addictions	550,000	73,700	June-December 2012
Development of volunteering	770,000	103,180	June-December 2012
Assistance for disabled persons and children with developmental disabilities	33,210,635	4,450,225	2012
Regional information centres for young people	365,000	48,910	August-December 2012
Family services	401,611	53,816	September-December 2012
Counselling centres and shelters for women and child victims of domestic violence	1,761,877	236,092	April-December 2012
Youth clubs	1,300,000	174,200	July 2012-June 2013
Promotion and protection of children's rights	550,000	73,700	July 2012-June 2013
Fight against drug abuse and all other forms of addiction	5,000,000	670,000	July 2012-June 2013
Projects of associations of and for young people	1,200,000	160,800	July 2012-June 2013
TOTAL	45,109,123	6,044,623	

Source: Ministry of Social Policy and Youth, www.msppm.hr

The other side of the picture of the civil society and civil society organisations is the low level of participation and volunteering and, in this way Croatia does not differ significantly from other countries in the region. CIVICUS research shows that only about 17% of the citizens are members of an association of citizens, which leads to the problem of the narrow base of citizens' associations, i.e. to a deficiency in grassroots character and legitimacy. Even worse is the data on volunteering: only 7% of the citizens in Croatia are active in some kind of volunteering, unpaid work⁷⁰. In local communities and in the society as a whole, more or less the same persons always appear among the citizens engaged in civil work. Other sources of data confirm these findings. Still, researches have recorded increasing membership in citizens' associations from 9% in 2007 to 19% in 2012. There are only 8% inactive members, 10% are active volunteers, and less than 1% are professional members of the citizens' associations. Estimation of the members grows with the growth of education and revenues⁷¹.

70 Gojko Bežovan and Jelena Matančević, *Civicius-ov indeks civilnog društva u Hrvatskoj: Akcijske preporuke za jačanje djelotvorne uloge civilnog društva* (Civicius index of a Civil Society in Croatia: Action Recommendations for the Strengthening of the Efficient Role of Civil Society), Zagreb, CERANEO and CIVICUS, 2011. p. 4

71 Renata Franc, Ines Sučić, Vanja Međugorac and Stanko Rihtar, *Vidljivost i javna percepcija udruga u Hrvatskoj 2012* (The Visibility and Public perception of Associations in Croatia 2012), Zagreb, Ivo Pilar Institute of Social Sciences, p. 21 and on

4 CROATIA

4.4 Summary and Recommendations for Advocacy Work

Social welfare system. The Social Welfare Act establishes a system of social welfare in the centre of which is the institution of the Social Welfare Centre. However, other legal and natural persons, including homes for accommodation, foster families, religious organisations and associations of citizens also participate in the provision of social welfare services. An important segment of the system is the institutional accommodation of beneficiaries.

The current legal framework enables inclusion of the non-governmental sector in the provision of social welfare services. However, the Social Welfare Act, as a basic sectoral law, does not create a special niche for non-governmental organisations. It is expected that a system of licensing service providers will be established in the next period.

Role of local and regional authorities. An important role in the area of social welfare is assigned to the counties with their Administrative Departments for Health and Welfare. Their professional capacities are generally limited and they mainly finance programmes for elderly people and for disabled persons. Local governments also have limited professional and financial capacities, and they allocate most of the money for programmes for elderly people, programmes of prevention, programmes for children and various educational programs. The associations financed by the cities are dominated by associations of disabled persons, retired persons, war veterans and associations dealing with children.

Role of the NGO sector. The public system of social welfare is composed of centres for social welfare and institutions for the accommodation of beneficiaries. The system of social welfare is oriented towards institutional placement and is characterised by an insufficient development of services in the community. The citizens' associations still maintain a certain role in the system of social welfare, however, there is no systematic data thereof. SWCs are overburdened with regular work, while the associations do not have sufficient knowledge and skills, their work is not constant and depends on the source of financing. In general, the NGO level is characterised by a low level of professionalisation and a large number of small organisations. The most important source of financing involves domestic budgetary funds – state, regional and local. The Ministry of Social Policy and Youth has regular programmes for financing NGO service providers.

Recommendations for advocacy work:

1. Establishing mechanisms for monitoring the activities of the NGO sector in the social welfare field in the form of (1) a register, or (2) a database. A mechanism for monitoring the activities of the NGO sector in social welfare should be established, in the form of (1) a register, or (2) a database (as in BiH). The register of local social services kept by the Republic Institute for Social Welfare in Serbia can serve as a model register (voluntary registration by NGOs, annual updating, use of the register as a means of advocacy by NGO and as a means for planning by the state bodies). Research conducted in Montenegro (Alternativa Institute and UNDP) can be used as a model for the database, along with earlier research by UNDP Croatia. Databases are completed using surveys and updated as required (probably once every year or two). Their purpose is the same as that of the register; they are more expensive to implement and more reliable. In both cases, this mechanism may include data on the level of allocation for social welfare services. This mechanism serves for planning public policies and as a base for advocacy activities for a greater role of the NGO sector in social welfare.

2. Advocacy work for the establishment of a mechanism for the permanent financing of services. For the time being, the social welfare services are mainly financed through annual or short-term projects. This brings uncertainty and prevents building up organisational capacities and the professional enhancement of organisations. The picture of the present NGO sector in Croatia is a clear consequence of such a system of financing (a large number of organisations with small budgets and a small number of employees).

3. Advocacy work for the deinstitutionalisation of the social welfare system. Until the present system of social welfare, which is based on institutional accommodation, changes, an additional opening of the market of domestic social welfare services that would serve as a replacement for the institutional accommodation is not possible. The process of deinstitutionalisation leads to several processes that act as an incentive to the development of local services: a decrease in the inflow of beneficiaries into the institutions, the outflow of the beneficiaries from the institutions and a decrease of financial means allocated for residential institutions.

4. Advocacy work for building a system of support for the licensing process. If no such system is in place and if it does not provide adequate support for those NGOs that want to be licensed in order to provide services, the role of NGOs in the sector of providing services may be endangered. The system of support may be established in the line ministry or NGO sector.

5.1 Analysis of the Legal Framework

The Constitution of the Republic of Kosovo defines Kosovo as a state that “is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, protection of the environment, social justice, pluralism, separation of state powers, and a market economy” (Article 7). In contrast to the Constitution of Croatia, for example, this document refers again to human rights and freedoms but not to social rights (e.g. Article 21, which defines general principles). Much more attention is paid to gender equality and protection from discrimination than to issues of social justice and a state of welfare. Article 50 stipulates the rights of children (children enjoy the right to protection and care necessary for their well-being, children born out of wedlock have equal rights with those born in marriage, every child enjoys the right to be protected from violence, maltreatment and exploitation, all actions undertaken by public or private authorities concerning children shall be in the best interest of the children, and every child enjoys the right to regular personal relations and direct contact with both parents, unless a competent institution determines that this is in contradiction with the best interest of the child), while the next article only states that the right to healthcare and social insurance are regulated by law and that basic social insurance related to unemployment, disease, disability and old age is regulated by law. Thus, the system of Kosovo is legitimised by typical liberal values, unlike the rest of the region, which still cherishes the tradition of European social democracy.

When non-governmental organisations and civic initiatives are involved, Article 44 of the Constitution guarantees the freedom of association. The freedom of association includes everyone’s right to establish an organization without obtaining any permission, to be or not to be a member of any organisation, and to participate in the activities of an organization. The issue of the establishment and activities of non-governmental organisations is thoroughly regulated with the Law on Freedom of Association in Non-Governmental Organisations (Law No. 04/L-057). Sistem socijalne zaštite na Kosovu zasnovan je na sledećim zakonima:

The system of social protection in Kosovo is based on the following laws:

- Law No. 2003/15 on the Social Assistance Scheme
- Law No. 02/L-17 on Social and Family Services
- Law No. 04/L-081 on amending the Law No. 02/Z -17 on Social and Family Services Law No. 03/ L-022 on Material Support for Families of Children with Permanent Disability

At the very beginning, the Law on Social and Family Services gives explicit priority to the family-based services in relation to the services of placement in an institution.

Article 1 of this Law spells out: “In circumstances where there is no family support or where this is insufficient to ensure the welfare of an individual, the State has a duty to provide for those people who would not otherwise be helped, Social and Family Services in a manner that respects their dignity as human beings and their fundamental rights based on Kosovo Legislation and International Human Rights Conventions.” Besides meeting the needs and protection in emergency circumstances, these services will be provided to persons and families in social need within a community setting and not in residential homes.

Beneficiaries of social protection are defined as persons in a state of need. This group includes persons in need of social services for the following reasons: children without parental care, children with antisocial behaviour, juvenile delinquents, disordered family relationships, advanced age, illness or persons with physical disability, mental disability, mental illness, vulnerability to exploitation or abuse, domestic violence, human trafficking, addiction to alcohol or drugs, natural or contrived disaster or emergency, or other causes that render them in need (Article 1). The same article defines the family in a state of need as “one where a parent or parents or other caregiver require help in caring for a child because of their own circumstance or those of the child or in circumstances where a child is suffering serious harm as a result of the neglect or abuse of their parent or parents or other caregiver or their parent or parents’ or other caregivers’ inability to care for them adequately, or is exposed to the possibility of experiencing such.”

The rights of the beneficiaries are not defined as they are in other legislation in the region. In fact, the Law on Social and Family Services does not specify any special social rights or rights to services, but defines the right to assessment. Article 1, point i stipulates that “any person or family who considers themselves to be in need within the terms of this Law are entitled to have their circumstances assessed by the Centre for Social Work for the area in which they reside, or in which they are found, and to have those needs met, provided that it is reasonable for the Centre for Social Work to do so, taking into account all the circumstances, including the degree of need and the availability of resources with which to meet it.”

The Law on Social and Family Services addresses the issue of the protection of children’s rights and interests in detail, while the part on the services for adults is very short. In principle, Article 12 stipulates that the municipality, in cooperation with families, communities, non-governmental organisations and other statutory bodies “provides social care, counselling and, in exceptional circumstances, material assistance to people in need of social services residing in its territory, based on their assessed needs for such services and the Municipality’s ability to reasonably provide them.”

Social work services are described equally poorly in the Law on Social and Family Services. As we have seen in the previous articles of this Law, the availability of social work services depends on the assessment of the competent CSW and, as seems equally important, on the available funds. Services that the citizens of Kosovo may obtain from the Centres for Social Work, non-governmental organisations and other players are as follows: social and family services that include the provision of direct social care, counselling or, in exceptional circumstances, material assistance for the benefit of people in need. Direct social care means the provision of help with domestic duties, personal care, mobility, communication or supervision. Social care can be provided in a person's own home, in a specialist day centre or in a residential home. According to the legal provisions, counselling, however, is a systematic and programmed process of providing information, advice and guidance aimed at helping an individual or family to improve their social or interpersonal circumstances. Finally, material assistance means the provision of money, temporary shelter, food, medical fees, clothing or any other material necessity for which there is an urgent need and for which there is no other source available.

5.2 Analysis of the Institutional Framework

The Department of Social Welfare within the Ministry of Labour and Social Welfare is the central authority responsible for planning issues and the development of social welfare on the Kosovo level. Among other things, the Department for Social Welfare is responsible for the following:

- The formulation and planning of the social welfare policy,
- Preparation of legal acts for the successful implementation of relevant programmes,
- Conducting an inspection of social and family services,
- Giving permits for the construction/establishment of facilities for residential accommodation to providers of social and family services, and
- Giving advice on work with individual users, mainly CSWs and NGOs.

In addition to the above, the Department for Social Welfare within the Ministry of Labour and Social Welfare issues licenses for operation to non-governmental organisations that provide social services. The Law on Social and Family

The line Ministry has underdeveloped capacities to administer the social welfare system.

Services used to stipulate the establishment of the Institute for Social Policy with the responsibility of the development and promotion of professional knowledge, skills and standards in the area of social and family service, undertaking research, promoting professional excellence through training, providing expert consultation to professionals and publishing relevant manuals, research reports and promotional materials (Article 4). However, this solution was abandoned and the process of merging the Institute for Social Policy with the line Ministry started.

According to the Law on Social and Family Services, a General Social and Family Services Council, as an independent body, is responsible for maintaining standards, keep a register of service providers, and issue licenses to service providers and trainers (including non-governmental organizations).

Respondents who took part in our study share the opinion that the capacities of the line Ministry are insufficient to successfully address the development of policies and monitoring. One respondent summarised this state in the following manner: “The Government has a lot of people, but they do little” (Interview, Pristina, September 2013).

Local self-governments are another important part of the institutional framework. Municipalities are responsible for the provision of social services in their territory through the respective Centre of Social Work and local NGOs. Municipalities have departments for healthcare and social welfare responsible for planning, budgeting and monitoring the local social welfare services. However, since they have an

The decentralisation process has given the municipalities great authorisations in the healthcare and social welfare areas. As a rule, healthcare issues have precedence over social protection

important role in healthcare and direct cooperation with the line Ministry, municipalities often put healthcare issues before social welfare work. This does not exhaust the list of challenges that the municipalities in Kosovo face. The

municipality is responsible to act following the standards prescribed by the Ministry of Labour and Social Welfare. After 2009, authorisations for the work of Centres for Social Welfare were transferred from the central to the local authorities. The local self-government is responsible for providing the resources necessary for the successful functioning of CSWs. In order to organise services for all vulnerable individuals and groups, the local self-government can not only engage CSWs but NGOs as well. These types of services include assistance and care for elderly or disabled persons, support for single-person households or the opening of various day care centres, as well as psycho-social support and counselling, material assistance, placement in an institution, etc. The Law on Social and Family Services (Articles 6 and 7) sets high expectations from local self-governments, which are often not accompanied with corresponding technical capacities and financial resources.

Specifically, local self-governments are expected to implement planning and monitoring activities, to implement public consultations with interested groups and individuals, etc. However, the interviews conducted indicate a wide-spread opinion that the local self-governments and centres for social work do not have sufficient professional capacities and financial resources to implement the basic interventions in the field and provide the necessary assistance and support to beneficiaries. As for the creation of administrative and professional capacities, newly established municipalities are in a particularly difficult condition. A particularly

aggravating circumstance, which also characterises many other countries in the region, is high unemployment (35% in 2012) and a high share of employment in the public sector. In such conditions, the local centres become “centres for the employment of party members” who, generally, do not have adequate knowledge and experience for successfully facing the ever growing problems (Interview, Pristina, September 2013).

As already mentioned, municipalities very often do not have sufficient technical and organisational capacities to provide welfare services by themselves, and they have a weak system of the development of the budget and its management in order to provide the necessary qualitative services⁷². Allocations for social services in the budgets of the local self-governments vary and, according to the available data, they range from 4% in Pristina, through 8% in Mitrovica to 12% in Prizren⁷³. Professionals in CSWs are mainly engaged in administering material benefits and the placement of children in foster families, and they have very little time and possibilities to address the provision of social work services⁷⁴.

A CSW has dual responsibility: on the one hand, it is responsible to the local self-government for financial funds and facilities at its disposal, and on the other, to the Ministry of Labour and Social Welfare for professional standards in its work. Reports indicate that during the transfer of authorisations to the local self-government authorities, a number of adverse consequences occurred. One of them is a decrease in the level of social allocations and available services, compared to the state when the services were administered on the central level. Chroniclers also record the involvement of politics in social welfare, which inter alia very often reflects in a change of the directors of centres for social work and their replacement with often unprofessional and incompetent persons⁷⁵.

Professionals in the CSWs are mainly engaged in administering material benefits and the placement of children in foster families, and they have very little time and possibilities to address the provision of social work services. After the transfer of authorisations to the local self-governments, a decrease in the levels of allocations for welfare services occurred.

72 Juergen Becker and Laurie Joshua, Uspostavljanje grupe za razvoj stručne prakse (GRSP) za promovisanje ideja, znanja i najboljeg praktičnog rada u oblasti socijalnih usluga: Tehnički instruktažni document (The Establishment of a Group for the Development of Professional Practice (GRSP) for the promotion of ideas, knowledge and the best practical work in social welfare services: Technical Instructional Document), Decentralisation of Social Services in Kosovo Project, January 2012, p. 6

73 Sistemi budžeta i finansijskog upravljanja za socijalne usluge u Prištini, Prizrenu, Srbici, Mitrovici i Ranilugu (Systems of budget and financial management for welfare services in Priština, Prizren, Srbica, Mitrovica i Ranilugu), Decentralisation of Social Services in Kosovo Project, January 2012.

74 Functional qualitative social service delivery survey (FQSSDS): Methodology note, Strengthening Financial and Administrative Systems for the Decentralisation of Social Services in Kosovo, Coffey International, July 2011

75 Valon Murati and Qerkin Berisha, Social schemes and their conformity with the Kosovo reality, Pristina, Research Centre for Human Rights and European Integration and Human Rights Centre of the University of Pristina, Prishtinë, 2010, str. 11

5.3 Associations of Citizens in Social Protection

Non-Governmental Sector in the Legislation

Municipalities can contract the provision of social welfare services and family protection services to NGOs

The Law on Welfare and Family Services provides a special place and role for non-governmental organisations. This Law stipulates

that legal entities not belonging to the Government sector, including enterprises, voluntary organisations and associations, faith based organisations, self-help groups and other local, national and international organisations, are “encouraged to provide Social and Family Services, either on their own initiative or, under contract, on behalf of the municipal unit in the case of local services, or the Ministry [for employment and social welfare] in the case of Kosovo-wide services” (Article 8). Local self-governments and the line Ministry are given responsibilities to offer advice and guidance to non-governmental organisations proposing and requesting to undertake such activities. On the other hand, they must obtain a license as providers of respective services and must adhere to the regulations laid down by the Ministry. Local self-governments have especially explicit possibility to engage non-governmental organisations: municipalities are permitted to enter into contracts with non-governmental organisations for the provision of specific Social and Family Services within its territory, on behalf of the Municipality, on the condition that such contracts are in keeping with the Municipal annual Social and Family Services plan. Similarly, the Ministry is permitted to order services and enter into contracts with non-governmental organisations, and to provide premises and advice to non-governmental organisations providing services.

Structure of the Non-governmental Sector

According to earlier sources, there were almost 3,000 NGOs registered in Kosovo, but only approximately 500 were estimated to be active⁷⁶. More recent sources report as many as 6,000-7,000 registered NGOs, but still less than 10% of them are active⁷⁷. These are mainly small organisations, organised around a single project or a single donor, with about five employees. Most of these non-governmental organisations are located in few urban centres. Almost half are women and youth organisations⁷⁸.

⁷⁶ Bill Sterland, Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo, Praxis Paper No. 9, Intrac, June 2006, p. 25

⁷⁷ Government of the Republic of Kosovo, Government Strategy on Cooperation with Civil Society 2013-2017, Pristina, 2013, p. 8; Kosovar Civil Society Foundation, Country report: Kosovo Prepared for the regional civil society conference: For Europe of the Western Balkans 26-28 September 2012 - Zadar, Croatia, p. 13; Taulant Hoxha, Better Governance for a Greater Impact: A Call for Citizens. Civicus Society Index: Analytical Country Report for Kosovo, Pristina, Kosovar Civil Society Foundation, 2011, p. 20

⁷⁸ Bill Sterland, Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo, Praxis Paper No. 9, Intrac, June 2006, pp. 25-26

The level of civic activism is low. Only 15.5% of the citizens are active in associations, including churches, sports, cultural and similar organisations, and only 14% are active as volunteers⁷⁹. There is a widespread belief in Kosovo that the political tensions and decades of bad economic situation have undermined civic activism. The state has not only a regulatory role, but the role of investor, employer and provider of social assistance and thus “citizens are dependent on the state and the parties and therefore there is no civic activism and socially well-established civil society” (Interview, Pristina, September 2013).

The NGO sector develops under the influence of donors. There is ample data indicating that it is not well-rooted in civic society

In such circumstances, the EU is perceived as a driver of change and modernisation. “Only an influence from above, not from below, can move things” (Interview, Pristina, September 2013). Kosovo and Bosnia and Herzegovina are examples of post-conflict societies in which the NGO sector is developed under a strong external influence. Therefore, the NGO sector in Kosovo is characterised today by fragmentation and incoherence among the organisations, of which “many are [...] dealing with those things that are financed by donors.” In addition, all our respondents stated that NGOs were not professionalised and that they did not employ enough professional staff. “They do everything for which there are donations, they are not professionalised, and then they get trained through practice” (Interview, Pristina, September 2013).

Sources of Financing

Available sources point to the reduced ability of the citizens of Kosovo to support the work of non-governmental organisations by paying membership fees or through individual donations⁸⁰. The Government strategy on cooperation with the civil society deals in detail with the condition and measures regarding financing the non-governmental sector. According to this document, approximately 80% of the funds for the civil society come from international funds, and about 8% from the budget of Kosovo. This indicates a significant dependence on foreign donations, which is verified by independent studies⁸¹. Although the role

80% of the funds for the civil society come from international funds, and about 8% from budget funds. As in other countries, dependence on donors has led to NGOs reflecting the interests of donors in their work instead of the interests of the citizens and communities they are supposed to represent.

79 Taulant Hoxha, Better Governance for a Greater Impact: A Call for Citizens. Civicus Society Index: Analytical Country Report for Kosovo, Pristina, Kosovar Civil Society Foundation, 2011, p. 23. Other studies have different data. A report on human development shows that only 5% of citizens take part in volunteer activities. One in ten citizens in Kosovo is a member of a citizen organisation, and only 2% work in CSOs (UNDP, Kosovo Human Development Report 2008: CIVIL SOCIETY AND DEVELOPMENT, Pristina, UNDP, 2008, p.78)

80 Bill Sterland, Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo, Praxis Paper No. 9, Intrac, June 2006, pp. 27-28

81 UNDP, Kosovo Human Development Report 2008: CIVIL SOCIETY AND DEVELOPMENT, Pristina, UNDP, 2008, p.136

of donors in the development of the civil society is indispensable, especially considering the current economic difficulties Kosovo is going through, the authors of the Strategy point out that the expected departure of a large number of donors will seriously endanger the functioning and sustainability of the sector⁸². Dealing with different funding models (from games of chance to direct tax allocations), the authors of the Strategy undertake (sub-strategic objectives 3.1 to 3.6) to reform the legislation framework with a view to implementing joint projects, creating a supportive environment for philanthropy, standardising services of general interest (public benefit), including civil society organisations into the coordination of donor mechanisms, defining criteria for the award and implementation of grants from public funds, and defining the criteria for non-financial support to CSOs.

As in other countries, dependence on donors has led to NGOs reflecting the interests of donors in their work instead of the interests of the citizens and communities they are supposed to represent⁸³. One of the respondents in our study described this state as follows: "That is the business logic in the NGO sector. They go where there is money. Very few organisations are really well-rooted" (Interview, Pristina, September 2013). The model of the work of donors has led to the fragmentation of activities and the structuring of activities into projects, so that even in social welfare, short-term projects are funded rather than long-term programme activities.

Cooperation with the State

Earlier reports⁸⁴ indicated poor cooperation between the state authorities and non-governmental organisations, which was mainly reduced to personal contact⁸⁵. More recent documents point out that this cooperation has improved owing to the constant pressure from non-governmental organisations, as well as since the EU policy of cooperation with NGOs has become a part of the local political agenda⁸⁶. Thus, in 2013, the Office on Good Governance of the Government of the Republic of Kosovo adopted the Strategy for Cooperation with Civil Society 2013-2017. This strategic document has four objectives:

- Ensuring the stronger participation of civil society in drafting and implementing policies and legislation;

82 Government of the Republic of Kosovo, Government Strategy for Cooperation with Civil Society 2013-2017, Pristina, 2013, pp. 18 and on

83 Taulant Hoxha, Better Governance for a Greater Impact: A Call for Citizens. Civicus Society Index: Analytical Country Report for Kosovo, Pristina, Kosovar Civil Society foundation, 2011, p. 21

84 E.g. Bill Sterland, Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo, Praxis Paper No. 9, Intrac, June 2006; Julia Nietsch, Civil Society and Democratization in Kosovo: The Interaction between local NGOs and the Provisional Institutions of Self-Government (PISG), Pristina: OSCE, 2004

85 Another dimension of this individualised cooperation that we have recorded is the movement of prominent NGOs activists to the ranks of the state administration or politics.

86 Kosovar Civil Society Foundation, Country report: Kosovo Prepared for the regional civil society conference: For Europe of the Western Balkans 26-28 September 2012 - Zadar, Croatia

- Creating a system of contracting public services to civil society organisations;
- Creating a system and defining criteria to financially support CSOs;
- Promoting an integrated approach to volunteering development⁸⁷.

Although it deals with all these objectives in detail, the strategy itself has certain limitations. For example, it obliges the Government but not the Assembly or local authorities to implement cooperation with the non-governmental sector⁸⁸. Leaving this issue aside, this analysis will pay the greatest attention to the part of the strategy that deals with the role of non-governmental organisations in providing social services (strategic objective 2) and the system of funding (strategic objective 3). The authors of the strategy start with the statement that civil society organisations play an important role in the provision of different services (for example, services for persons with limited abilities, victims of human trafficking, victims of violence, etc.). These are services that the state used to provide, or that it is not able to provide any more. For the authors of the strategy, the quality of these services is a problem since there is no adequate quality system that would include a system of licensing of the service providers. In this respect, there are different models and the authors of the strategy only undertake to (sub-strategic objectives 2.1 to 2.3):

- Draft the legal framework that regulates the procedures for contracting public services with civil society organisations, and identify the contracting areas;
- Set standards and principles for contracting public services with civil society organisations;
- Develop a joint control mechanism for monitoring the implementation of licensing standards and service provision⁸⁹.

The Office on Good Governance, as part of the Office of the Prime Minister, is responsible for implementing cooperation with the civil society organisations. However, the interviews we conducted indicated that the cooperation between the non-governmental sector and the state sector was limited to participation in fora and working groups with a completely disputable capability of exerting a real influence on decisions being adopted. Some NGOs manage to provide regular funding from the Ministry of Labour or other state institutions. Still, these are only exceptions⁹⁰.

87 Government of the Republic of Kosovo, Government Strategy for Cooperation with Civil Society 2013-2017, Pristina, 2013, p. 3

88 Government of the Republic of Kosovo, Government Strategy for Cooperation with Civil Society 2013-2017, Pristina, 2013, p. 13

89 Government of the Republic of Kosovo, Government Strategy for Cooperation with Civil Society 2013-2017, Pristina, 2013, pp. 17-18

90 Some of them are legal and actual successors of old associations and unions of associations of persons with disabilities from the time of socialism, which inherited significant assets and political influence, and also adapted to new circumstances. Another group, which distinguished itself as very influential, involves women's organizations dealing with family violence. Among them is a network of safe houses kept by NGOs, partially funded from the state budget and from local budgets.

On a lower level, however, the existing mechanisms of funding do not encourage cooperation of the non-governmental with the public sector (e.g. CSWs and NGOs)

NGOs complain of the weak professional capacities of the public services, which is an obstacle to cooperation. There are no efficient mechanisms for the cooperation of the public and non-governmental sectors.

in implementing specific activities oriented towards the end users of the social welfare services. Furthermore, some respondents indicated that there was a “rivalry between NGOs and CSWs [...] people in CSWs are

jealous of NGOs and say ‘you have money’ and therefore there is no cooperation” (Interview, Pristina, September 2013). And finally, where cooperation does exist, NGOs are faced with the limited professional and administrative capacities of the public institutions (sometimes complemented with additional cultural barriers). Thus, representatives of a safe house witness: “A weak point in the system is integration. It exists in the Government programme, but it does not exist in practice. There is no place where women can go. If they want, they can go to their husband’s home, they have a right to it. If they want, they can return to their parents’ home. In that case, they have to leave their children with their husbands, since it is the tradition, particularly in villages. And nobody can prevent it [...] It is difficult to find employment, since unemployment is high. Employers do not give priority to victims of violence for employment. The only thing we can do is to include them in a training programme through CSWs, which lasts three months. Afterwards, they wait for a job [...]. There is a project through which we look for jobs in companies. The project pays for the salary for a six month period, and then the employer should undertake it. When the six months pass, the employers then sack them [...]. Some women are with us for as much as two-three years” (Interview, Pristina, September 2013). Centres for social work often employ people following party lines, not based on expertise. On the other hand, respondents complained that the older generation of professionals in CSW also do not have any “new knowledge and are not reformed [...] they have training, but they are ‘old school,’ they know what they know and it is hard to train them” (Interview, Pristina, September 2013).

Non-governmental Organisations in Social Protection

The level of activity and the inclusion of NGOs in the process of the provision of social welfare services vary depending on the region and geographic location. Data available to us indicates that organisations addressing the protection of women and child victims of domestic violence are especially developed⁹¹. Thus, there is a network of eight safe houses in Kosovo for women and child victims of violence, plus several powerful and influential non-governmental women’s organisations. They deal with the position of women in Kosovo society, which is still characterized

⁹¹ Our respondents unambiguously confirm that the development of this part of the NGO sector is a consequence of both the poor position of women in the Kosovo society and the substantial international support in this area. Other reports also point out that the state of women was one of the important priorities of the donor community in Kosovo (Eva Varga and Viktoria Villany, Social enterprise as a strategy to provide economic opportunities for people with disability in Kosovo: An assessment of the state of social enterprise and its potential, September 2011, NESsT (<http://www.nesst.org/?portfolio=ebrd>)).

by traditional patterns of family and gender relations. Another group of visible NGOs are organisations of disabled persons. Among them, there are the successors of former state associations (like the Association of Blind People of Kosovo or Handikos), and new organisations that have emerged in smaller communities. This study has recorded that activities such as the organisation of sports and cultural events and training are more developed than the direct organisation of programmes in the community like day care centres, rehabilitation and integration into the community, psycho-social support, etc.

Kosovo also has a network of non-governmental organisations that advocate the interests of their members or target groups, with greater or lesser success. Among them is the network of safe houses that has existed since 2006 as an informal and, since 2011, a formal coalition. Similarly, there is an NGO coalition that deals with the protection of children (KOMF), and the Kosovo Women's Network. All these coalitions were formed as part of externally funded projects. Respondents in our study indicated that there was no NGO movement that would be focussed on some specific issue. There was a rivalry between NGOs and "everyone works for themselves" (Interview, Pristina, September 2013).

The role of NGOs addressing the protection of victims of domestic violence and disabled persons is significant. The latter deal with service provision increasingly less compared to the organisation of sport and cultural events and advocacy work. However, there is no systemised data on local social welfare services in both the state-level and the non-governmental sectors.

It should be noted that there is no systemised data in Kosovo on local social welfare services in both the state-level and non-governmental sectors. There are no legal obstacles for engaging NGOs in the provision of services, and there is a number of examples of such activities. State authorities and local self-governments finance the activities of associations of disabled persons or NGOs that deal with the position of women and domestic violence. There are numerous cases where local self-governments grant premises for free use and cover some of the operational costs. On the other hand, the inclusion of non-governmental organisations in the provision of services on behalf of the state or the joint implementation of projects is supported by the citizens themselves – almost one third of respondents interviewed for HDR 2008 perceived the role of the non-governmental sector in exactly this way⁹².

Although the provision of services by NGOs is widespread and accepted, both by the state authorities and by citizens and the NGOs themselves, there is no systemised data in Kosovo on the number and role of NGOs that provide social welfare services.

⁹² UNDP, Kosovo Human Development Report 2008: CIVIL SOCIETY AND DEVELOPMENT, Pristina, UNDP, 2008, p. 51

5.4 Summary and Recommendations for Advocacy Work

Legal system. The legal system in Kosovo does not define social entitlement and nor is the political system legitimised with support for the social wellbeing of the citizens. On the other hand, the legal framework favours services in the family compared to services of accommodation and opens room for NGOs as the service provider. In order to provide services, NGOs must meet the standards prescribed by the line Ministry.

Institutional system. The network of service providers consists of municipal centres for social work. They are under great pressure and professional workers in CSW are engaged in the administration of material benefits and the placement of children in foster families, and have little time and possibilities to engage in the provision of social welfare services. NGOs complain about the weak professional capacities of the public services, which is an obstacle to cooperation. The line Ministry has underdeveloped capacities to administer the social welfare system.

The role of the local self-government. Municipalities are responsible for the provision of social services in their territories through the centres for social work and local NGOs, but they are limited in this by the available resources. Municipalities have healthcare and social welfare departments, which are responsible for planning, budgeting and monitoring the local social welfare services, but these departments mainly deal with healthcare issues. Municipalities are permitted to enter into contracts with NGOs for the provision of social and family services within their areas.

The role of the governmental organisations. The development of the NGO sector is primarily related to donor activities and, unlike in other states, there was no shift towards domestic sources of funding in Kosovo. About 80% of the funds for the civil society are from international funds, and about 8% from the budget of Kosovo. In certain areas, this has left a deep mark so that improvement in the development of social welfare services for victims of domestic violence is particularly visible.

The level of activity and the inclusion of NGOs in the process of the provision of social welfare services vary depending on the region and geographic location. In addition to organisations dealing with the protection of women and child victims of domestic violence, organisations of disabled persons are especially visible and influential. There are no efficient mechanisms for the cooperation of public and non-governmental sectors. There is no systematised data on local social welfare services in both the state-level and the non-governmental sectors. According to the available data, state authorities and local self-governments finance the activities of the associations of disabled persons or NGOs dealing with the position of women and domestic violence.

Recommendations for advocacy work:

1. Establishing mechanisms for monitoring the activities of the NGO sector in the social welfare field in form of (1) a register, or (2) a database. A mechanism for monitoring the activities of the NGO sector in social welfare should be established, in the form of (1) a register, or (2) a database (as in BiH). The register of local social services kept by the Republic Institute for Social Welfare in Serbia can serve as a model register (voluntary registration by NGOs, annual updating, use of the register as a means of advocacy by NGOs and as a means for planning by the state bodies). Research conducted in Montenegro (Alternativa Institute and UNDP) can be used as a model for the database, along with earlier researches of UNDP Croatia. Databases are completed using surveys and updated as required (probably once every year or two). Their purpose is the same as that of the register; they are more expensive to implement and more reliable. In both cases, this mechanism may include data on the level of allocation for social welfare services. This mechanism serves for planning public policies and as a base for advocacy activities for a greater role of the NGO sector in social welfare.

2. Advocacy work for the creation of a system of professional support for the public and NGO sectors. According to the available data, both sectors are still underdeveloped. The system of social security cannot be developed without the coordinated development of both sectors. Therefore, strengthening the capacities of both the public and the private sectors should be one of the priorities. It is not necessary to create only the capacity of the service providers but also of those organisations that are engaged in planning and monitoring social welfare, among which the most important are the line Ministry and the local self-governments.

3. Advocacy work for the creation of transparent mechanisms of funding. The transfer from international to domestic sources of funding will come to Kosovo in due time as well. The coming period should be used for strengthening the domestic mechanisms for the transparent and well-directed funding of social welfare services. This step cannot be implemented without a certain enhancement of the capacity of the line Ministry.

6

SERBIA

6.1 Analysis of the Legal Framework

The Constitution of the Republic of Serbia defines Serbia as a state based on the “rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values” (Article 1). The right to social protection is defined in Article 69, which stipulates that citizens and families that require welfare for the purpose of overcoming social and existential difficulties and creating conditions to provide subsistence, shall have the right to social services. The Constitution of Serbia also guarantees the freedom of association (Article 55), while the work of the associations of citizens is governed by the Law on Associations of 2009.

The following laws define the system of social protection in Serbia:

- Law on Social Services, Official Gazette of the Republic of Serbia No. 24/2011
- Family Law, Official Gazette of the Republic of Serbia No. 18/2005
- Law on Financial Support to Families, Official Gazette of the Republic of Serbia No. 16/2002
- Law on Local Self-Government, Official Gazette of the Republic of Serbia No. 129/2007

The rights to social services are listed in detail in the Law on Social Services. This Law assumes that “every citizen and family that require welfare for the purpose of overcoming social and existential difficulties and creating conditions to provide subsistence, shall have the right to social services.” The right to social protection is provided by the provision of social welfare services and financial support (Article 4).

Social welfare services are provided by centres for social work and social welfare institutions established by the Republic, Province or local self-government. In addition, Article 17 stipulates that social welfare services can also be provided by associations of citizens, entrepreneurs or companies.

Beneficiaries of social protection rights and services are individuals or families facing obstacles in providing subsistence. Beneficiaries are minors or adults who encounter certain forms of risk. Concerning minors, these include children without parental care, children and young people with developmental disabilities, those in conflict with their parents, foster parents or the community, children or young people facing difficulties as a result of alcohol or drug abuse, victims of violence, negligence, human trafficking, etc. Adults are users of social protection if they are disabled persons, victims of violence and human trafficking, if they live in disturbed family relations, etc. (Article 41).

6 SERBIA

The social protection services are divided into two groups under the Law on Social Services: (1) assessment and planning, and (2) services of direct social work that originate from the assessment of the beneficiary's needs – daily services in the community (daily care, help in the house, etc.), services of the support for independent life (e.g. supported housing, personal assistance, training for independent life, etc.), counselling-therapeutic and social-educational services (support to a family in crisis, counselling, family therapy, mediation, SOS hotlines, etc.) and services of accommodation.

The Law stipulates that through the process of public procurement, all services can be procured from licensed services providers except (a) services of assessment and planning, which are provided by the centre for social work in exercising public authority, (b) services of urgent intervention, (c) services provided by institutions for the education of children and young people, and the institute for social protection, in exercising public authority, and (d) services of family accommodation. The subject of public procurement are services there is a need for, and that cannot be provided within the required scope of a social welfare institution established by the Republic of Serbia, autonomous province or self-government unit. These services are procured from licensed providers. New solutions anticipated by the Law on Social Services should be operationalised through a number of by-laws (rulebooks) and decisions, many of which are not being adopted yet (e.g. those that address the issue of earmarked transfers to underdeveloped municipalities for the development of social welfare services, mechanisms for referring beneficiaries from CSWs to NGOs, and alike).

The financing of services is divided between the Republic, or the Province and local self-governments. The Republic finances and is responsible for the work of the centres for social work (as well as the centres for family accommodation and adoption), which are granted to them as public authorisations, and which refer to the assessment of needs and decisions on the right of citizens – users of the services. The work of the institutions for the accommodation of beneficiaries is also financed by the Republic, i.e. the Province.

Daily care services in the community are under the exclusive competence of the local self-government. As for the other two groups of services, the legal formulations are somewhat less precise: services for the support of independent life are provided by the local self-government units, unless the law stipulates that they are provided by the Republic of Serbia (Article 45), while services of accommodation and counselling-therapeutic and socially-educational services are provided by the local self-government units, the Autonomous Province, or the Republic of Serbia, according to the Law (Articles 46 and 47).

The Law on Social Services sets a system of licensing service providers and accrediting training programmes. The Republic Institute of Social Protection and the

line Ministry of Labour, Employment and Social Policy are at the centre of this system. Licenses for the provision of services are issued based on the Rulebook on Detailed Conditions and Standards for the Provision of Social Protection Services of 2011, the Rulebook on Licensing of Organisations of Social Protection and the Rulebook on Licensing Social Protection Professionals of 2013. Even though the relevant by-laws are adopted, the system of licensing has not been instituted.

6.2 Analysis of the Institutional Framework

The system of social protection comprises centres for social work, institutions for placement of beneficiaries and other institutions (shelters, intake centres, etc.), as well as NGOs that deal with the provision of services. Centres for social work that are financed from the central and the local budgets have the most important role in the social welfare system.

The system of social protection comprises centres for social work, institutions for the placement of beneficiaries and other institutions (shelters, intake centres, etc.), as well as NGOs that deal with the provision of services. Part of the rights under social protection are financed from the municipal, and the remainder from the Republic budgets. A dominant role in the implementation of social protection in the municipality is assigned to the CSW. The founder of a CSW is the municipality and today every municipality in Serbia has its CSW or a department of the inter-municipal CSW. The work of the CSWs are financed from the central and local budgets: the budget of the Republic of Serbia covers the costs of performance of those tasks that are assigned to it by the Law on Social Services, while the municipal budgets finance services under the competence of the local self-government. The role of CSW is to administer most of the social benefits, coordinate the provision of services of the social work and administer the legal rights in the field of the protection of adults, children and families.

Such a structure of the work of the CSWs implies a series of administrative works, which disrupts the balance between the administrative and professional work⁹³ in the functioning of the centres for social work. A typical CSW in Serbia is overburdened with administrative work related to exercising the right to material benefits, and professional workers have little time to engage in direct work with clients, they rarely go “to the community”, etc.

The centres for social work are overburdened with administrative work and have less time to work with beneficiaries and in the community. At the same time, CSW is de facto an institution that deals with coordinating and planning social protection in the municipality.

93 Izveštaj o socijalnoj politici i sistemu socijalne politike (Report on the Social Policy and the Social Policy System), Belgrade: Team of the Social Policy Reform Project of the Department for International Development of Great Britain, 2005

The other side of the work of the CSWs is coordination and planning of the local social protection. For those programmes that are under the competence of the local self-government, like the shelters, day care centres, house assistance and home care, and others, the municipality itself is formally responsible for planning, budgeting and control. Studies have shown that in practice, these processes develop somewhat differently: either the municipality assigns the CSW to make an operational plan and budget for the following year, or the CSW itself lobbies for certain programmes and financial support from the local budget, while the municipal governance remains on the margins of planning and implementing the local social policy⁹⁴

CSWs also offer social work services – preventive activities, diagnostics, treatment and counselling/therapeutic work, with the purpose of providing professional assistance to individuals, families and social groups to resolve their living problems or assistance in organising local and other communities to prevent social problems and alleviate the consequences. When we talk about these services, analyses have shown that they do not sufficiently meet the needs of the beneficiaries, they are not open to the community and in most municipalities in Serbia, they are not sufficiently developed⁹⁵

An important link in the creation of a new service-based system in the community is made by the local self-governments. According to the old and new laws on social services, the competence of the local self-government is the opening of several types of open social welfare services: in-house assistance, day care centres, as well as temporary placement in a shelter, equipping the beneficiary for placement in an institution or another family and one-off assistance. Municipalities have been most inclined to fund programmes for elderly people.

Analyses of the system based on the previous law indicate that municipalities that fully implemented their obligations in the field of social protection were rare. The reasons for this include a constant lack of financial resources, a lack of control of the implementation of obligations that the local self-government is obliged to meet, and the nonexistence of established criteria on the minimum rate of allocations for social protection in the municipal budget. In addition, the municipal administrations alone relied on the CSW capacities to plan and propose measures, and some centres did not have a proactive approach, which did not encourage the opening of services. Owing to this combination of circumstances, the system of local services remained underdeveloped in a number of municipalities. The existing data indicate that more developed and richer municipalities also had social work services developed⁹⁶.

94 Danilo Vuković et al., Usluge socijalne zaštite u lokalnoj zajednici i njihova budućnost - naučene lekcije, preporuke i faktori održivosti: Izveštaj sa prvog konkursa FSI (Services of Social Protection in the Local Community and Their Future – Lessons Learned, Recommendations and Factors of Sustainability: Report from the First FSI Competition), working document, Belgrade Fund for Social Innovations, 2005, Danilo Vuković, "Institutional Capacities, Social and Human Capital and The Application of Law: Reforms of the Local Social Welfare Services in Serbia", Paper prepared for the I World Bank Conference on Poverty and Social Inclusion in the Western Balkans Brussels, 14-15 December 2010

95 Gordana Matković, Decentralizacija socijalne zaštite u Srbiji (Decentralization of the Social Protection in Serbia), Belgrade: CLDS, 2006

96 Danilo Vuković and Aleksandra Čalošević, "Socijalna zaštita, regionalne nejednakosti i moguća nova uloga Fonda za socijalne inovacije" (Social Protection, Regional Inequality and Possible New Role of the Fund for Social innovations), Belgrade: UNDP working document, 2009

The new law stipulates a more active role of the local self-government and solves certain problems that were perceived during the last decade. For example, a mechanism for earmarked transfers for opening up services of social work in underdeveloped municipalities (Article 207), which has unfortunately not yet become functional.

Local social welfare services are performed by CSW, NGOs, institutions for the accommodation of beneficiaries and the Red Cross. In Serbia today, there are at least two relevant databases on local social welfare services: a database kept within the Republic Institute for Social Protection and a database made by the Social Inclusion and Poverty Reduction Unit of the Republic of Serbia Government and UNICEF.

According to the data of the Republic Institute for Social Protection, there are a total of 33 different types of local social services provided in the Republic of Serbia. Among them, 15 types of these services are intended for children and young people, adults and elderly people, and 9 types of the services are equally used by all groups of beneficiaries (i.e. services that are classified as services of support for families or services of support for victims of human trafficking or victims of domestic violence for the needs of the Database of the Republic Institute for Social Protection). All these services have undergone the Parliamentary procedure and can be found in the municipal budgets (although the real sources of financing may be state funds or donations).

In 137 local communities, a total of 445 local social services are organised differing by type, by target group and by provider. It is very important to note that local communities in Kosovo and Metohija are included in the total number of cities and municipalities shown. On the local level, the most common are services of assistance and in-house care, services of daily accommodation and services for the support of independent life.

Among services intended for children and young people, the most commonly organised services are: daily accommodation for children and young people with developmental disabilities (64 local communities), housing for young people who are becoming independent (19) and daily accommodation for children and young people with physical disabilities (14). The list of services aimed at a whole family is as follows: counselling marriage and family centres and SOS for the victims of domestic violence (17 local communities each), social housing under protective conditions (11), and safe house (and shelter) for women and child victims of family violence (5). Among the services intended for adults and elderly people, the most common are house assistance and home care for adults and elderly (82 local communities), clubs for elderly people (30), and shelters for adults and elderly people (12).

When service providers are involved, the data shows that the local self-governments more often show confidence in institutions of social protection in the public sector (314 services) than in organisations in the civil sector (131 services). That is to say, 202 services are provided by centres for social work, 112 services by social welfare institutions, and 131 services by NGOs.

A study, Mapping Social Protection Services under the Competence of Local Self-Governments, which was conducted by the Centre for Liberal-Democratic Studies for the needs of the Social Inclusion and Poverty Reduction Unit of the Republic of Serbia and UNICEF at the end of 2012, showed that social welfare services were provided in 138 of 145 local self-governments included in the sample. Out of 7 local self-governments in which no services were provided in 2012, no service of social protection under the competence of the local self-government units has ever been provided in 5 of them. Those are the following municipalities: Bogatić, Lajkovac, Ljig, Lučani and Mionica⁹⁷.

This study registered a total of 432 local services, of which 306 of them were provided in the governmental and 126 in the non-governmental sector. The report Mapping Social Protection Services under the Competence of Local Self-Governments does not distinguish between profit and non-profit service providers but refers to non-governmental providers. Bearing in mind earlier data that the profit sector is oriented towards providing accommodation services for elderly people, we will assume that NGOs, dominant in service providing, are involved here⁹⁸.

TABLE 6.1 OVERVIEW OF LOCAL SERVICES IN SERBIA IN 2012

Service	Number of local self-governments	Share in the total local self-governments (in %)
House assistance for elderly people	122	84%
Daily accommodation for children and young people with developmental disabilities	71	49%
Assistance at home for children with developmental disabilities	37	26%
Club	28	19%

97 SIPRU and UNICEF, Mapiranje usluga socijalne zaštite u nadležnosti lokalne samouprave (Mapping of Social Protection Services under the Competence of Local Self-Governments), Belgrade, 2013, p. 8

98 Private (profit) service providers mainly deal with elderly people. In Serbia, 204 private homes for elderly people with a total accommodation capacity of 6000 beneficiaries have work permits (data from the Ministry of Labour, Employment and Social Policy), www.minrzs.gov.rs). In spite of the relatively developed private sector, newspaper reports indicate a high demand and a lack of capacities.

House assistance for elderly people with disabilities	20	14%
Counselling centres	21	14%
Shelters (general type)	18	12%
Personal assistance for adults	16	11%
Supported housing for young people	15	10%
Shelters for victims of violence (safe house)	15	10%
Daily accommodation for elderly people	12	8%
Respite care	11	8%
Daily accommodation for children in conflict with the law	10	7%
Shelter for children	9	6%
Drop-in centre	4	3%
Supported housing for disabled persons	5	3%

Source: SIPRU and UNICEF, Mapping Social Protection Services under the Competence of Local Self-Governments, Belgrade, 2013, p. 9 and on

Assistance at home for elderly people is the most prevalent service. It is followed by daily accommodation for children and young people with developmental disabilities. Every municipality also has a programme for one-off material benefits. More developed municipalities have developed social welfare services.

from the municipal budgets. It is followed by daily accommodation for children and young people with developmental disabilities, which exists in almost every second municipality. All other services occur in very few municipalities: assistance at home for children with developmental disabilities in every fourth, clubs in every fifth municipality, and all other services even less frequently. Earlier studies have shown similar tendencies. According to data from 2010, one third of all services provided by NGOs were intended for disabled persons and persons with developmental disabilities.

Assistance at home for elderly people has been the most prevalent service for years⁹⁹. This service is provided in 84% of the municipalities in Serbia, with Kosovo and Metohija excluded. After one-off material benefits, this is the most widespread intervention in the field of social protection financed

99 Danilo Vuković, “Institutional Capacities, Social and Human Capital and The Application of Law: Reforms of the Local Social Welfare Services in Serbia”, text prepared for the World Bank conference, Conference on Poverty and Social Inclusion in the Western Balkans, Brussels 14-15.12.2010

6 SERBIA

These services were mainly provided by “self-help associations.” Two thirds of all services provided by NGOs were located in the most developed and averagely developed municipalities, and only one third in the underdeveloped and extremely underdeveloped municipalities¹⁰⁰This data indicates another side of the local system of social work services. No matter how impressive the figures about the total number of services and their development have been in the last several years, many local social welfare services are still not developed sufficiently in many municipalities.

Financing the Services

The expenditures for these services totals approximately RSD 2.475 billion or equivalently EUR 21.5 million. Most of this amount (one billion dinars) is allocated for assistance to elderly people at home. The participation of local self-governments in financing services is not small and has grown constantly in the last several years, but it varies in the type of the service and the specific circumstances in the local self-government in question.

TABLE 6.2 SHARE OF LOCAL SELF-GOVERNMENTS IN THE FINANCING OF LOCAL SERVICES IN SERBIA

Service	Share of the local self-government budget and participation in the total expenditure for services (in %)
House assistance for elderly people	25%
House assistance for elderly people with disabilities	45%
Assistance at home for children	30%
Daily accommodation for children and young people with developmental disabilities	46%
Daily accommodation for elderly people	34%
Daily accommodation for children in conflict with the law	30%
Drop-in centre	75%
Personal assistance for adults	69%
Supported housing for disabled persons	50%
Supported housing for young people	0%
Counselling centres	5%
Shelters (general type)	5%
Shelters for children	0%

100 Danilo Vuković, “Social Exclusion in Serbia” in Žarko Papić et al. Who, How, Why? Regional Cooperation of NGOs in Reducing Social Exclusion and Poverty, Sarajevo: IBHI, 2011

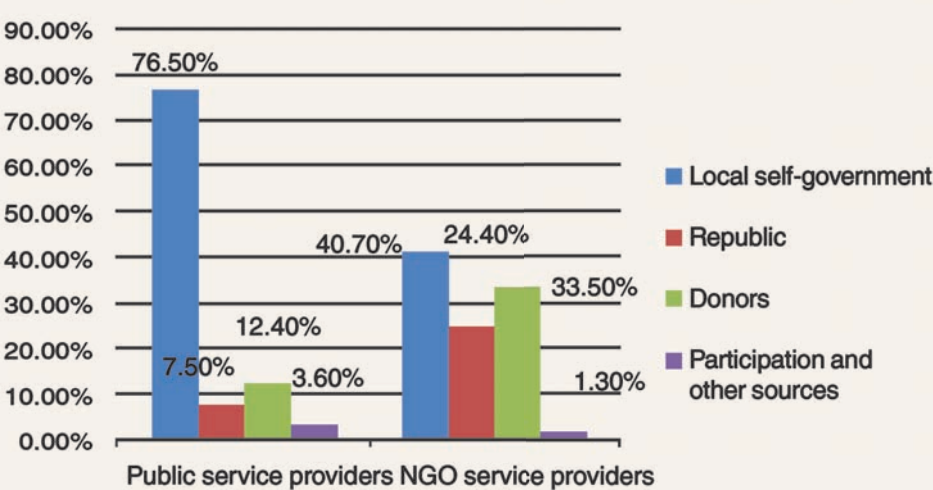
Shelters for victims of violence (safe house)	10%
Respite care	42%

Source: SIPRU and UNICEF, Mapping Social Protection Services under the Competence of Local Self-Governments, Belgrade, 2013

The Ministry of Labour, Employment and Social Policy finances various projects that provide social services (either from the budget or from EU funds). During 2013, the support for the provision of social services was given to 42 local self-governments classified as underdeveloped (poor), 14 NGOs that deal with the provision of services for the disabled, and 33 associations of disabled persons.

Donations as a source of financing are much more important for the NGO sector: 33.5% against 12.4% of the total amount allocated for financing these services. An even greater difference can be seen in the local self-governments, which finance 77% of all the expenses of the public service providers, against 41% for the non-governmental providers. On the other hand, the Republic is financing NGOs three times as much. The greatest part in this distribution probably belongs to large state funds for the development of services, like the Fund for the Development of Services of Disabled Persons Organisations, which operates within the Ministry of Labour, Employment and Social Protection.

CHART 6.1 COMPARISON OF FINANCING SOURCES



Source: SIPRU and UNICEF, Mapping Social Protection Services under the Competence of Local Self-Governments, Belgrade, 2013

Private (for profit) service providers mainly deal with elderly people. There are 204 private homes for elderly people in Serbia with operation permits, with a total accommodation capacity of more than 6000 beneficiaries¹⁰¹. In spite of the relatively developed private sector, newspaper reports indicate a great demand and a lack of capacities.

6.3 Associations of Citizens in Social Protection

Structure of the Non-governmental Sector

According to 2011 data, there were 18,119 registered associations in Serbia that employed 5,376 employees, which was a decrease compared to 2008 when there were 6,113 employees. The total revenues of these associations were about EUR 265 million¹⁰². This group included all associations of citizens, including profitable business associations and organisations whose primary goal was to fight for the interest of their members. Data from the Business Registers Agency was the only completely comprehensive data available to us, while all other data sources are based on studies made using samples of non-governmental organisations. These studies give relatively uniform results and show that only 1.5% NGOs have more than 10 employees. Relatively few non-profit organisations do have employees—about 17%, which is a result of the fact that non-profit organisations mainly rely on volunteer work or the work of external associates, contractually engaged, out of labour relations. According to data from this study, in 2008, an average NGO employed less than one employee, and the average salary in the sector was about EUR 300, while the average net salary in Serbia amounted to EUR 390 in the same year¹⁰³.

The structure of NGOs is dominated by small organisations with an annual budget of up to EUR 20,000 (56%), one third has budgets between EUR 20,000 and EUR 100,000, and only 12% has a budget of more than EUR 100,000¹⁰⁴. However, compared to 2006, the average budgets of NGOs were almost twice as much in 2010. In the period between 2005 and 2009, merging of the NGO sector occurred, which was evident primarily from the decrease in the share of small organisations and the growth of large ones¹⁰⁵. Organisations dealing with the development of civil society have the largest budgets (EUR 362,202), followed by organisations dealing with human rights (EUR 74,069), humanitarian and social work (EUR 67,358), and in

The NGO sector is dominated by small organisations relying on volunteer work.

101 Data from the Ministry of Labour, Employment and Social Policy, www.minrzs.gov.rs

102 Saopštenje o poslovanju neprofitnih institucija u Republici Srbiji u 2010. godini (Statement on the Operations of Non-Profit Institutions in the Republic of Serbia in 2010), Belgrade: Business Registers Agency, 2011

103 Analiza ekonomskih performansi neprofitnih institucija u Srbiji (Analysis of the Economic Performances of Non-Profitable Institutions in the Republic of Serbia), Belgrade: Građanske inicijative, 2009

104 NGOs in Serbia in 2009, Belgrade: Građanske inicijative, 2010

105 Analiza ekonomskih performansi neprofitnih institucija u Srbiji (Analysis of the Economic Performances of Non-Profitable Institutions in the Republic of Serbia), Belgrade: Građanske inicijative, 2009

the end, by those NGOs that deal with young people, the economy and professional associations with average budgets of EUR 40,321¹⁰⁶

NGOs do not have adequate professional capacities in the social welfare area yet. They often rely on professionals from centres or institutes for the accommodation of beneficiaries for the most demanding professional tasks.

There is no general data on the educational and professional structure of NGOs. In the last 13 years, various resources for the development and implementation of services have been available to NGOs. Some of the funds (like the Fund for Social Innovations) required partnerships between the public and the private sectors. Years of experience has led to a certain professionalisation of the NGO sector. However, data obtained through interviews show that NGOs still do not have adequate professional capacities for the field of social protection and that they rely on experts from the centres and institutions for the accommodation of beneficiaries concerning the most demanding assignments.

U poslednjih nekoliko godina konstantno raste udeo domaćih izvora finansiranja.

Sources of Financing

Donations from international organisations are the main source of funds for domestic NGOs and this finding is confirmed by all the studies. Around 75% of NGOs in Serbia on average are financed through international donations and appropriations from the state, local and province budgets (i.e. from the revenues of the Republic of Serbia), 12.7% from other revenues, 7.9% from revenues from sale of goods and services, and a modest 4.2% from membership fees. However, there are certain interesting changes even in this regard. The most visible is the increase in the number of NGOs that receive resources from the state funds. The period between 2005 and 2009 was characterised by the ever greater availability of public funds – local, city, provincial and republic – so that the role of the state in financing NGOs is increasing¹⁰⁷.

¹⁰⁶ NGOs in Serbia in 2009, Belgrade: Građanske inicijative, 2010, p. 57

¹⁰⁷ Analiza ekonomskih performansi neprofitnih institucija u Srbiji (Analysis of the Economic Performances of Non-Profitable Institutions in the Republic of Serbia), Belgrade: Građanske inicijative, 2009 According to data from the Centre for the Development of the Non-Profit Sector, in Serbia, EUR 47 million were allocated to non-governmental organisations from the budget of the Republic during 2010. Another EUR 46 million from the local budgets should be added to that amount. The amount of money that goes to the NGO sector, and the amount that overflows to other areas is not known.

TABLE 6.3 SOURCES OF FINANCING¹⁰⁸

	2005	2009
International donor organisations	74%	75%
Local government	36%	55%
Domestic donor organisations	34%	49%
Ministries	17%	44%
Business sector	27%	35%
Self-financing	34%	28%
Regional government	13%	22%
Citizens	15%	11%

Source: Analysis of the Economic Performances of Non-Profitable Institutions in the Republic of Serbia, Belgrade Civic initiatives, 2009

In most cases, local self-governments finance fewer services than exist on their territory. Despite this, the total share of services financed by the local self-governments increased in the period from 2008 to 2013. For example, in 2009, out of all nine day centres, the local self-governments financed 13%, 22% in 2010, and 74% in 2012¹⁰⁹. Data from 2010 shows that there is great difference between the municipalities at different levels of development – the most developed municipalities established more services than the less developed. The only exception is the one-off material benefit, which is present equally in all municipalities, irrespective of the degree of development. Substantial differences exist in the services for children, persons with disabilities or elderly persons and they can be found more often in the more developed municipalities.

A significant threat is imposed on NGO financing by the new rules for conducting public procurement procedures. Interviews that we have conducted indicate that a typical NGO dealing with the provision of services does not have the resources to provide a bank guarantee for a tender, for example. In addition, many local self-governments do not have the professional or administrative capacity to plan expenditures on social protection, which is an obstacle, both for the development of services and for the development of the system for ordering services.

The market of social work services is expanding and the area for the involvement of NGOs is increasing. Increasingly more funds from the local and republic budgets are spent on financing these services.

¹⁰⁸ Note: the sum of the percentages in the table is greater than 100% since every organisation was able to state several sources of financing.

¹⁰⁹ Danilo Vuković, "Institutional Capacities, Social and Human Capital and The Application of Law: Reforms of the Local Social Welfare Services in Serbia", Paper prepared for the I World Bank Conference on Poverty and Social Inclusion in the Western Balkans, Brussels, 14-15 December 2010 SIPRU and UNICEF, Mapiranje usluga socijalne zaštite u nadležnosti lokalne samouprave (Mapping of Social Protection Services under the Competence of Local Self-Governments, Belgrade, 2013

Cooperation with the State

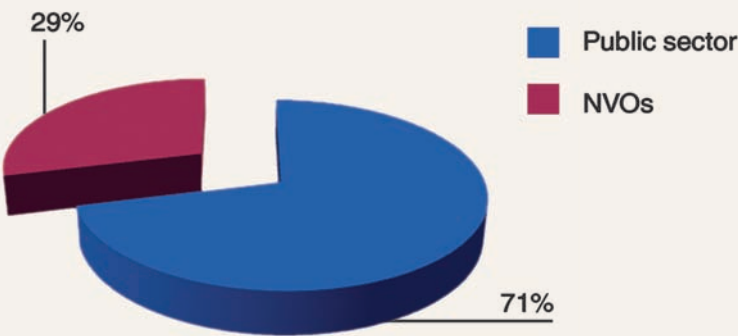
The data presented indicates that the market of social services is expanding and that the space for the inclusion of non-governmental organisations is growing. Increasingly more funds from the local and republic budgets are spent on financing these services. In addition, many services currently provided by the public sector shall be provided by other players from the profit or non-profit sector in the future, in line with the new Law on Social Services.

The available data does not give us the possibility of formulating general conclusions on the content and quality of cooperation with the centres of social work. Beneficiaries of the services provided by the NGO sector rarely come with a referral from the centre for social work, and a practice where professional work concerning the preparation of a plan of services or assessment of the needs of the beneficiaries is completed by professionals from the centres of social work, engaged by NGOs as freelancers is still widespread.

Non-governmental Organisations in Social Protection

The report Mapping Social Protection Services under the Competence of the Local Self-Governments records a total of 126 services provided by non-governmental organisations¹¹⁰. As can be seen from Chart 1.1, it forms 29% of all local services.

GRAFIKON 6.2. PRUŽAOCI LOKALNIH USLUGA SOCIJALNE ZAŠTITE PO SEKTORU



110 The Report Mapiranje usluga socijalne zaštite u nadležnosti lokalne samouprave (Mapping Social Protection Services under the Competence of Local Self-Governments) does not differentiate between the profit and non-profit service providers but speaks of non-governmental providers. Given the data that the profit sector is oriented to the provision of services for elderly people, we will assume here that we are speaking of NGOs as dominant in providing services.

6 SERBIA

Non-governmental organisations mostly deal with the provision of services for disabled persons and for children and young persons with developmental disabilities. In these areas, we encounter the greatest share of NGOs in the total number of service providers. The importance of NGOs as service providers is still great with services like daily accommodation for elderly people, children in conflict with the law and PUK for children. In these areas, almost one third of the services are performed in the NGO sector. The NGO sector is the least active in the provision of services like shelters, counselling centres, etc.

TABLE 6.4 SHARE OF SERVICE PROVIDERS FROM THE NGO SECTOR

Service	Share of the service providers from the NGO sector in the specific service (in %)
Drop-in centre	75%
Personal assistance for adults	69%
Supported housing for disabled persons	60%
House assistance for elderly people with disabilities	45%
Respite care	42%
Daily accommodation for elderly people	33%
Daily accommodation for children and young people with developmental disabilities	30%
Assistance at home for children with developmental disabilities	30%
Daily accommodation for children in conflict with the law	29%
House assistance for elderly people	25%
Club	18%
Shelters for victims of violence (safe house)	7%
Counselling centres	5%
Shelters (general type)	5%
Supported housing for young people	0%
Shelter for children	0%

Source: SIPRU and UNICEF, Mapping Social Protection Services under the Competence of Local Self-Governments, Belgrade, 2013

When the structure of the services provided by the NGO sector is observed, its global orientation is obvious. Among all the services provided by the NGO sector, however, most are day care centres for children and young people with developmental disabilities. They are followed by assistance at home for elderly people – this service forms one fourth of all services provided by the NGO sector. Somewhat more numerous are services of personal assistance, PUK for children with developmental disabilities and adults with disabilities.

TABLE 6.5 STRUCTURE OF SERVICES PROVIDED BY THE NGO SECTOR

Service	Total number of services provided by the NGO sector	Share of a given service in % within the services provided by the NGO sector
Daily accommodation for children with developmental disabilities	37	29%
House assistance for elderly people	32	25%
House assistance for children with developmental disabilities	11	9%
Personal assistance for adults	11	9%
House assistance for adults disabled persons	9	7%
Respite care	5	4%
Club	5	4%
Daily accommodation for elderly people	4	3%
Daily accommodation/centre for children and young people with disturbances in behaviour	3	2%
Drop-in centre	3	2%
Supported housing for persons with disabilities	3	2%
Shelters (general type)	1	1%
Shelters for victims of domestic violence (Safe house)	1	1%
Counselling centres	1	1%
Shelter for children	0	0%
Supported housing for young people who are getting independent	0	0%

Source: SIPRU and UNICEF, Mapping Social Protection Services under the Competence of the Local Self-Governments, Belgrade, 2013

6 SERBIA

The structure of the services provided by the public sector is given in Table 6. As can be seen, a third of all services in the public sector include house assistance for elderly people. Daily accommodation for children and young people with developmental disabilities accounts for 14% of all local services provided by the public sector. Other services are present to a lesser degree.

Studies have shown that the NGO sector is very competitive in the area of services like assistance at home and daily accommodation for children with developmental disabilities. Using the same or similar resources, NGOs manage to provide equally qualitative and equally intensive services for approximately the same number of beneficiaries¹¹

Although the system of service providers is unambiguously developed, it faces a number of challenges. The first and most important challenge is the forthcoming licensing system, though the interviews also indicated some difficulties arising from the new system of public procurement and some other issues.

As for the forthcoming licensing process, problems occur in several areas. One relates to structural standards. A respondent has born witness to this in the following way: “The licensing system has not recognised the ambiance in which small service providers can be found [...] has not distinguished between hardware and software and 95% NGO providers do not have premises as their property [...] they cannot obtain a certificate on fire-fighting protection, not even those who have used premises of the local government for ten years [...] the standards are set askew. For example, not even one of almost 70 daily care centres for children with developmental disabilities has the possibility of installing three toilets, one for boys, one for girls and one for the staff” (Interview, October 2013). Another dimension is the capacity of professional workers. The NGO sector will have to pass through the system of licensing of professional workers. According to the existing data, the system that is supposed to provide support, and this is primarily the Republic Institute for Social Protection, responds to initiatives of the NGO sector but does not demonstrate significant initiative in its own right.

Moreover, within the NGO sector there is an implicit division between (a) NGOs included in the exchange of information, which are mainly large organisations that regularly participate in conferences and meetings with relevant players, and (b) NGOs that come from smaller communities, as a rule small organisations (for example, those organisations that gather beneficiaries and their parents), and they do not have access to the information and resources necessary for them to prepare for the licensing process. Experience so far in the work of some organisations that have the role of regional resource centres (like the Timočki klub (Timok Club), Edukacioni centar (Educational Centre), Sunce (Sun), and alike) indicates that this kind of support is going to be of great importance

¹¹¹ SeConS, Upporedno istraživanje lokalnih pružalaca usluga socijalne zaštite u Srbiji: konkurentnost i inovativnost NVO sektora (Comparative Research on Local Service Providers of the Social Protection in Serbia: Competitiveness and Innovations of the NGO Sector), Belgrade, 2013, working document

6.4 Summary and Recommendations for Advocacy Work

Institutional system. Serbia has a relatively developed legal and institutional framework that enables the inclusion of the non-governmental sector in the provision of social protection services. In addition, a motivating factor was the existence of several funds that were engaged in the development of this part of the non-governmental sector. Among them, of special importance are the Fund for Social Innovations, the Fund for Support for Organisations of Disabled Persons, BCIF, etc.

Role of the local self-government. The current system provides significant obligations for local self-governments in terms of establishing and financing services. Local self-governments increasingly finance services, but municipalities that are developed to a lesser extent face great difficulties. Some elements of the system stipulated by the new Law on Social Services have not yet been established, primarily the system of earmarked transfers to less developed local self-governments. These resources should be used precisely for the establishment of services in those municipalities that do not have the capacities to finance them independently. In addition, new mechanisms of public procurement are a great challenge for small NGOs that are not able to meet all the administrative requirements (for example, obtaining bank guarantees).

Licensing. Even though the system of service provider licensing is defined by law and by-laws, it has not yet been put in place. This system will place new requirements for the NGO sector in terms of a number of professional and organisational aspects of the work. According to the available data, the system of support is not established, and a large number of NGOs will not be able to fulfil the expectations placed on them. The Republic Institute for Social Protection has the capacities to provide professional support and is a resource that all actors in social protection will rely on.

The role of NGOs. Although NGOs are legitimate social protection service providers and although there are a number of funds and public policies that support them, the system of social protection largely relies on the public sector (resulting from the developed network of accommodation institutions, centres for social work and family centres). On the other hand, about one third of the total number of social protection services is provided by NGOs. State funds support the inclusion of NGOs, while the local self-governments are more interested in financing public institutions.

Recommendations for advocacy work:

1. Advocacy work for reviving earmarked transfers. Earmarked transfers in the Serbian context should solve one of the greatest problems of the social protection system – regional inequality. However, this system has not yet been established. Advocating for the revival of this mechanism, NGOs can (1) work on

6 SERBIA

the promotion of the local systems of social protection in the least developed municipalities, and (2) work on the establishment of permanent sources of financing for the social protection services,

2. Advocacy work for the establishment of a support system in the licensing process. Some of the requirements set in the licensing process will be very demanding and NGOs will have to seek systematic support from (1) developed NGOs that have the resources to provide such assistance, or (2) the Republic Institute for Social Protection.

3. Strengthening the negotiating position of NGO service providers through networking. Although experience has shown that donor projects for the netting of NGOs often lack results, it is worth trying, with the coordinated efforts of NGOs, to improve the visibility of the advantages of NGO service providers.

4. Advocacy work on the system of the permanent financing of services. In Serbia, as in the other countries of the region, the system of one-time financing has been unnecessarily insisted on. It has many flaws (large administrative costs, burdening of the service orderer, imposing a system of short-term planning that cannot be essentially followed by the municipalities, leading to uncertainty of the service providers, prevents them planning the development of the organisation on a long-term basis and enhancing professional capacities). Therefore, it is proposed that NGOs work in a coordinated manner on the introduction of a system for the middle-term financing of services, not projects.

7

ASSESSMENT OF INFLUENCE
AND BEST PRACTICES**7.1 Introduction and Explanation**

One of the objectives of this study was the identification of best practices in the provision of social welfare services. The best practices in the provision of social welfare services by non-governmental organisations can be identified on two levels: (1) examples of good practice in the provision of services, and (2) examples of good practice in the creation of the institutional (and legal) environment that encourage the participation of NGOs in providing services.

The first approach would imply the selection of individual groups of services (e.g. services for elderly people, persons with disabilities, children with developmental disabilities, and alike), and the identification of services and providers that correspond best to the assigned set of criteria. Some of those criteria could be:

- a) A service provided for an extended period of time (e.g. two or three years);
- b) The service provider has clear criteria for the selection of beneficiaries;
- c) The service provider keeps records of the work in line with regulations;
- d) Service provider makes regular assessment of the needs and satisfaction of the beneficiaries;
- e) The service provider has personnel adequately trained for the provision of the given service;
- f) The service provider has good cooperation with the relevant state authorities (local, regional and state authorities) and with the centres for social work, etc.;

This could enable us to identify a number of successful examples of local social welfare services provided by NGOs. However, all experience so far with regard to the development of social services indicates a small potential for the horizontal transfer of knowledge between the NGO service providers, i.e. a small potential for mutual learning. There are at least two strong reasons for this:

- a) Service providers are burdened with regular work and have no sufficient number of employees who could be engaged in the transfer of knowledge; and
- b) There is no systemic motivation to learn from others (i.e. that process depends on the individual motivation of managers and experts, since no one forces them to do so), nor is it likely that such a system is put in place in the institutional and legal frames that we have presented in previous sections.

For that reason, and bearing in mind the objectives of the project, we propose an innovative approach in identifying examples of good practice. Examples of good practice here relate to the institutional mechanisms that act motivationally on the development of NGOs as service providers or to increase the number of NGO service providers. These mechanisms can be identified on the level of the local self-government, region, entity or state. They can be specific mechanisms of financing; initiatives for the networking of NGOs with the purpose of the representation of

7

ASSESSMENT OF INFLUENCE AND BEST PRACTICES

their own interests and the interests of beneficiaries; institutions or programmes implemented by state authorities that encourage the development of NGOs in this sector, and alike.

The advantages of this approach can be summarised in the following way:

- (1) Useful experience is obtained, which ASB and the partners will present easily and possibly copy in their communities or states;
- (2) Powerful arguments for lobbying and the representation of the interests of beneficiaries and NGO service providers are obtained;
- (3) Arguments and examples that will be directed towards those with the greatest power to influence the development of NGOs in the field of the provision of social welfare services are obtained (in these terms, powerful means for negotiation are obtained); etc.

Provisional criteria for the selection of good practice examples include: (1) Influence (How important is the influence of the mechanisms to the overall position of a NGO service provider? How long-lasting is the influence of the mechanism?); (2) The potential for replication (What is the extent of the potential for replication? How many times is the mechanism replicated?); and (3) Cost and profit ratio (How positive is the cost and profit ratio?).

The current study has identified the following examples of good practice, which will be explained in more detail in the following sections:

1. Local foundations
2. Registers of service providers
3. Network of service providers
4. Resource centres
5. Cross-sectoral initiatives

7.2 Local and National Foundations

Special importance to the development of social welfare services is attributed to the diversification and stability of financing sources. Generally, these services are financed from the local, regional and state budgets. However, local foundations have an equally important role and they generally support small-size initiatives.

When we speak of state-level funds, the distinguished examples of relatively stable and social service oriented funds are the funds of the line ministries or earmarked funds for the development of non-governmental organisations. The first contain regular tenders of the Serbian and Croatian line ministries through which associations of citizens dealing with the social welfare services for different target groups

are financed. A good example of NGO earmarked funds is the Montenegrin Commission for the Allocation of Funds to Non-Governmental Organisations. This Commission has budgetary funds available and it distributes them through calls on an annual level. Opposite to the Croatian National Foundation for Civil Society Development, for example, a significant part of the funds is allocated to projects in the field of social protection (more than half). On the other hand, the National Foundation is institutionally structured, while the Montenegrin Commission is only an ad hoc mechanism. Although the study records severe criticism of its work, the mere existence of such central funds means a shift in the process of inclusion of the NGO sector in the provision of social welfare services.

Both groups of funds have developed procedures that require significant professional and administrative capacities on the part of the applicants. Therefore, one important segment of NGOs is not able to apply for these funds, and those are the particularly small local NGOs and civic initiatives, which are closest to the citizens and their problems, have stronger social foundations (they are socially well-rooted), are less professionalised and are organisationally insufficiently developed. Their needs are responded to by local foundations like FAKT¹¹² (former BCIF – Balkan Community Initiatives Fund) from Montenegro, the Trag Foundation from Serbia (also the former BCIF), or Slagalica – the Foundation for the Development of the Local Community in Croatia. These foundations enable the financing of grassroots civic initiatives and, according to our study, their work produces two main benefits: (1) they provide support for smaller organisations, some of which have developed capacities over time to apply for other means as well, and (2) they provide support to innovative services, which they would not be able to finance otherwise. Many respondents pointed out that today, there is a lack of just this type of local foundation, which would mean a source of funds and support for organisations that do not have large organisational capacities. It is important to note here that there is an undivided opinion in the NGO and donor communities that there is a need for building administrative and management capacities in NGOs in order for them to apply successfully for funds. This type of orientation to the project structuring of the NGO sector may be in opposition to the intent for the development of local initiatives and services.

112 The FAKT Foundation managed to stimulate the development of small organisations and services through a social transition programme. In the absence of funds, the programme was closed (according to testimonies of our respondents, FAKT applied to the central fund for development of NGOs, and to the EU for funds for regranting, but those applications were refused).

7 ASSESSMENT OF INFLUENCE AND BEST PRACTICES

7.3 Registers of Service Providers

An important precondition for the development of the NGO sector as the service provider is the existence of clear data on the level of development and current activities. The importance of databases and registers of NGO service providers can be seen most clearly in the countries in which they do not exist, like Bosnia and Herzegovina and Kosovo. Under such circumstances, no one can claim with certainty what the share of the NGO sector in the service market is, how many beneficiaries it serves and, accordingly, what its wider social importance is. In addition, every planning of service development is made more difficult since there are no clear indicators about either the needs of the beneficiaries (current and possible) or about the capacities for their fulfilment. Good examples of registers (databases) as a policy mechanism can be found in Montenegro and Serbia, where research on local social welfare services and providers is implemented. In Montenegro, the database in question is the database prepared by the UNDP for the needs of the line Ministry. It is regularly updated, has a limited amount of data and is conceived so that it can be maintained easily without especially large and demanding administrative or research interventions. Similarly, the Social Inclusion and Poverty Reduction Unit (SIPRU) of the Government of Serbia conducted a survey with the service providers at the end of 2012 and made a base of local social welfare services.

In Serbia, under the auspices of the Republic Institute for Social Protection, there is also a database of services on the local level, which is publicly available on their site and easily accessible for users. This database is conceived somewhat differently to the previous two databases – data on the projects is entered on a voluntary basis by the service providers themselves.

In addition to being policy tools for the state authorities, registers are a powerful means of advocacy for the representatives of the NGO sector, especially when data shows that a significant segment of services is performed within the NGO sector (such as services for disabled people, children with developmental disabilities or victims of violence in both countries) or when it shows the high dependence of the whole system on local NGO services (as is the case with Montenegro).

7.4 Networks of Service Providers

The study records at least two examples of interest-based networking of NGOs dealing with the provision of social welfare services. The first example is the Kosovo Shelters' Coalition, a coalition of organisations that manage shelters for victims of domestic violence. This coalition existed informally since 2006, and has operated formally since 2011. It manages to provide significant institutional support from the local self-governments and state authorities, so that now all shelters have regular

financing and use free premises ceded to them by the local self-governments. The work of shelters has long been strongly supported by international donors, and the coalition itself emerged as part of a project. On the other hand, it is founded on the clear and identical objectives of all members, and therefore, even though it is not comprehensive from the aspect of the inclusion of other NGOs that deal with a wide range of social welfare services, this coalition presents a good example of the interest-based linking of NGOs from one field.

Another example is the Kontekta Association of Service Providers, which was established in Serbia. The association emerged as a reply to the structural position of NGOs in Serbia and the most important problem they faced – a dysfunctional system of earmarked transfers, which were supposed to provide stable financing of the social welfare services, and thus for the NGOs providing them.

7.5 Resource Centres

Typical social welfare service providers in the NGO sector are small organisations that do not have sufficient administrative and management capacities to participate in demanding calls for financing projects or services. A similar situation can also be seen with the local self-governments, since very often they do not have enough experienced professionals in order to participate in the more demanding project cycles. In such situations, local self-governments and NGOs use the support of various formal or informal resource centres.

The function of the resource centres can be performed by public institutions or NGOs. In some cases, the role of the resource centre is undertaken by more developed and larger NGOs like the Timočki klub (Timok Club) in Knjaževac or the Edukacioni centar (Educational Centre) in Leskovac. According to the available data, their role is multi-significant. First, they provide administrative and managerial support in writing projects and reports, managing projects and budgets, etc. Second, they provide professional support in the preparation of documentation that accompanies the services, in writing the local self-government decisions, etc. Third, they have an important role in the networking of various players on the local, republic and international levels. However, the greatest part of these functions is not formalised and there are no clear institutional mechanisms behind this mechanism. Interviews indicated the earlier practice of establishing units for monitoring and evaluating the social welfare services within the funds of the Ministry of Labour, Employment and Social Policy as one of the factors that contributed to the profiling of these organisations as resource centres.

Another institutional mechanism involves public resource centres. The most developed of these in the region is certainly the Republic Institution for Social Protection in Serbia. This institution has capacities developed for counselling and training service providers, and preparation for the licensing process. Moreover, given that the system of quality control is the same everywhere (in Serbia, Croatia and Montenegro), resources developed in Serbia are actually of regional importance.

7

ASSESSMENT OF INFLUENCE AND BEST PRACTICES

7.6 Cross-Sectoral Initiatives

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8

RECOMMENDATIONS

Social protection systems in Croatia, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo emerged from the same legal and institutional foundations, but the course of their development and outcomes have differed. As we can see in the following short conclusion, going by several observed indicators, the countries may be grouped in a less than fully consistent manner. However, this analysis will help us identify some key recommendations for further operation.

8.1 General Conclusions and Recommendations

In this chapter, we will present some of the general conclusions and recommendations. Many of them are likely to overcome the framework of the project but can give relevant context for other activities.

Recommendation 1: Building a national system of financing. It helps to define the priorities for the development of the sector and its interventions within the country and the system of service providers. Coordinated investment is easier for connection with the state public policies.

In Bosnia and Herzegovina and Kosovo the influence of international donor organisations was very strong and it influenced the definition of priorities, the formulation of legal solutions and the work of the NGO sector in the provision of social welfare services. That influence can be seen even today, especially in Kosovo, in the relatively small share of domestic budgets in financing NGOs and their continuing substantial dependence on international donors. On the other hand, in Serbia, Montenegro and Croatia, and increasingly in Bosnia and Herzegovina, the largest part of the funds for financing NGO service providers comes from domestic sources (local, regional or state authorities). In this regard, the NGO sector and state authorities have greater autonomy in setting the priorities.

Recommendation 2: The establishment of a system of support for the NGO sector, which will be coordinated with the work of the line Ministry. In this way the work of the NGOs will be integrated into the social welfare system, which will enable greater efficiency of the NGOs, connection between the public and the NGO sectors, the sustainability of the NGO sector, etc

It is not sufficient to establish a system for the support of NGOs; this system has to be coordinated with the activities of the line Ministry. In some countries where a national system of financing is in place, an elementary system of coordination is also established, while in others this is not the case. Montenegro is a good example of the lack of coordination in the conditions of a national system for financing being in place. A central game of chance fund exists, but the line Ministry does not have any influence on its (non)coordinated investment into the social protection. It decreases the effect of support and does not enable creation of a system that supports quality and sustainability of these services

8 RECOMMENDATIONS

Recommendation 3. Providing support for the development of the “policy” of the capacities of the line ministries and state administration at the same time means support for the development of the entire social protection system and NGOs that provide social welfare services. Those capacities refer to an analysis of needs and resources, planning the system development, coordinated investment, monitoring the work and the quality control of services, and alike.

The analysed countries also differ in the capacity of the state authorities and line ministries to manage the social protection system. With regard to the line ministries capacities, Serbia and Croatia stand out, while Kosovo and Montenegro, and to a lesser degree BiH (partly as a result of the low capacities of the ministries, partly as a result of a complex structure of decision-making and management) are distinguished by the low professional, political and administrative capacity of the line ministries. Therefore the functions of planning and managing on the national level in Kosovo and Montenegro are relatively undeveloped, and in BiH, they are distributed between the entity and cantonal governments.

Recommendation 4: Concurrent advocacy work for the development of the NGO sector of service providers and the public sector. Some of the mechanisms for strengthening the social role of the country and the NGO sector have already been mentioned and include coordinated investment, strengthening the policy functions of the line ministries, and also the introduction of a quality control system in both sectors.

The analysed countries differ in the levels of development of the public sector, so that it is relatively undeveloped in Montenegro and Kosovo, while in Serbia, BiH and Croatia it is relatively developed. However, all the countries except Kosovo accept the European social-democratic values in their constitutions, including strong state intervention in social policy and thus legitimise their orders, while in the case of Kosovo liberal values dominate. Therefore it is hard to imagine that it is possible to separate the development of the NGO sector as the provider of services independently from the development of the public sector.

8.2 Specific Recommendations for Advocacy Work

In this part of the report we will present specific recommendations, and finally the matrix of the advocacy strategy for the region and each country respectively.

Recommendation 1: The establishment of a mechanism of support for the NGO sector on the national and regional levels.

The problems the NGO sector faces are the same everywhere and mostly refer to financial sustainability and the professionalisation of work. In this sense,

systems of support should not only address coordinated investment, the establishment of cooperation with the public sector and similar, but also the establishment of mechanisms that may additionally strengthen the position of NGOs in the system. Some of these mechanisms already exist (for example, the Republic Institution for Social Protection in Serbia, regional resource NGO centres, Croatian foundations) and may serve as a model. These functions can be assigned to the line Ministry. In some countries, we can record the lack of such mechanisms and capacities in the ministries (for example, Montenegro, Kosovo, BiH). In addition, some of the support functions, building the capacities and analyses may be placed in the NGO sector as well, provided that the country undertakes to finance the development of such a sector (there are no clear examples of such a model, only the partial experience of NGOs that work either as resource centres or think-tanks in social protection and social policy).

One of the possible approaches is the use of the existing capacities for the development of regional and on-line resource centres that can have an especially important role in the licensing process (which is more or less identical everywhere). In this way, it is possible to establish a regional library, on-line courses, training resources, and alike. The Republic Institution for Social Protection in Serbia is an example of a developed capacity of this kind and it can grow into a regional resource. On a short-term basis, it is hard to imagine that similar capacities could be built in Montenegro and Kosovo, and probably in BiH.

Recommendation 2: Advocacy for cooperation between CSWs and NGOs

Systemic incentives for cooperation between the public and the NGO sectors give results on a middle-term basis and improve the whole system. Therefore, the advocacy strategies of NGOs should also include this element. If a CSW works as a referral body and sends beneficiaries to NGOs, the role of NGOs is more stable and more visible. If a CSW and NGO implement a project jointly, both parties get benefit and “additional value”, whether it is the professional capacities of the CSW that are transferred to the NGO, or the activism and rootedness in the community brought by the NGOs.

The sustainable provision of social welfare services by NGOs is not possible without some kind of coordination and cooperation with CSWs and institutions for the accommodation of beneficiaries. Advantages of this cooperation are unambiguously verified in the countries and services where this cooperation is accomplished. In many cases the cooperation will be only formal, but systemic incentives for deepening this cooperation may expand the limits of the work of the NGOs and the public sector. At the very least, if the cooperation is implemented, the integration of the work and the effects of the work of the NGO sector in the overall system will occur.

8

RECOMMENDATIONS

Recommendation 3: Advocacy for amendments to the law that lead to the establishment of minimal interventions in the field of social protection that should be funded by the state. A part of these interventions must include services, regardless of who is supposed to provide them.

A strengthening of the role of the NGO sector in the field of service provision is not certain under these circumstances and because of legal solutions that do not ensure the minimum services and interventions in the field of social protection on the municipal or regional levels. Therefore as we have seen, there are large regional inequalities in the analysed countries. If there are minimal interventions in the field of social protection, it would not only influence the reduction of social exclusion and regional inequality, but the general equity of the system. Finally, it would mean opening the market for various service providers. In that way, a stable market of social services could be established, regional inequality in the field of social protection reduced (very typical of Bosnia and Herzegovina, Serbia and Kosovo) and a significant contribution to the reduction of social exclusion of some social groups (for example, children, disabled persons, persons with developmental disabilities, elderly people, village populations, etc.) given.

Recommendation 4: Advocacy for support for small domestic foundations that support grassroots initiatives.

The establishment of a (central) national system of financing leads to the professionalisation and bureaucratisation of the sector. Many NGOs are not able to create the capacity needed to apply for resources from such funds. In some of the analysed countries, there are foundations that have been active and support the work of small NGOs and informal civic initiatives. A good example is BCIF – i.e. the Trag and Fakt foundations in Serbia and Montenegro respectively. These foundations are the channel for the development of new services and small service providers. As such, they are a means of democratisation and opening up the NGO sector, which would not have happened if all the sources of financing were EU or state funds, which set high administrative and managerial requirements.

The work of small domestic foundations that support small NGOs or informal civic initiatives has crucial importance for the maintenance of civic initiatives and the development of new services by more than large, well established and professionalised NGOs. The advocacy strategy should also include the idea of the diversification of resources. A part of the available resources should be directed to such foundations as well, since they enable the development of real grassroots initiatives that, as experience shows, include beneficiaries and their families and surroundings, volunteers, players from the community, etc.

Recommendation 5: Advocacy for the introduction of a system of middle-term financing for the NGO sector services, instead of the short-term financing of projects.

In all countries of the region a system of one-off financing is unnecessarily insisted on. This has many flaws (high administrative costs, burdening of the service orderer, imposing a system of short-term planning that cannot be essentially followed by the municipalities, leading to uncertainty for the service providers, prevents them planning the development of the organisation on a long-term basis and enhancing professional capacities). Therefore, it is proposed that NGOs work in a coordinated manner on the introduction of a system of middle-term financing of services, not projects. Such a system would have a number of advantages – long-term financing, the stable development of service providers and their capacities, less burden concerning planning and administration, easier monitoring of developments, the possibility of establishing cooperation between the public and the private sector, etc.

Recommendation 6: The development of an analytical and research sector as a basis for advocacy strategies.

There is insufficient research data and analyses in the region. For example, for the needs of this study, we were not able to collect data on allocations for social welfare services. The inclusion of the NGO sector has some clear added values, primarily the development of innovative systems and the development of civic participation. In order to prove this, it is necessary to make specific national-context-oriented analyses that would show the comparative advantages of the sector in more detail. Research has shown that the advantages of the NGO sector are in its orientation towards the needs of its clients, a lack of administration that blocks work with its rigid rules, flexibility, and very often higher productivity. These advantages are not the foundations for building the entire system, but are a basis for the development of a service provider system that will bring added value to the whole system in the following areas: opening up new and innovative services (including defining new priorities and testing of the work methodology), the inclusion of beneficiaries in the planning and implementation of services, the development of civic activism, etc.

Recommendation 7: The employment of gathered knowledge from the region and advocacy for the transfer of good practice.

The initial bases for the development of social welfare services in the region are relatively similar. The courses of its development in the last twenty years have also been similar and inspired by the same ideas. Many solutions implemented in one country can give results in others. Participants in the NGO sector are often better transferors of new ideas and practices than the public sector. Bearing all

8

RECOMMENDATIONS

this in mind, NGOs in the region can be a channel for the transfer of knowledge and experience. The transfer of good institutional mechanisms may be one of the advocacy strategies of the project. For example, Montenegro could reform its Commission for the Allocation of Funds according to the model of the Croatian National Foundation for Civil Society Development; Bosnia and Herzegovina could develop its policy capacities on the model of the research scene in Serbia and its cooperation with the Republic Institute for Social Protection; Kosovo could create registers or databases of the service providers according to the Montenegrin or Serbian experience, and so on.

8.3 Advocacy Matrices

Table 8.1 gives recommendations for each country individually. As can be seen from this overview, some problems are common to all or most analysed states: the need to establish systems of support, the development of long-term financing for services instead of short-term projects, strengthening the advocacy position of the NGO sector through analyses and research, etc. On the other hand, some issues are specific to certain national contexts, like decentralisation in Croatia or the coordination of the central fund for NGOs and the line ministry in Montenegro.

TABLE 8.1 RECOMMENDATIONS BY COUNTRY

Bosnia and Herzegovina	The establishment of mechanisms for monitoring the activities of the NGO sector in the social welfare field in the form of (1) a register, or (2) a database
	The development of a system for quality control for social protection services in the public and NGO sector
	Advocacy for strengthening the capacities of line ministries for monitoring conditions and public policy planning
	Strengthening the advocacy bases of the NGO sector through the development of a research and analytical sector
Montenegro	The promotion of the role of NGOs based on the available research and data
	Advocacy work for multi-year funding
	Advocacy work for the coordination of the line Ministry and the central fund
Croatia	The establishment of mechanisms for monitoring the activities of the NGO sector in the social welfare field in the form of (1) a register, or (2) a database
	Advocacy work for the establishment of a mechanism for the longer-term financing of services

	Advocacy work for the deinstitutionalisation of the social welfare system
	Advocacy work for building a system of support for the licensing process
Kosovo	The establishment of mechanisms for monitoring the activities of the NGO sector in the social welfare field in the form of (1) a register, or (2) a database
	Advocacy work for the development of a system of professional support for the public and NGO sector
	Advocacy work for the development of transparent mechanisms of funding
Serbia	Advocacy work for reviving earmarked transfers.
	Advocacy work for the establishment of a support system for the licensing process
	Strengthening the negotiation position of NGO service providers through networking
	Advocacy work for a system of long-term financing for services
	Zagovarati sa sistem dugoročnijeg finansiranja usluga

Some proposed national recommendations are of regional importance as well.

Table 8.1 gives some ideas for advocacy activities that can be formulated on a regional level since they are relevant for all or at least for most countries analysed.

TABLE 8.2 NATIONAL RECOMMENDATIONS THAT COULD HAVE REGIONAL CHARACTER

Bosnia and Herzegovina	The establishment of mechanisms for monitoring the activities of the NGO sector in the social welfare field in the form of (1) a register, or (2) a database
Montenegro	Advocacy work for multi-year funding
Croatia	Advocacy work for building a system of support for the licensing process
Kosovo	Advocacy work for the development of a system of professional support for the public and NGO sector
Serbia	Strengthening the negotiation position of NGO service providers through networking
Srbija	Jačati pregovaračke pozicije NVO pružalaca usluga kroz umrežavanje.

8 RECOMMENDATIONS

Finally, we will give a summarised form of the regional recommendations that give foundations for the joint activities of NGOs in the countries in the region. As can be seen, some recommendations overlap with the national ones, while some are formulated in such a way that they respond to certain generic questions of the development of the NGO sector service providers.

TABLE 8.3 REGIONAL RECOMMENDATIONS

1	The establishment of a mechanism of support for the NGO sector on a national and regional level.
	Uspostavljati mehanizme podrške NVO sektoru na nacionalnom i regionalnom nivou.
2	Advocacy of cooperation between CSWs and NGOs.
3	Advocacy for amendments to the law that lead to the establishment of minimal interventions in the field of social protection that should be funded by the state. A part of these interventions must include services, regardless of who is supposed to provide them.
4	Advocacy for support for small domestic foundations that support grassroots initiatives.
5	Advocacy for the introduction of a system of middle-term financing for NGO sector services instead of the short-term financing of projects
6	The development of an analytical and research sector as a basis for advocacy strategies.
7	Employment of gathered knowledge from the region and advocacy for the transfer of good practice.

List of institutions where in-depth interviews were undertaken:**Montenegro:**

- ADP Zid, Podgorica
- Udruženje mladih sa hendikepom (Association of Young People with Handicaps), Podgorica
- NGO Staze, Podgorica
- Udruženje lica sa tjelesnim invaliditetom (Association of persons with physical disabilities), Cetinje
- Udruženje paraplegičara Cetinja (Association of Paraplegics of Cetinje)
- Cetinje Municipality, Secretariat for Social Activities
- UNDP Montenegro

Kosovo:

- Ministry of Labour and Social Welfare
- Friedrich Ebert Foundation
- NGO Centre for the Protection of Women and Children
- NGO Association of the Blind, Kosovo
- CLARD

Bosnia and Herzegovina:

- NGO Nada (Hope), Prijedor
- NGO Nova generacija (New Generation), Banja Luka
- CSW Banja Luka
- Union for Sustainable Return and Integration, Sarajevo
- Cantonal Centre for Social Work, Sarajevo – Social welfare service of the Hadžići Municipality

Croatia:

- City of Osijek, Administrative Department for Social Welfare and Health
- SWC Osijek
- Osijek-Baranja County, Department for Social Welfare

Serbia:

- Edukacioni centar (Educational Centre), Leskovac
- Timočki klub (Timok Club), Knjaževac
- NGO Veza (Connection), Beograd
- Institute for Social Protection
- Centre for Liberal and Democratic Studies
- Serbian Management Centre

